

JK 4 OIL SPILL REPORT

ISSUED BY

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Introduction

As part of activities under Environmental Rights subunit of Groundwork, field investigators from the Centre for Environment, Human Rights and Development (CEHRD) visited Edagberi (Joinkrama 4) community on July 18, 2009, to confirm a reported oil spill incident. The spill had occurred along a 12” delivery pipeline linking Okodia manifold to Adibawa flowstation. Having confirmed the spillage, identified the site and a community contact person/informer, CEHRD embarked on another visit for detailed documentation of the above spill. The succeeding visit dubbed ‘first visit’ was effected on August 15, 2009. Surprisingly, between the interval of the initial confirmation visit and the first visit, another oil spill had occurred on the same delivery pipeline along Taylor Creek. This report covers both spillages. It highlights the frequency of oil spill at Edagberi community; the lack of transparency in oil spill Joint inspection reporting; and the increasing frustration suffered by the community in the face of eroding livelihood structures.

Edagberi Community

Edagberi is also called Joinkrama 4 (or simply JK4). The community is in Egenni clan in Ahoada West Local Government Area of Rivers State. JK4 is abnormally sandwiched by two Bayelsa State communities. According to the Edagberi/Betterland Central Youth Leader, Famous Inivie, Edagberi is a victim of the politics of oil. He noted that Edagberi was skillfully skipped and retained in Rivers State when Bayelsa was carved out of the old Rivers State because the community is rich oil deposit. “Ordinarily, remarks Famous, my people would have preferred to be part of Bayelsa State because of our nearness to Yenagoa, the state capital”. JK4 has 44 oil wells and the Adibawa field operated by the Shell Petroleum Development Company of Nigeria Limited (SPDC).

Frequency of Oil Spillage in Edagberi

The incidence of oil leakages in Edagberi is increasingly degenerating to a deliberate policy of the oil giant. Based on a chronological list of oil spills given to CEHRD at the community, between 2006 – 2009, Edagberi suffered no fewer than 16 oil spillages (see Appendix 1), making it one of the worst oil impacted communities in the Niger Delta. For instance, in 2009 alone, six spillages had occurred already, and more might occur before the end of the year. CEHRD’s prediction is premised on the aged nature of the delivery truckling, and the ease at which the pipes succumb to pressure related explosions.

“It’s more like a weekly occurrence. The 3 spills that occurred recently were at an average interval of 2 weeks”, comments highly disturbed Famous Inivie. Moreover, the two most recent spills (herein reported) occurred in two weeks succession (see introduction above). In June this year, SPDC carried out sectional replacement on the spill vulnerable pipeline. Partial replacement is neither a palliative nor the solution! In less than two months post-replacement the two spills herein discussed occurred.

The Spills in Focus

On Thursday, 16 July, 2009, SPDC 12” delivery pipeline (connecting Okodia manifold to Adibawa field) ruptured at about 400m away from the Adibawa flow-station. The leaked spot is at the heart of a freshwater swamp. The swamp is a thickly forested floodplain conspicuously fragmented by the delivery pipeline. The swamp vegetation is diverse which characterize such transitional marshland in the rain forest belt (see plate 1). Identifiable economic trees at the impacted area include raphia palm (*Raphia hookeri*), oil palm (*Elaeis guineensis*), etc.

The second spill in focus (hereinafter called Taylor spill) happened on August 2, 2009 along the same Okordia-Adibawa delivery trunkline, but at a different section flanking Taylor Creek. At this area, the delivery line lay approximately 50m parallel to the creek channel.

Taylor Creek originates as an adjunct of Ndoni creek, and flows South-Westward and finally debouches into the Nun River before Yenagoa in the lower Niger Delta. Ndoni Creek, the source of Taylor Creek, is an obsolete creek that drains part of the waters of the upper Niger River system into the Orashi River. The marginal vegetation of Taylor Creek around the impacted area is predominated by water hyacinth, *Eichhornia crassipes*.

Luxuriant cassavas planted in alluvial farmlands on the upper creek extend to the lower edges. From the ruptured spot, oil flowed down gradient into Taylor Creek until August 11, 2009, when it was clamped.

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Impacts of the Spills

Detailed short and long-term impact of the spills can only be ascertain if an independent Post Impact Assessment (PIA) study is commissioned; PIA is rarely carried out in Nigeria. The swamp spill affects the swamp fish and fisheries, especially hook and line fishing. The swamp vegetation and resident animal diversity are heavily impacted –already plants have started showing signs of withering. Some heavy metals are known to be constituents of crude oil. Given the incessant spills at the swamp, acute heavy metal pollution might be a nagging issue. The likelihood of bioaccumulation of heavy metals and other crude oil associated toxins in fish caught from the impacted swamp basin constitutes potential health risks to consumers. It was also gathered that some years ago the impacted swamp had been used for paddy rice production which had to stop because of previous oil spills at the swamp.

Taylor spill causes severe mortal damage to cultivated cassava within the area covered by oil. As an emergency response, owners of impacted farmlands embarked on inevitable emergency harvest of their cassavas along the contaminated creek edges. Such unplanned harvest will likely cause potential food insecurity overtime. Cassava is a root and tuber crop that tolerates poor soil conditions, and can be left in the soil for as long as the farmer desire. Besides multiple food derivatives, non-seasonality confers on cassava a readily available food source at any time of the year. Thus the affected farmers that are compelled by the spill to harvest massively their cassava

plantations, would overtime, certainly have problem of lack of self-grown cassava for internal consumption; would have to buy from others.

Fisheries of Taylor Creek are seriously hampered by the oiling as most fishes (except poor oxygen tolerant and air breathing species) had either migrated or get killed by the oil toxicity. “Fishing is my only means of living. I have nowhere to go for help. My family is in trouble because these days, I hardly catch fish that will feed me alone, not to talk of my entire family”, laments a fisherman in his late 60s whom CEHRD team encountered on the Taylor channel.

JIT Scam

Joint Inspection Team (JIT) report is expected to be completed in the field by all stakeholders once the cause of a spillage has been detected and agreed upon. It also behooves on the liable company to make available carbonated copies of the report to other stakeholders including the affected community. Unfortunately JITs involving Edagberi, though not a strange experience in the delta, do not conform to minimum standards of transparent reporting. The community narrated their JIT ordeals thus:

“In virtually every spill cases, our community (*referring to Edagberi*) representative has been either trickily or forcefully asked to countersign the signature page of a blank JIT report form and promised to be given a copy of the completed report later on. SPDC usually go away with the report forms under the watchful eyes of representatives of government regulatory agencies and security operatives with the promise that the report will be completed at their office. Occasionally, JIT reports have been given to us days after the joint inspection had been done, usually undated, having no useful tracking information but the signature page is duly signed by all parties. I think my community has been too insensitive and weak to have been gambled all the while” narrated Henry Luke Inyene, an irate young graduate of Petroleum Engineering from JK4. Amnesty International has questioned the authenticity of JIT reports on spills in the delta and reviewed the lack thereof in their recent report “Nigeria: Petroleum, Pollution and Livelihoods in the Niger Delta”.

Moreover, the community substantiates the above JIT cheat claim by given CEHRD a copy of previously signed but blank JIT report! CEHRD also gathered that joint inspection team in conjunction with the community representatives had designated equipment failure as cause of oil spills in the community for almost two decades now. But SPDC only pays meager compensation certain times, while some spills remain uncompensated for. “Why won’t they pay (referring to SPDC) what they like when my community does not have properly filled JIT report as evidence and a tool to demand for adequate reparation”, commented Henry. The fact that oil spillages at Edagberi have been consistently caused by equipment failure is not unconnected with the community-company understanding to curb sabotage. Contract for surveillance of oil facilities within the community is overseen by trustees. Proceeds from the contract jobs are use for minor community development projects. With this kind of arrangement, virtually everybody in the community partakes in the monitoring scheme.

Containment, Clean-up and Remediation

Both spills (herein reported) are yet to be cleaned, if at all they would? As at the time of the visit, only quasi containment was ongoing. At the swamp site, storage (Geepee) tanks for mopped surface oil were seen ashore. On one side of the impacted flooded swamp, Foss boom is used to confine the oil. However, thick oil sleek is sighted behind the boom (the area intended to be foreclosed) which indicates that either the boom is inefficient for containment or contingency response was late or mostly likely due to leakages through spaces between palm fronds used to augment the boom. On the other flank of same floodplain, SPDC unsightly used palm fronds tied to pegged stakes for containment in place of conventional boom. CEHRD investigators were stunned by the sight of the ‘**SPDC “innovative” palm leaves boom**’. Of course, oil leaked through the leaves interspaces to the supposedly protected areas (see plates 1 and 2). *If containment is grossly inadequate and clean-up is doubtful, then rehabilitation and restoration of the site is not anticipated!*

The case of Taylor Creek is not different from the swamp site in terms of containment, clean-up and remediation. Boom is used to enclose the oil scum at the point of discharge on the creek channel. However, the fisherman quoted earlier informed CEHRD team that initially SPDC had crossed the channel transversely to prevent downstream oil spreading by water current, but the combined strength of the river current and stranded mass of water hyacinth overpowered and broke open the boom.



Plate 1: Parallel technologies; SPDC palm leaves boom + conventional boom at work.



Plate 2: Sunken boom at Edagberi swamp.

Appendix 1

Chronology of oil spills in Edagberi community between 2007 and 2009

| Year | Specific date* |
|------|---|
| 2007 | 11 April, 2007 6 August, 2007 |
| 2008 | 9 January, 2008 27 June, 2008 8 July, 2008 30 October, 2008 17 November, 2008 |
| 2009 | 24 February, 2009 13 March, 2009 6 May, 2009 16 July, 2009 2 August, 2009 |

Source: Edagberi community databank

*Refers to date the spillage began; the duration of each spill is not mentioned