ORDER

WHEREAS, THE WEST BENGAL POLLUTION CONTROL BOARD (hereinafter referred as the Board) received a complaint from the District Magistrate, Purba Medinipur in November, 2007 alleging contamination of Green Belt Canal (GBC) from the discharge of oil from the outlets of M/S. INDIAN OIL CORPORATION LTD. (IOCL), HALDIA REFINERY. The complaint was accompanied by a report of enquiry conducted by the Deputy Magistrate and Deputy Collector, Haldia, Purba Medinipur mentioning that the canal gets contaminated by oil to the extent enabling the local people to recover oil from the GBC for its subsequent selling.

WHEREAS, the spilling of oil through the storm water discharge outlet of IOCL is a regular phenomena, especially during heavy rain situation and could not be controlled by the refinery.

WHEREAS, the Board made a thorough survey of the GBC in December, 2007 to verify the allegation made by the District Magistrate, Purba Medinipur.

WHEREAS, the survey report enclosing the compiled monitoring report of GBC corroborated the complain submitted by the District Magistrate, Purba Medinipur confirming contamination of canal through oil spill from IOCL refinery.

WHEREAS the Board, on request from the Kolkata Port Trust (KPT) – Haldia Dock Complex Authority, monitored the quality of the bottom sludge at different stretches of the GBC during July, 2007.

WHEREAS, the analysis report of the sludge as mentioned above, which was duly communicated to the KPT Authorities, suggested that the bottom sludge collected from different points of GBC is heavily contaminated with oil and in some case toxic polycyclic aromatic hydrocarbon compounds making them hazardous in nature. This is especially true for the bottom sludge samples collected from the GBC in the stretch between outlet point IOCL and the downstream river end (about 1 KM. in length)

WHEREAS, the desludging of GBC, particularly in the stretch mentioned above is urgently required to avoid contamination of the river Hooghly and also the underground aquifer.

WHEREAS, the excavated sludge can be disposed only to Common TSDF at Haldia operated by a Joint Venture Company namely West Bengal Waste Management Ltd.
WHEREAS, on the basis of inspection report and monitoring report of GBC as mentioned above, the Board called IOC for a hearing on 28-02-2008. The hearing was attended by the officials of Refinery and Marketing Division of IOCL.

WHEREAS, considering the facts and circumstances stated above, the Technical Committee of the Board conducting the hearing recommended that the responsibility of decontamination of GBC through removing the hazardous bottom sludge from the canal and disposing the same to the Common TSDF facility at Haldia should squarely lie with IOCL – Refinery, principally responsible for contaminating the GBC at the stretch between outlet point of IOCL to downstream river end.

WHEREAS, on the basis of the recommendation of the Technical Committee, a further hearing was conducted at the Board’s Head Office involving Executive Director, IOCL – Refinery Division as also high officials from KPT, Haldia Dock Complex.

WHEREAS, after detailed deliberations on various environmental issues on the contamination of GBC through discharge of IOCL – Refinery as also the liability for environmental remediation of the GBC, the following decision were taken by the Board.

1. The entire cost and responsibility of decontamination of GBC in the mentioned stretch i.e. outlet of IOCL to down stream of river end (about 1 KM. Length) will have to be borne by the IOCL, Haldia Refinery Division.

2. As already being agreed by KPT and IOCL, the excavation cost of GBC between IOC outlet and the downstream river end will be jointly borne by IOC & KPT on a 50:50 cost-sharing basis.

3. The depth of excavation is to be determined on the basis of analysis of excavated mass with an over all objective of removing the entire hazardous contamination from the bottom sediment. The heavily contaminated part will go to the common facility at Haldia for stabilization and disposal. The rest can be carried by IOCL, Haldia Refinery to their premises for bio-remediation following the technology developed by The Energy Resources Institute (TERI).

4. IOCL, Haldia Refinery will submit a time bound action plan for avoiding any further occurrence of oil discharge through the storm water drains in future which is to be send within fifteen (15) days from the date of hearing. This action plan should also accommodate the schemes for compliance of newly Notified Emission Standard for oil refineries vide Notification No.G.S.R.186 (E) dated 18th March, 2008. The Executive Director, IOCL, Haldia Refinery further mentioned that they have already prepared the scheme and are in the process of implementing the same and the scheme will take care of the eventuality even during the worst rain fall scenario.

5. Other than bearing the cost of treatment and disposal of excavated hazardous sludge, IOCL – Haldia Refinery will be put under a Bank Guarantee to ensure the implementation of time bound action plan as referred above. The amount of Bank Guarantee will be decided after submission of the Action Plan.
NOW THEREFORE, in exercise of the powers conferred upon the Board under Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 and Rules made thereunder M/S. INDIAN OIL CORPORATION LIMITED, HALDIA REFINERY AND KOLKATA PORT TRUST, HALDIA DOCK COMPLEX are directed to implement the above directions with the following conditions:

I. KPT and IOCL will have a structured written agreement regarding the excavation, desludging and disposal of excavated material in Common TSDF Facility at Haldia mentioning clearly the responsibility and cost sharing between the two organization as per the decision taken by the Board as mentioned above.

II. Such desludging followed by treatment and disposal of sludge will have to be completed by December, 2008.

III. The IOCL Authorities will also implement the direction as mentioned in Clause-4 above within this period.

IV. The IOCL Authority will be under a Bank Guarantee to ensure compliance of all the directions as mentioned in this order within the time schedule. The amount and period of Bank Guarantee will be communicated to the IOCL after the Board receives the action plan as referred above.

V. The KPT Authorities are directed to keep the Board informed about the progress of the compliance of the Order.

This order has the approval of the Competent Authority. Indian Oil Corporation Limited – Haldia Refinery and Kolkata Port Trust, Haldia Dock Complex have squarely agreed by the decisions taken in the hearing meeting held on 09-06-2008 and agreed to implement all the directions issued to this effect.

Order

Sd/-

(Dr. D. Chakraborty)
Chief Scientist & Head-Technical Cell
West Bengal Pollution Control Board