

# MAHARASHTRA POLLUTION CONTROL BOARD

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No. MPCB/AST/TB/B-1174



Kalpataru Point, 2<sup>nd</sup>, 3<sup>rd</sup> & 4<sup>th</sup> Floor  
Opp. Cine Planet Cinema,  
Near Sion Circle, Sion (E)  
Mumbai- 400 022.

Date: 24/03/2014

To,  
The Dy. Chairman,  
Mumbai Port Trust,  
Port House, Soorji Vallabhdas Marg,  
Ballard Estate, Mumbai.

**Sub:** Directions under sec. 33A of the Water (P & CP) Act, 1974.

- Ref:**
- 1) MPCB permission dated 04.01.2014.
  - 2) MPCB Letter No. AST/TB-783 dated 20.02.2014
  - 3) Non-compliance reported by the R.O. Mumbai by letter dated 10.03.2014.
  - 4) Your request for regular permission to operate pipelines dated 06.03.2014.
  - 5) Personal hearing extended on 19.03.2014.
  - 6) Your further communication dated 20.03.2014.
  - 7) Circular No. 01/2014 issued by the Coast Guard dated 11 March, 2014.

We are in receipt of your request letter for granting permission for normal operation of 36" dia B-1 Pipeline for handling furnace oil at MOT, Pir Pau. Accordingly this office has called present compliance status report from Regional Office, Mumbai. From the R.O. Mumbai's compliance report, it seems that there are number of non-compliances about the earlier directions issued, such as Oil Cleanup operation has not been completed up to the mark, which is less than 50%, it has been observed that Tier - 1 facility has not been put up in place inspite of the serious incidence of oil leakages till date, No EIA study is undertaken inspite of finalization of TOR, Poor status of the site in question etc. Accordingly, you have been called for the personal hearing along with BPCL and HPCL on 19.03.2014 in the Chamber of Member Secretary, M.P.C. Board. During the discussion held regarding the status of progress of Clean up and oil spill response works carried out by MbPT, it has been observed that the overall progress in respect of compliance of directions is not satisfactory.

You have agreed that it could not met the time limit set by MPCB due to involvement of Government procedures and lack of experience about oil spill handling. As per your request you are allowed to submit your explanation with respect to delay in implementing MPCB's directives issued vide letter dated 10.12.2013. The Board is in receipt of your explanation vide letter No. DC/C-Oil Spill/1567 dated 20.03.2014. After going through your explanation, the permission for operation of 36" black oil pipeline at normal pressure is extended for further period of three months i.e. upto 25<sup>th</sup> June 2014 subject to the compliance of following conditions following conditions;

...2/-

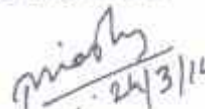
- 1) You have carried out clean up operation in part of the area i.e. oil from rock bund along the shore line and portion of sea bed contiguous to the rock bund at Pir Pau, however, failed to ensure clean up operation of scattered oil coated boulders, rock laying on sea bed forming engineered protection to submarine oil pipe lines, the area in the vicinity of land fall point of submarine pipe line requiring clean of floated debris and waste and clean up of oil coated pipelines and the adjacent area including clean up of identified oil coated mangroves plants. As Oil Cleanup operation has not been completed up to the mark, which is less than 50%, it is therefore decided to forfeit the B.G. of Rs.25/- Lakhs out of Rs.50/- Lakhs by extending 3 months period for complete clean up by imposing top up B.G. of Rs.50/- Lakhs in total B.G. Rs.75/- Lakh.
- 2) The MPCB appreciates about completion of Stress analysis report carried out through Engineers India Ltd. (EIL) on the said pipeline and submission of its conclusion to the Board. Since the action taken is satisfactory, the Bank Guarantee of Rs. 25/- Lakh obtained towards the same is hereby extended for further period of one year for completing health studies of MbPT's 5 pipelines from Pir Pau to Jawahar Deep through EIL.
- 3) As regard to Tier-1 facility, you have failed to put up the same in place and informed that pre-bid meeting has been held and tender has been floated recently. The issue of provision of Tier-1 facility for Mumbai area is continued since July, 2011. In fact the money has been already collected from the oil companies, however, since last three years MbPT has not put up the same in place which shows serious negligence on the part of MbPT. It is therefore decided to forfeit 50% of existing Bank Guarantee of Rs.12.5 Lakh by extending one year period for making arrangement for full Tier-1 facility within a period of six month extendable to one year depending on progress by imposing top up Bank Guarantee of double the amount i.e. Rs.25/- Lakh and total Rs.37.5 Lakhs which is to be submitted within 15 days time and shall be valid for a period up to 15 months from the date of issuance thereof.  
In the mean time, you shall provide credible temporary interim stand by arrangement to take care of any emergent situation that may arise in future till fully fledged arrangement of Tier-1 facility is provided, for which irrevocable B.G. of Rs.25/- Lakhs shall be submitted within 15 days time valid up to period of one year. The same was suggested while deciding request for extension of time for completion of MPCB's directives issued vide letter dated 20.02.2014.
- 4) You have not placed the order for EIA studies inspite of the above serious incidence of leakages and oil spill till date, and inspite of finalization of TOR, Poor status of the site in question etc. You must be aware about the finalization of TOR and further continuation of EIA study, for which, EIA Notification, 2006 does not provide for any approval from the MPCB and the institution like NEERI is the competent enough to finalize the TOR. In fact previous such studies are already placed on MPCB Website

for ready reference. It shows totally negligent attitude on your part, for which B.G. of Rs.12.5 Lakhs is hereby forfeited and you shall top up B.G. of double amount i.e. Rs.37.5 Lakhs. You are therefore directed to start Rapid EIA study immediately and submit the report to MPCB within six months time.

- 5) Since, as per the examination done by the Coast Guard Ref.7, pre-booming is practiced at oil berths at Karaikkal, Tuticorin, Chennai, Innere and Vishakhapattanam port and permanent boom is laid down dock side at Sikka Reliance terminals. It is also reported that pre-booming is feasible and recommended for oil berths at Mumbai and Cochin. You are therefore directed to take up study to provide pre-booming facility at Mumbai Port within 2 months time for which B.G. of Rs.5/- Lakh shall be furnished within 15 days time, which shall be valid for a period of one year.

In case, you fail to comply with the above conditions, more particularly clean up measures, the Board will have no option than to initiate further stringent action including filing of prosecution, which may please be noted.

This is issued with the approval of the Member Secretary of the Board.

  
24/3/14  
(P.K. Mirashe)  
Assistant Secretary (Tech.)

Copy submitted to:-

- 1) The Chairman, MPCB, Mumbai.
- 2) The Principal Secretary, Environment Department, GoM.
- 3) The Member Secretary, MPCB, Mumbai.

Copy to:

- 1) The District Collector, Mumbai.
- 2) M/s. B.P.C. L. Refinery, Mahul, Mumbai-74.
- 3) M/s. H.P.C.L. Refinery, Mahul, Mumbai-74.
- 4) The Senior Law Officer, MPCB, Mumbai
- 5) The Regional Officer / Sub regional Officer -III, MPCB Mumbai - for follow up action.

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Opp. Cine Planet Cinema,  
Near Sion Circle, Sion (E)  
Mumbai- 400 022.

No. MPCB/AST/TB/B- 5587

Date: 10/12/2013

To,  
The Dy. Chairman,  
Mumbai Port Trust,  
Port House, Soorji Vallabhdas Marg,  
Ballard Estate, Mumbai.

**Sub:** Permission for normal operation of 36" Black Oil pipeline at Pir Pau of MbPT.

**Ref:** 1. MPCB directions dated 07/11/2013.

2. Personal hearings extended on 18/11/2013, 20/11/2013 & 26/11/2013 respectively.

3. Your recurring communications dtd 27/11/2013, 03/12/2013, 05/12/2013, 09/12/2013 along with enclosures thereto.

4. Boards Permission for testing issued vide letters dated 30/11/2013, 03/12/2013 & 05/12/2013.

5. Meeting held on 04/12/2013 with MbPT Chairman & officials of BPCL, HPCL.

6. Your request letter No. DC/C-Oil Spill/ dated 09/12/2013.

7. Visits and inspection as well as sampling carried out by the officials of the Board from time to time.

We refer to the directions issued by the MPCB dated 07/11/2013, directing you to take effective steps to stop complete leakages of oil from the pipeline, to ensure that no further oil enters into the nearby environment and to stop immediately operation of pipeline till the competent authority certifies its use and to start clean-up operation immediately.

We also refer to the personal hearings extended to you on 18/11/2013, 20/11/2013 & 26/11/2013 respectively. Also, meeting held on 04/12/2013 with MbPT Chairman & officials of BPCL, HPCL wherein you have informed that the Engineers India Ltd has been engaged for carrying out health studies of MbPT's 5 pipelines from Pir Pau to Jawahar Deep. The EIL has committed to submit short term action plan in a 3 months and long term action plan within 12 months. You have further informed that M/s. Sea Care Marine Services is engaged in Cleaning up of oil from the rock bund along shore line and portion of sea bed contiguous to the rock bund at Pir Pau Mahul & also M/s Mumbai Kolsa Kamgar Society has been awarded Labour Contract for cleanup of oil contaminated debris floating materials, etc..

In continuation to the testing permission issued from time to time by the Board for testing of 36" furnace oil carrying pipeline at Pirpau of Mumbai Port Trust and your request letter referred at sr. no. 3 above where in you have submitted that testing was safe & smooth and no leak was reported, you are allowed to take normal operation of 36" black oil carrying repaired

pipeline day & night for 15 days i.e. from 10<sup>th</sup> to 24<sup>th</sup> December, 2013. The operation shall be carried out under the supervision of Sr. Manager responsible for such activities & report in this regards shall be submitted on weekly basis. The Bank Guarantee of Rs. 25 Lakh submitted to the Board shall be enforced towards assurance of safe operation of the pipeline.

The permission for operation of 36" black oil pipeline at normal pressure is granted subject to the compliance of following conditions:

1. You shall ensure health studies of MbPT's 5 pipelines from Pir Pau to Jawahar Deep through EIL & submit short term action plan in a 3 months and long term action plan within 12 months for which you shall submit Bank guarantee of Rs. 25 Lakh in favor of Regional Officer MPCB Mumbai within seven days.
2. You shall ensure clean up operation of oil contaminated rock bund along shore line and portion of sea bed contiguous to the rock bund at Pir Pau Mahul including mangroves within 3 months period for which you shall submit Bank guarantee of Rs. 50 Lakh in favor of Regional Officer MPCB Mumbai within seven days.
3. You should have TIER I facility in place in case of such emergencies within 3 months period for which you shall submit Bank guarantee of Rs.25 Lakh in favor of Regional Officer MPCB Mumbai within seven days.
4. You shall quantify the extent of the affect due to this spill & place order for the comprehensive EIA study & Risk assessment study to be done by NIO/NEERI OR any other competent authority, along with time period within which, EIA & risk assessment study will be completed ,within 15 days time for which (placing the order) you shall submit Bank guarantee of Rs.25 Lakh in favor of Regional Officer MPCB Mumbai within seven days.

In case you fail to comply with the above condition & commitment given during personal hearing , the Board will have no option than to initiate appropriate legal action to secure the compliance of above directions.

  
(Rajeev Kumar Mital)  
Member Secretary

Copy submitted to:-

- 1) The Principal Secretary, Environment Department, GoM.
- 2) The Chairman, MPCB, Mumbai.
- 3) The District Collector, Mumbai.

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