

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 902/2019

Jayesh Patel, Secretary, Narmada Pradushan Nivaran Samitee,
Ankleshwar ...Applicant

Versus

State of Gujarat ...Respondent

NDOH: 19.06.2020

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A copy of the written submissions/objections will be served upon GPCB through email

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**WRITTEN SUBMISSIONS/OBJECTIONS ON BEHALF OF THE
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JHAGADIA PIPELINE AND DEEP SEA DISCHARGE**

MOST RESPECTFULLY SHOWETH:

Preliminary Submissions

1. That at the outset it is submitted on behalf of the applicant that the Joint Inspection Committee (hereinafter referred to as 'JIC') constituted by order dated 31.10.2019, has failed to give a categorical finding on the violations raised in the OA even though there is an oblique admission to violation of the consent conditions. The Joint Inspection Committee has for reasons best known to itself given recommendations and observations contrary to the factual position as is evident from the report. The Hon'ble Tribunal had directed submission of an action taken report on the violations of the consent conditions in the operation of the Jhagadia-Kantiajal effluent pipeline by Narmada Clean Tech Ltd (hereinafter referred to as 'NCTL/project proponent'). The JIC instead of giving a categorical

finding on violations of consent conditions having far reaching environmental effects, has given vague, irrelevant, washed down, contradictory findings to cloak the regulatory failure on part of Gujarat Pollution Control board (GPCB) (member of JIC) who has permitted NCTL to operate the Jhagadia-Kantiajal effluent pipeline for 4 years (December, 2016-april, 2020) despite continued violation of consent conditions.

2. The tone and tenor of the Joint Inspection Committee report seeks to absolve Narmada Clean Tech Ltd /project proponent of any violations in the operation of Jhagadia-Kantiajal effluent pipeline even though on record there is admission of violation of consent conditions (CCA). This is odd more so GPCB was one of the members of the Joint Inspection Committee constituted by this Hon'ble Tribunal. The composition of Narmada Clean Tech Ltd /project proponent is of relevance to understand the findings and recommendations of Joint Inspection Committee which has been alluded to in the Joint Inspection Committee report (page 5). The Narmada Clean Tech Ltd /project proponent (formerly Bharuch Eco Aqua Infrastructure Ltd. (BEAIL)) is a subsidiary of Gujarat Industrial Development Corporation (GIDC) jointly promoted by Member Industries of the Ankleshwar, Jhagadia and Panoli Industrial Estates. The Vice Chairman & Managing Director- Gujarat Industrial Development Corporation (GIDC) is the Chairman of Narmada Clean Tech Ltd/project proponent. Gujarat Industrial Development Corporation



(GIDC) is Government Corporation constituted under the Gujarat Industrial Development Act, 1962.

3. The NCTL developed Final Effluent Treatment Plant (FETP) at Ankleshwar to polish/finish the industrial effluents received from Ankleshwar, Jhagadia & Panoli Industrial Estates to conform to marine discharge standards and then convey it through onshore underground pipeline from Ankleshwar to Kantiajal for deep-sea discharge. The FETP plant was made operational on 25.01.2007. The industrial effluents from the industrial units at GIDC, Jhagadia used to be conveyed to FETP, Ankleshwar before its discharge into the deep sea (Arabian Sea) from the landfall point at Kantiajal. NCTL proposed in 2009 a separate onshore underground pipeline (61 kms) for discharge of industrial effluent of GIDC, Jhagadia from Final Pumping Station, Jhagadia directly to existing Final Boosting Station at Kantiajal for final discharge into deep sea from the landfall point to reduce the hydraulic load on FETP, Ankleshwar and its conveyance system. In the earlier scenario industrial effluent from GIDC, Jhagadia was finally treated at FETP, Ankleshwar before its conveyance (Ankleshwar-Kantiajal effluent pipeline) and eventual discharge into deep sea, similarly Gujarat Pollution Control Board (GPCB) incorporated condition at Sl No. 4 in its consent order no. AWH-83798 dated 27.01.2017 granted to NCTL for operation of the present Jhagadia-Kantiajal effluent pipeline to read as "*provide finishing final effluent Treatment Plant at GIDC Jhagadia*". This



condition was in consonance to final finishing treatment, which is being undertaken on different categories of industrial effluents of GIDC, Ankleshwar and GIDC, Panoli at FETP, Ankleshwar for its onward transmission through Ankleshwar-Kantiajal effluent pipeline. The consent to operate condition at SI No. 4 is extracted as follows for ready reference:

"NCTL shall provide finishing final effluent Treatment Plant at GIDC Jhagadia & treated waste water having norms specified in Condition No. 7.3 shall be discharge in to effluent conveying pipeline."

The consent condition is very specific with the use of the word "shall" " provide" " final effluent Treatment Plant at GIDC Jhagadia" meaning thereby it is a mandatory condition and then it uses the word "and" "treated waste water" "having norms" and only then it "shall be discharges" into effluent conveying pipeline. There are two parts to this condition that need to be satisfied before the waste water could be discharged into the Jhagadia-Kantiajal effluent pipeline. First, being that a final effluent Treatment Plant (FETP) at GIDC Jhagadia is to be provided and the second being that the treated water from FETP, GIDC, Jhagadia that meets the wastewater norms as per consent order could only be discharged in to the effluent conveying pipeline/ Jhagadia-Kantiajal effluent pipeline. So, 'before' the 'operation' of present Jhagadia-Kantiajal effluent pipeline, FETP had to be constructed and only then the Jhagadia-Kantiajal effluent pipeline could be commissioned for use and not earlier and as FETP is not in existence, Jhagadia-Kantiajal effluent pipeline



cannot be used for conveyance of industrial effluent of GIDC, Jhagadia. In the Joint Inspection Committee report, it is admitted that the CCA order dated 27.01.2017 provided for a prior condition of finishing final effluent treatment plant at GIDC, Jhagadia but a finding is given that as the parameters are within prescribed range; FETP is not warranted at this stage. In the humble submission of the applicant, Joint Inspection Committee has neither the power nor the jurisdiction to give a finding on the extent of compliance of consent order granted under the Water Act, 1974, Air Act, 1981, Environment Protection Act, 1986. On the contrary, mandate as bestowed by this Hon'ble Tribunal was to ascertain whether the consent conditions are being implemented or not and the Joint Inspection Committee has woefully failed on this account. This finding actually gives a green signal to NCTL to continue violating the consent conditions, as there are no consequences proposed for the same. Even earlier to commissioning of Jhagadia-Kantiajal effluent pipeline, the industrial effluents from the industrial units of GIDC, Jhagadia were treated at FETP, Ankleshwar. Further, there is no logic to the finding given by Joint Inspection Committee as earlier to Jhagadia-Kantiajal effluent pipeline becoming operational in January, 2017 the industrial effluent of GIDC, Jhagadia was treated at FETP, Ankleshwar and now untreated industrial effluent of GIDC, Jhagadia is being discharged into deep sea in the absence of finishing final effluent Treatment Plant at GIDC Jhagadia.

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4. The applicant wishes to raise a preliminary issue as to whether the Joint Inspection Committee has the power to amend, modify, change, dilute or read down the consent conditions prescribed in consent order no. AWH-83798 dated 27.01.2017 granted by GPCB. The findings and observations of Joint Inspection Committee in the report are exactly an attempt to amend, modify and dilute the consent conditions. On the issues raised by the applicant regarding provision of FETP and Guard Pond for 35 MLD for 72 hours at Jhagadia, the finding and observation of Joint Inspection Committee is that both the conditions are there in CCA no. AWH-83798 dated 27.01.2017. The finding of Joint Inspection Committee on the issue of guard pond is that as maximum flow received at Jhagadia Final Pumping Station is 14.18 MLD so the present guard pond is adequate, so obliquely there is an admission that the guard pond is not as per the consent condition which should have a holding capacity of 105 MLD (35 MLD×3 days (72 hours)). The consent condition as regards to guard pond for 35 MLD for 72 hours was imposed by GPCB based upon the amendment sought in consent to establish by NCTL itself so NCTL cannot choose to implement the consent conditions based upon its whim and fancies. On the issue of setting up of FETP, the finding of Joint Inspection Committee is that as the parameters are being met there is no need for FETP contrary to consent condition, which makes it mandatory. GPCB being member of Joint Inspection Committee is well aware of this fact and it has not taken steps to rectify the situation since the time Jhagadia-



Kantiajal effluent pipeline was made operational. GPCB ought not to have permitted NCTL to make Jhagadia-Kantiajal effluent pipeline operational in the absence of FETP and guard pond for 35 MLD (72 hours holding capacity) at Final Pumping Station, Jhagadia.

5. That the applicant wishes to place on record chronologically the demand of the applicant for FETP at GIDC, Jhagadia since 2009.

i. NPNS (Narmada Pradushan Nivaran Sammittee) wrote a letter dated 03.08.2009 addressed to various Govt. higher authority includes Chief Secretary mentioning the details as under: (8-10)

The above letter was written in view of the meeting held on 23.03.2009 and 27.03.2009 at offices of IMD (Industries of Mines Department) requesting to have a Final Effluent Treatment Plant with full fledged monitoring mechanism and also explained that NPNS is not able to understand how GPCB can allow to send the effluent in marine sea area without having FETP and monitoring mechanism."

ii. In view of above, GPCB conducted a meeting dated 11.02.2010 at Paryavaran Bhavan, GPCB, Gandhinagar and decided as under: (page no. 11-12)

"In principle, GIDC agreed to have a Final Effluent Treatment Plant at Jhagadia and they also informed that they have kept



reserve 28 hectares land for the said purpose. GPCB also agreed with the GIDC / Association in this matter."

- iii. Department of environment and Forest, Gandhinagar vide their letter dated 24.05.2010, informed that Project does not fall under the purview of the EIA notification 2006, hence EC not required and file and Application of NCTL for EC was closed at DoFE, Gandhinagar.
- iv. Moreover, Applicant (NPNS) submitted a memorandum dated 07.04.2011 to Hon'ble Minister of State, MoEF&CC explaining objections for effluent of disposal without having CETP / FETP in Dahej and Jhagadia region: (Page 13-17).
- v. GPCB issued NOC dated 04.05.2011 to NCTL (page no. 23 to 33 of the committee report).
- vi. GPCB issued CCA dated 09.03.2017 mentioning "NCTL shall provide finishing Final effluent treatment Plant at GIDC, Jhagadia and treated waste water having Norms specified as per marine std. (condition 7.3 of CCA) shall be discharged into the effluent conveyance pipeline". (Page no.34-42 of the committee report).
- vii. Applicant/NPNS letter dated 09.08.2017 addressed to Chairman-GPCB and copy to CPCB & MoEF&CC explaining the concern towards FETP, Guard pond and hydro test of entire pipeline. (Page 19-22).

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- viii. Applicant/ NPNS letter dated 19.09.2017 addressed to Chairman-GPCB and copy to CPCB & MoEF&CC explaining concern towards FETP, Guard pond and hydro test of entire pipeline. (Page 23-26).
- ix. Applicant/ NPNS letter dated 27.10.2017 addressed to Chairman-GPCB and copy to CPCB & MoEF&CC explaining concern towards FETP, Guard pond and hydro test of entire pipeline. (Page 27-29).
- x. Applicant/ NPNS letter dated 01.01.2018 addressed to Chairman-GPCB and copy to CPCB & MoEF&CC explaining concern towards FETP, Guard pond and hydro test of entire pipeline. (Page 30-36).
- xi. In turn, reply received from MoEF&CC vide their letter dated 28.03.2018 against RTI application dated 05.02.2018 for file no. Q 16016/159/2017-CPA dated 12.10.2017. In the reply received from Mr. R.N. Jindal, Director, CP (pollution Control) Division, MoEF&CC initiated an internal note dated 18.01.2018 mentioning as under:
(page no.37-60)

"The project authority for Jhagadiya Pipeline project shall install and commission the CETP or FETP and impervious holding pond or guard pond with 72 hours holding capacity by 31st August, 2018 and accordingly a programme / Action plan along with Bar Chart shall be submitted by Jhagadiya Pipeline Authority along with a bank guarantee of rupees five crores. In case, Jhagadiya Pipeline Project Authority declines to provide CETP or FETP and guard pond by 31st August, 2018 or fails to submit the Bank Guarantee, all industries being served by Jhagadiya Pipeline

project shall be issued confirmed closure direction without issuance of show cause notice by GPCB by 15th March 2018."

- xii. After repeated follow up, Dr. A Senthil Vel, Adviser to GOI, MoEFCC (CP division) wrote a letter along with the submission received from NPNS dated 18.01.2017 to the chairman, CPCB, New Delhi which is reproduced as under: (page no.57)

"Sub: directions under Section 18(1)9a) of the Water Prevention and Control of Pollution Act, 1974 in the matter of public complaint dated 07.09.2017 of Shri M.S.H.Shaikh and NPNS, Vadodara

Please find enclosed a copy of the representation pertaining to water pollution issues of Ankleshwar. It has been alleged that a subsea pipeline is operating without any CETP / FETP in Jhagadia estate and NCTLL pipeline project. The matter has been referred to Gujarat Pollution Control Board (GPCB) vide our letter dated 13 September, 2017. Further this ministry has been receiving representation from Narmada Pradushan Nivaran Sammittee (NPNS) with regards to commissioning of the above pipeline. Representations are hereby enclosed. You are requested to get the matter examined and respond to the complainant directly under intimation to the Ministry"

Various representations were made to the MoEF&CC on the issue.

6. The applicant is submitted parawise response to the to the observations and findings as contained in Para 5.0 of the Joint Inspection Committee Report

| Sr. No. | Issue/grievance raised in the complaint in the OA and mentioned in NGT order | Observations and Findings of Joint Inspection-Cum-Monitoring Report | Submission of the Applicant |
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| 5.1 | Establishment of Guard pond, its capacity & final effluent treatment plant (FETP) at Jhagadia Industrial Estate for Final treatment/polishing treatment | <p>Further, Consolidated Consents & Authorisation (CCA) dated 09.03.2017 (Annexure -VA&B) issued to NCTL, for operation of 61 km onshore effluent carrying underground pipeline and for collection of treated effluent from member industries in Jhagadia industrial estates and conveyance of collected effluent up to Booster pumping station at Kantiajal, having capacity 35 MLD the quantity of effluent. It is mentioned that NCTL shall provide Final effluent Treatment Plant (FETP) at GIDC Jhagadia & treated wastewater having conforming norms shall be discharged in to effluent conveyance system and NCTL shall provide guard pond to hold the effluent for at least 72 hrs in case of maintenance of any other unforeseen circumstances. (Page 10 of report)</p> <p>The guard pond provided at Jhagadia is of capacity 35 MLD which about 2.5 times of maximum effluent</p> | <ul style="list-style-type: none"> • NCTL obtained consent to establish dated 04.03.2011 (page 23 of the report) by GPCB for collection of treated effluent from GIDC, Jhagadia for quantity not exceeding 15 MLD. The CTE was amended vide order dated 03.03.2012 (page 31 of the report) and 04.09.2015 (page 33 of the report) based upon the submission of NCTL wherein the capacity of effluent was enhanced to 35 MLD in 1st Phase and 60 MLD in 2nd Phase based upon the existing and future hydraulic load of the effluents. Based upon the submission of NCTL, GPCB granted consent to operate dated 27.01.2017 for operation of Jhagadia-Kantiajal effluent pipeline having capacity of 35 MLD. • On an application for CCA (Consolidated Consents & Authorization), industry it has to provide Environmental Management System (EMS) such as ETP, CETP, scrubber, Common MEE Membership, TSDF Membership, CHWIF Membership, etc. dependent upon the activity and capacity proposed. In the present case, NCTL applied for CCA for 35 MLD capacities, based upon which GPCB incorporated |



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| | | <p>received presently. Therefore, committee is of the opinion that considering present scenario present guard pond (35 MLD) is found adequate.</p> | <p>consent condition of 35 MLD capacity guard pond for 72 hours. Instead of following EMS NCTL has provided 35 MLD guard pond for 24 hours contrary to the envisaged scenario.</p> <ul style="list-style-type: none">• From the Joint Inspection Committee report there is admission that CCA issued on 27.01.2017 provided for two conditions before the operation of Jhagadia-Kantiajal effluent pipeline- (1) finishing final effluent Treatment Plant at GIDC Jhagadia (SI No. 4-Page 34 of the report), (2) Guard Pond for 35 MLD having holding capacity for 72 hours (SI No. 5.1-Page 34 of the report).• The finding in the Joint Inspection Committee report on the guard pond is that it is of 35 MLD capacity and not 105 MLD (72 hours holding capacity) so it is violation of consent condition SI No. 5.1.• The violation of consent condition qua guard pond is sought to be diluted by the Joint Inspection Committee by stating that it is found adequate given the quantity of effluent being presently received at Final Pumping Station, Jhagadia. In humble submission, of the applicant a consent condition cannot be implemented in parts and the quantity of effluent was based upon the hydraulic load provided by NCTL itself so violation of consent condition cannot be justified as GPCB could not have allowed the Jhagadia-Kantiajal effluent pipeline to be operational in the absence of 35 MLD guard pond having a holding capacity for 72 hours. It cannot be a <i>fait accompli</i> |
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| | | | <p>situation sought be justified based upon the quantity of effluent being received. The very provision of a consent condition of having a guard pond is sought to be undermined by the conduct of NCTL. This is very serious in the background of the conduct of the NCTL in operation of Jhagadia-Kantiajal effluent pipeline wherein there have been 27 documented instances of onshore line leakages (Page 65- annexure-X of the report) of Jhagadia-Kantiajal effluent pipeline since December 2016 to 8.11.2019.</p> |
| | | <p>Regarding FETP, considering past records of results of sampling carried out at Jhagadia Final Pumping station (Annexure -VIII(A), VIII(B)&VIII(C) for CPCB&NCTL respectively) most of the times meeting with GPCB prescribed permissible limits (BOD:100 m/l, COD: 250 m/l). The analysis results of sampling carried out during the visit of the committee shows the concentrations of analyzed parameters are within the prescribed norms. Further, member industries are prescribed in their consent the norms (BOD: 100 m/l, COD: 250 m/l). Therefore, FETP/Polishing treatment does not warranted at this stage at Jhagadia.</p> | <ul style="list-style-type: none">• It is also admitted that there is no FETP at GIDC, Jhagadia even though it was mandatory condition before Jhagadia-Kantiajal effluent pipeline could be made operational.• The consent condition is very specific with the use of the word "shall" "provide" "final effluent Treatment Plant at GIDC Jhagadia" meaning thereby it is a mandatory condition and then it uses the word "and" "treated waste water" "having norms" and only then it "<i>shall be discharges</i>" into effluent conveying pipeline. There are two parts to this condition that need to be satisfied before the waste water could be discharged into the Jhagadia-Kantiajal effluent pipeline. First, being that a final effluent Treatment Plant (FETP) at GIDC Jhagadia is to be provided and the second being that the treated water from FETP, GIDC, Jhagadia that meets the wastewater norms as per consent order could only be discharged in to the effluent conveying pipeline/ Jhagadia-Kantiajal |



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| | | | <p>effluent pipeline.</p> <ul style="list-style-type: none">• So, 'before' the 'operation' of present Jhagadia-Kantiajal effluent pipeline, FETP had to be constructed and only then the Jhagadia-Kantiajal effluent pipeline could be commissioned for use and not earlier and as FETP is not in existence, Jhagadia-Kantiajal effluent pipeline cannot be used for conveyance of industrial effluent of GIDC, Jhagadia.• Joint Inspection Committee finding that FETP is not warranted is contrary to law and outside its mandate. As a Joint Inspection Committee can neither amend nor dilute nor give a finding whether a condition should be implemented or not. The only mandate of the Joint Inspection Committee was a fact-finding mission to report on the issues and grievances raised by the applicant.• There is no logic in the finding of Joint Inspection Committee that FETP at Jhagadia is not warranted as earlier to Jhagadia-Kantiajal effluent pipeline becoming operational in January, 2017 the industrial effluent of GIDC, Jhagadia was treated at FETP, Ankleshwar before deep sea discharge and now untreated industrial effluent of GIDC, Jhagadia is being discharged into deep sea in the absence of finishing final effluent Treatment Plant at GIDC, Jhagadia.• The perusal of Table-02 (para 2.1 page 3 of the report) would show that out of 135 industrial units operational at GIDC, Jhagadia, 70 are Red category Small-scale industries. Therefore, 51% of the operating industries located within GIDC, Jhagadia are of small-scale |
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| | | | <p>category and it is known fact that small-scale industries are not capable of effective and efficient treatment of liquid effluent & air emissions due to financial constraint. Therefore, there is nos. of CETPs for small-scale industries in India. Thus, this table itself underlines the need for FETP for GIDC, Jhagadia before deep-sea discharge, especially given that prior to 2016 industrial effluent from GIDC, Jhagadia was finally treated at FETP, Ankleshwar.</p> <ul style="list-style-type: none">• Effluents arriving from different industries having different conditions and composition this mixture needs to be passed through another treatment facility called Finishing Final effluent treatment Plant and after monitoring the stipulated norms the effluents is to be discharged through a common conveyance Pipeline. This was what was envisaged as per consent order, which NCTL was to comply. GPCB in its CCA stipulated a condition that Final Effluent Treatment Plant is necessary before discharging the effluent from Jhagadia Estate deep into the sea.• The Joint Inspection committee has not given a finding that based upon past records of results of sampling carried out at Jhagadia Final Pumping Station are 100% meeting with GPCB prescribed permissible limit (BOD: 100 mg/L, COD: 250 mg/L). A perusal of analysis results of monitoring at Kantiajal (Page-62 of the Report) NCTL discharged effluent having average COD of 806 mg/L against prescribed limit of 500 mg/L in entire Jan., |
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| | | | <p>2018 (whole month). This is the average COD of Jan. 2018 meaning that maximum COD during the month would be higher value. It can be seen how much more chemical organic load NCTL discharged in deep sea during Jan. 2018. The Average flow (Jan. 2018) = 35.26 MLD & Average COD (Jan. 2018) = 806 mg/L. Therefore, total chemical organic load discharged into deep sea = 35.26×10^6 Litres \times 806 $\times 10^{-9}$ MT/Litre \times 31 days = 881.00 MT/Month against permitted = 35.26×10^6 Litres \times 500 $\times 10^{-9}$ MT/Litre \times 31 days = 546.53 MT/Month. Therefore, NCTL has discharged 61.2% higher chemical load than permitted thereby causing pollution of marine waters. Similarly, monthly average norms have exceeded for Ammoniacal nitrogen: 364mg/l (50 mg/l) and TSS: 126 mg/l (100 mg/l) for Jan 18. Even for Feb, 18 monthly average norms have exceeded for COD 714 mg/l (500 mg/l), Ammoniacal nitrogen: 305mg/l (50 mg/l) and TSS: 109 mg/l (100 mg/l). Even for Mar 18, monthly average norms have exceeded for COD 534 mg/l (500 mg/l), Ammoniacal nitrogen: 157mg/l (50 mg/l).</p> |
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- The finding of Joint Inspection Committee that the pipeline is meeting the prescribed parameters is factually incorrect as can be seen from Analysis Results of Monitoring Final Pumping Station GIDC, Jhagadia [Annexure VIII (C) -page 60 of the report] the results for Jan, 18 for BOD: 118 m/l (100 m/l) and TSS: 133 m/l (100 m/l) and Feb, 18 TSS:



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| | | | <p>107 m/l (100 m/l).</p> <ul style="list-style-type: none"> • GPCB prescribed Norms as shown in table -04 (page 9 of report) for COD is 250 mg/L for Final Pumping Station, Jhagadia but COD at Pipeline of FETP Outlet (Ankleshwar + Panoli) it is 500 mg/L. |
| | | <p>DPR for the FETP and the guard pond is prepared and the same is put up for financial approval in the office of the industries Commissioner, Govt. Of Gujarat.</p> | <p>If guard pond is found to be adequate and FETP at Jhagadia is not warranted then why is there is DPR for FETP and guard pond so Joint Inspection Committee at the behest of NCTL cannot be permitted to blow hot and cold at the same time. The lackadaisical attitude of NCTL is evident as no timeline for completion of these activities is prescribed, as they are aware that it is business as usual and there are no consequences for the continued violation.</p> |
| 5.2 | <p>Hydro Test of entire pipeline from Jhagadia to Kantiajal (61km), leakages of Pipelines, contamination of water canal, Monitoring/checking of pipeline</p> | <p>It is informed that Hydro Test is required to be done during the laying of the pipeline for particular stretches/sections of the pipeline during the laying of pipeline. NCTL has carried out Trial Flow Test of effluent Pipeline from M/s MaRS Planning and Engineering Services Pvt Ltd during 24.10.2016 to 26.10.2016.</p> <p>As per the records of total 27 leakages were occurred since Dec 2016 to Nov 2019 details of the same is provided in Annexure-X.</p> | <p>It is admitted by the Joint Inspection committee in its report that Hydro Test is required to be conducted on a pipeline, but it has not been conducted before making Jhagadia-Kantiajal effluent pipeline operational. The reasons for not conducting the Hydro test for Jhagadia-Kantiajal effluent pipeline are not explained in the report. In order to divert the issue it has been stated that Trial Flow Test has been conducted.</p> <p>The conducting of Trial Flow Test is eyewash as Flow trial is mere water flowing from one end to other end through the gravitational pressure.</p> <p>It is submitted that conducting Hydro test was part of tender specification of the Jhagadia-Kantiajal effluent pipeline. Hydro test was to be conducted by the contractor before</p> |



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| | | | <p>commissioning of pipeline. Hydro test should be conducted at 1.5 times pressure of pressure rating of laid pipeline and in case of Jhagadia-Kantiajal effluent pipeline; pipeline rating is 9 kg (PN 9 CLASS) hence hydro test of entire pipeline has to be conducted at 13.5 kg.</p> <p>Pipeline Hydrostatic testing is a vital procedure in both pipeline construction and pipeline maintenance. Before new pipeline goes into operation, it is necessary to make sure they are correctly commissioned for their purposed use. Pipeline hydrostatic testing ensures that the weld joints and flanges that join the pipes are fitted properly by the fitters, and the fluid does not leak out of the pipe. It also ensures that the material used in the pipeline has the required tensile strength to sustain the pressure. In short, it ensures that the pipeline is suitable for use in reliably serving its objective. Pipeline hydrostatic pressure testing is performed by charging the pipeline and then shutting off the supply valve for documenting observations about the pressure loss. The hydrostatic test is also undertaken as a part of the regular maintenance procedure.</p> <p>The GRP (Glass reinforced Pipes) pipes of such long lengths are laid and have several lamination Joints for the degree more than 5 degree change in alignment, air pressure release valves, vents etc. and these are to be tested only by hydro test of the pipeline.</p> <p>Hydrostatic testing has long been used to determine and verify pipeline integrity. Several types of information can be obtained through this</p> |
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verification process. However, it is essential to identify the limits of the test process and obtainable results. There are several types of flaws that can be detected by hydrostatic testing, such as: Existing flaws in the material, Stress Corrosion Cracking (SCC) and actual mechanical properties of the pipe, Active corrosion cells, and Localized hard spots that may cause failure in the presence of hydrogen.

The report itself documents based upon the information supplied by NCTL 27 instances (Page 65 of report) of leakages and breakages in the Jhagadia-Kantiajal effluent pipeline leading to industrial effluent contaminating the area in and around the pipeline route. A perusal of the table (annexure-X) would show that the first documented instance (Chamber 105 &106, Kantiajal Village) is on 05.12.2016 the month the pipeline was commissioned and the reason of damage is "poor joint work". Again at the same location (Chamber 105 &106, Kantiajal Village), the second incident is on 17.12.2016 and the reason for damage is "poor work". Out of 27 instances of onshore line leakages that have occurred between the periods from December 2016 to November 2019 the "reason for damage" for 19 instances is "poor joint" or "poor work or "poor pipe quality".

In view of the above, if the Hydro test "as is required" had been conducted then these instances of leakages would have been minimised or obliterated. Even now, maintenance Hydro test needs to be conducted on the Jhagadia-Kantiajal effluent pipeline.

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| | | <p>There is no contamination of nearby water canal due to leakages from pipeline reported as per GPCB record</p> | <p>Approximately, 10 to 12 km length of the Jhagadia-Kantiajal effluent pipeline runs parallel to the URBC canal (Ukai right bank canal) and leakages have serious concerns for the nearby villagers as these canals are their source of water for various needs including drinking water for themselves their cattle and also water resource for their farm. In view of above, Hydro test non-adherence is a serious violation of the norms.</p> |
| 5.3 | <p>Overburden of Pipeline (with 75 MLD) from Kantiajal to the deep sea beyond its carrying capacity (60 MLD), provisions of various environmental laws including CRZ notification, violation of standards for marine discharge polishing threat/impact to coastal/marine environment</p> | <p>As per new CRZ clearance there is no change in existing offshore pipeline length of 9.37 Km i.e. up to Landfall point, NCTLL has laid new pipeline from Buster pumping Station (BPS) to Land Fall point length of 1.8 Km hence existing old pipe line of this portion made non-functional.</p> | <p>The diameter of the Offshore Pipeline is 750 MM and length is 9.37 kms which is sea going at an angle at a depth. This Pipe was designed for carrying a capacity of 60 MLD. The permission for 75 MLD would add pressure on this stretch of the pipeline and the same has been done without considering that it is a 10 years old pipeline and would have suffered deterioration and as such, a thorough investigation of the pipeline and diffusers is warranted.</p> <p>A thorough analysis and investigation by an expert agency as regards to the sub-sea (deep sea) pipeline is required to be conducted to determine these aspects which has not been considered by the Joint Inspection committee:-</p> <ul style="list-style-type: none"> • What is the present state of the diffuser point given that it is more than 10 years old pipeline ? • The present state of the sub-sea pipeline (9.37 km) off the landfall point • Whether the diffuser point exists at the location identified by NIO ? |

| | | | |
|-----|---|---|---|
| | | | <ul style="list-style-type: none"> Whether the sub-sea pipeline still exists given that monitoring of only the marine environment is conducted and not of the existence of the sub-sea pipeline and its current state. <p>The extract of the studies that have been annexed are inconclusive and no reliance can be placed upon them.</p> |
| 5.4 | Violation of environmental norms/dischage norms (through pipeline from Jhagadia to Kantiajal and then to the sea) | As per latest monitoring carried out Jhagadia Pumping Station by CPCB on 05.09.2019(Annexure VIII-A), the analysis results show ph :7.9are within standards except TSS (slightly) (page 14 of report) | At the first instance, one spot monitoring carried out on 05.09.2019 at the instance of Joint Inspection Committee cannot be relied upon. Even those results show increases TSS levels. |
| 6.0 | Actions Taken by GPCB | | <p>GPCB has issued various notices of Direction U/S 33(A) of the water act and the latest one has been issued after the order of NGT in this OA on 04.11.2019 and imposed penalty of Rs. 10 lakhs by way of interim compensation which itself reveals that NCTL is violating the norms in terms of various parameters in discharge effluent as well as in maintaining the pipeline from Jhagadia to Kantiajal intake. The violations continue unabated.</p> <p>The GPCB in its reply dated 13.12.2017 (Page 35) to the applicant has stated that GPCB has issued notice of direction under water act on 23.06.2017, 13.02.2017 for not maintaining discharge norms.</p> |

In view of the above, the applicant prays for the following:

1. Construction of Final Effluent Treatment Plant (FETP) at GIDC, Jhagadia as per CCA
2. Provision of 35 MLD Guard Pond having a capacity for 72 hours as per CCA
3. Conducting Hydro test for the entire Jhagadia-Kantiajal effluent pipeline within a specified time period.
4. Until Conditions at SI No.1, 2 and 3 are not fulfilled by NCTL, GPCB should not grant any consent to establish (CTE) to any industries;
5. In the meanwhile, present effluent discharge quantity of 9.91 MLD of GIDC, Jhagadia should be conveyed to FETP Ankleshwar along with effluent of Ankleshwar and Panoli industrial estate and then convey it to Kantiajal for deep sea discharge. This was the situation from 2006 to 2016.
6. Issue a direction to appoint an independent expert agency to conduct Sub-sea monitoring of 9.37 kms off-shore portion of Jhagadia-Kantiajal effluent pipeline
7. Impose environment compensation upon NCTL for violation of CCA issued on 27.01.2017 from 2016 to 2020.

8. Constitute a committee consisting of expert members to formulate a plan for restitution of the environment, people, livelihood, livestock etc. impacted by the operation of Jhagadia-Kantiajal effluent pipeline keeping in mind the interim environment compensation imposed by GPCB.

9. Pass a direction to GPCB to initiate prosecution against relevant officials of NCTL under the Water (Prevention and Control of Pollution) Act, 1974 for violation of CCA issued on 27.01.2017 (Outward on 09.03.2017).

It is prayed accordingly



Applicant

Jayesh Patel,
Secretary,

Narmada Pradushan Nivaran Samitee, Ankleshwar

Place: Ankleshwar

Date: __.05.2020

Filed By

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BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 902/2019

K. B. Gandhi
Notary
NTR/463/02
Ankleshwar

Sr. No. : 249/2020
Date : 1/5/2020

Jayesh Patel, Secretary, Narmada Pradushan Nivaran Samitee,
Ankleshwar
...Applicant

Versus

State of Gujarat

...Respondent

NOTARY

AFFIDAVIT

I, Jayesh Nathubhai Patel, Aged about 62 years, S/o Sh. Nathubhai Patel R/o 1, Ampuri, Borwadi, Diva Road, Ankleshwar, Gujarat-393001 do hereby solemnly affirm and state as under: -

1. That I am the applicant in the above mentioned matter and as such am competent to depose the present affidavit.

2. That the accompanying written submissions/objections has been drafted by my counsel upon my instructions and the contents of same have been explained to me in the vernacular and are true and correct to the best of my knowledge and understanding.

3. That the annexures are the true copy of the originals.

NOTARY

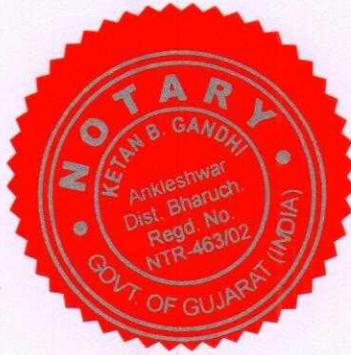
J. Patel
DEPONENT

VERIFICATION:

Verified at Ankleshwar on 1st day of May, 2020 that the contents of above affidavit is true and correct to the best of my knowledge and understanding and nothing material has been concealed there from.

Dt. 1/5/2020
At - Ankleshwar

J. Patel
DEPONENT



**SOLEMNLY AFFIRMED
BEFORE ME**

K. B. Gandhi
**K. B. Gandhi
Notary
NTR/463/02
Ankleshwar**

1 MAY 2020