

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE SITTING AT CHENNAI

(Under Section 18 (1) read with Section 14 (1) of
the National Green Tribunal Act 2010)

ORIGINAL APPLICATION No. 118 of 2021 (SZ)

D. Sakthivel,
Erode District - 638 004

... Applicant

-Vs

The District Collector,
Erode District,
Erode – 638 001 and 7 others

... Respondents.

INDEX TO ADDITIONAL DOCUMENTS No.6 FILED BY THE APPLICANT

Sl. No.	Description of Document	Page No.
1	<u>Annexure – 1</u> : Copy of the Circular No. Rc . No. 000951/ General 1 (1) / 2020 dated 18.06.2020 issued by Tamilnadu DGP directing strict compliance of IRC Circular No. 12: 2009.	1
2	<u>Annexure – 2</u> : Copy of the Letter No. TNPCB/T5/F.02160/2020 dated 12.11.2020 directing compliance of NGT/CPCB Siting Criteria dated 07.01.2020	2 - 8
3	<u>Annexure – 3</u> : Copy of the Letter No. TNPCB/T2/F.22025/2020 dated 06.09.2021 directing compliance of NGT & CPCB Siting Criteria dated 16.08.2021 near to Water Bodies.	9 - 11
4	<u>Annexure – 4</u> : Copy of the RTI Reply No. 2044/PWY/EE/A2/RTI 31/2021/405 dated 21.10.2021 received from Puducherry Government confirming no G.O. has been issued for compliance of IRC Norms.	12
5	<u>Annexure – 5</u> : Copy of the Letter No. TNPCB/T2/F.22025/2020 dated 21.01.2022 directing compliance of NGT/ CPCB Siting Criteria and prior PCB Consent .	13 – 16
6	<u>Annexure – 6</u> : Copy of the Proceedings No. TNPCB/T2/F.22025/2020 – 24 dated 18.02.2022 directing compliance of NGT & CPCB Siting Criteria by a proposed outlet in Sivaganga District	17 – 19
7	<u>Annexure - 7</u> : G.O.Ms. No. 25 dated 24.02.2022 issued by Highways and Minor Ports (HN.2) Department, Chennai directing compliance of IRC Norms in respect of SHs/MDRs/ODRs maintained by Highways Department.	20 - 21

Filed by:



V.B.R. Menon
Counsel for Applicant
Mobile ; 9384762930
E-mail: vbrmenon@gmail.com

Place : Chennai-600078
Date : 21.03.2022

ANNEXURE - 1

1

Rc. No. 000951 /General 1(1)/2020

Dated: 18 .06.2020

Office of the
Director General of Police/
Head of the Police Force,
Tamil Nadu, Chennai - 04.

Circular Memorandum

Sub:

Police - Hon'ble High Court of Madras - W.P No.691 of 2017- compliance to the guidelines contained in the Indian Road Congress (IRC) Circular No. 12:2009 for the issuance of "No Objection Certificate" by the COPs in cities - regarding.

Ref:

1. Contempt Notice dated 07.06.2020 of V.B.R. Menon, Advocate /petitioner in W.P. No. 691 of 2017.
2. Letter No. 345/HS2/2020-2, dated 08.02.2020 of the Principal Secretary to the Government.
3. Guidelines contained in the Indian Road Congress (IRC) Circular No. 12:2009 for the issuance of No Objection Certificate by the COPs in cities.

Attention of all "Commissioner's of Police" in Cities is invited to the reference cited above.

2) The Hon'ble High Court of Madras in W.P No.691 of 2017 has passed an order on 18.01.2019 seeking strict compliance of the guidelines contained in the Indian Road Congress (IRC) Circular No. 12:2009 while issuing a certificate of "No Objection" to those setting up new fuel stations.

3) Hence, all Commissioners of Police shall strictly comply with the above guidelines while issuing NOC without any deviation.

Encl: As above.

Sd/- J.K. TRIPATHY,
Director General of Police

To

All Commissioners of Police in Cities.

/True Copy forwarded/By Order/

B.J.L. 19/06/2020
Administrative Officer,
General

56
19/6/2020



TAMILNADU POLLUTION CONTROL BOARD



From

Thiru. A.V. Venkatachalam, I.F.S.,
Chairman
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai – 600 032.

To

Oil Companies (As per list)

Letter No. TNPCB/T5/F 02160/2020, Dated 12.11.2020

Sir,

Sub: TNPCB – Hon'ble NGT Order dated 18.01.2019 in O.A. No. 86/2019 – CPCB Guidelines for Setting Up of New Petrol Pumps – To be followed-up – Reg.

Ref: 1. Hon'ble NGT Order dated 18.01.2019 & 22.07.2019
2. CPCB O.M No. B-13011/1/2019-20/AQM, dated 07.01.2020

I am to invite kind attention to the references cited. The Hon'ble National Green Tribunal vide order dated January 18, 2018 in OA No. 86/2019 filed by Gyanprakash @Pappu Singh Vs Union of India & Ors directed Central Pollution Control Board to issue guidelines for setting up of Petrol Pumps in exercise of statutory power. Accordingly, the CPCB vide O.M. dated 07.01.2020 has issued '*Guidelines for Setting up of New Petrol Pumps*'. As per the Guidelines, the Petrol Pumps shall comply the following.

A. Containment and treatment of spillage from fuel filling operations at Petrol Pumps

1. Petrol pumps located in areas with high groundwater table i.e groundwater levels less than 04 metres shall have secondary containment by way of double walled tanks or concrete protection walls so as to minimize groundwater and soil contamination. It shall be the responsibility of Oil Marketing Company to properly get measured groundwater level at the site of proposed petrol pump and ensure implementation of these adequate protection measures for such sites. Details of measures taken by OMC shall be placed in public domain.
2. All new retail outlets shall have underground tanks / above ground tank and its ancillary components such as pipes, flexible connectors, pumps, fittings etc protected from leaks due to corrosion by adopting materials (HDPE/Mild Steel etc.) with required protective coating, as applicable, duly approved by PESO.
3. Any major leakage / spillage of Petrol, Diesel, Lube Oil (more than 1 barrel – 165 litres) occurs at fueling station, concerned OMC shall report to State Pollution Control Board, PESO and District Administration under intimation to CPCB within 24 hours of occurrence.

Operation of concerned underground storage tank (UST) and its ancillary components shall be stopped immediately and not be resumed till corrective measures to contain and stop leakage / spillages are implemented to the satisfaction of PESO and concerned SPCB.

OMCs will be held liable for Environmental Compensation (imposed by the SPCBs) and assessment of environmental damage (depending on extent of contamination in soil and groundwater) and site remediation Consultant / Expert agency appointed by OMCs for damage assessment and site remediation shall have minimum national / international experience of 5 years in this field. Various approved methods shall be considered for cleaning underground contaminants.

4. All DUs shall have Auto Cut off Nozzles which shuts dispensation of fuel if its level in customer fuel tank reaches full capacity.
 5. Breakaways to be installed for all the hoses of dispensing units to reduce spillage in the event of customer vehicles moves away with nozzle still in the fueling position.
 6. Single / double plane swivel with breakaway coupling shall be installed for all the dispensing units for better positioning of nozzle while refueling so that it does not fall off accidentally.
 7. In pressurized dispensation, all dispensing units shall be installed with shear valves to cut the fuel flow from pipe line immediately upon accidental knocking of dispensing units from its position.
 8. In pressurized system all Submersible Turbine Pumps (STPs) are to installed with line leak detectors and in the event of pipeline leaks STPs shall stop pumping fuel from underground tanks.
 9. Emergency stop button switch shall be provided on the Multi-Product Dispenser (MPD) to stop the dispensation in case of emergency.
 10. Automation system shall be installed at all new retail outlets to alert in case of tank leak by way of auto gauging system approved by PESO.
 11. All Retail Outlets shall provide overfill alarm through automation.
 12. Measures for spill containment in fill point chambers and forecourt area shall be implemented as prescribed by PESO.
- B. Check on leakages (Leakage Detection System) from underground storage tanks so as to prevent groundwater and soil contamination:**



TAMILNADU POLLUTION CONTROL BOARD



1. All new retail outlets will have automation system installed which will provide reports on volume balance after every day operation and records shall be maintained.
2. Manual gauging shall be done once in a month and compare the same with Automatic Tank Gauging for accuracy.
3. Daily MS and HSD loss shall not exceed MoPNG prescribed limits. In case of leakage beyond such limits, matter shall be got analyzed by OMCs and further action shall be taken for ascertaining the reasons of losses. In case of leakage resulting in soil / groundwater contamination.
 - a. Concerned OMC shall report to State Pollution Control Board, PESO and District Administration under intimation to CPCB within 24 hours of occurrence. Operation of such underground storage tank (UST) and its ancillary components shall be stopped immediately.
 - b. Fuel shall be removed immediately from underground storage tank to prevent further release to environment. Measures to prevent explosion due to vapors released due to leakage as recommended by PESO shall be implemented immediately.
 - c. OMCs will be held liable for Environmental Compensation (imposed by SPCBs / PCCs) and assessment of environmental damage (depending on extent of contamination in soil and groundwater) and site remediation. Consultant / Expert agency appointed by OMCs for damage assessment and site remediation shall have minimum national / international experience of 05 years in this field. Various approved methods shall be considered for cleaning underground contaminants.
 - d. Operation of Underground tank and its ancillary components shall not be resumed till corrective measures to contain and stop leakages are implemented to the satisfaction of PESO and concerned SPCB.
4. All underground tanks and pipelines shall be subjected to test for leaks every 7 years.

C. Policy towards Treatment and disposal of sludge removed from underground tanks during cleaning:

Sludge shall be collected, stored and disposed as per Rule 8 of Hazardous Waste (Management and Transboundary) Rules, 2016 and amendments thereof and records shall be maintained.

D. Installation, Operation and maintenance of Vapour Recovery System:

1. All **new retail** outlets set up with sale potential of 300 KL MS per month and setting up in cities with population more than 1 lakh will be provided with VRS. VRS should be functional by the time of sale of MS touch 300 KL. In case of failure of installation of VRS, Environment Compensation will be levied by SPCBs / PCCs equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.
2. Any **new retail** outlet set up in cities having population more than 10 lakh and having sale potential of 100 KL MS per month will be provided with VRS. VRS should be installed within a period of 03 months from the day of sale of MS touch 100 KL. In case of failure of installation of VRS, Environment Compensation will be levied by SPCBs / PCCs equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.
3. In case of Stage II VRS, nozzle shall be provided with flexible cover flap or other alternative system for proper covering of filling tank and therefore proper recovery of vapors.
4. OMCs are responsible for maintaining installed VRS. They have to maintain periodic inspections for A/L regulator as prescribed by Legal Metrology. Proper record shall be maintained.
5. Working of dispenser shall be interlinked with VRS functioning. Online system shall be developed within 06 months to monitor status of operation of VRS. In case of non-operation of VRS, the same shall be automatically reported to concerned OMC. VRS shall be brought into operation immediately within 24 hrs. and in any case within 72 hrs. Failing which sale of MS shall be stopped from the fueling station. Proper records of operation of VRS shall be maintained.
6. Work zone monitoring for Total VOC and Benzene shall be conducted by OMCs for petrol pumps selling more than 300 KL / month and more than 10 lakh population (in first phase) by E(P) Act, 1986 approved labs once in a year to check compliance with OSHA norms (Time-Weighted Average) and report shall be submitted to SPCB. In addition, pilot study shall be conducted by OMCs through expert institutions for online monitoring of VOCs.

E. Ground water and soil quality monitoring within petrol pump selling more than 300 KL / month and more than 10 lakh population shall be conducted by OMCs once in two years through E(P) Act, 1986 approved labs for the following parameters from the nearest source and report submitted to SPCB:



TAMILNADU POLLUTION CONTROL BOARD



Permissible Limit:

Sl.No.	Parameter	Permissible Limit
1.	Total petroleum hydrocarbons	600 µg/l
2.	BTEX	i. Benzene – 950 µ g/l ii. Toluene – 300 µg/l iii. Xylenes - a. o-xylene – 350 µg/l b. m & p – xylene 200 µg/l
3.	Ethanol	1400 µg/l
4.	Methyl Tertiary Butyl Ether	13 µg/l
5.	PAH	0.0001 µg/l

Enforcement agencies including SPCB can collect samples in and around petrol pump to check contamination.

F. Measures for protection of Worker's Health

1. All workers engaged at retail outlets may be covered under ESI. OMC dealers shall implement the personal protective equipment (PPE) as per labor laws.
2. IEC (Information Education Communication) activities should be organized by OMC dealers for workers at regular intervals in order to sensitize them about harmful impacts of VOC emissions.

G. Audit of all protection measures and monitoring system implemented at petrol pumps

PESO shall conduct audit of tanks and fuel equipment including pipes, overfill protection equipment and alarm system on annual basis and maintain records.

H. Siting criteria of Retail Outlets

In case of siting criteria for petrol pumps now Retail Outlets shall not be located within a radial distance of 50 meters (from fill point / dispensing units / vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential areas designated as per local laws. In case of constraints in providing 50 meters distance, the retail outlet shall implement additional safety measures as prescribed by PESO. In no case the distance between new retail outlet from schools, hospitals (10 beds and above) and residential area designated as per local laws shall be less than 30 meters. No high tension line shall pass over the retail outlet.

It is to be noted that above guidelines issued by the CPCB shall necessary be complied by all the new Petrol pumps installed after 07.01.2020.

In case of existing petrol pumps, they shall comply with the above guidelines except siting criteria, within a period of three months. As far as siting criteria, they shall comply with the norms issued by the Ministry of Road Transport & Highways Letter No.

No. 76, MOUNT SALAI, GUINDY, CHENNAI - 600 032.

Tel : 22353134, 22353135, 22353136, 22353137, 22353138, 22353139, 22343140, 22353141

Fax : 044 - 22353068

Email : tnpccb@md3.vsnl.net.in Web : www.tnpccb.gov.in

RW-NH-33032/01/2017-S&R(R), dated 26th June 2020. Necessary compliance report for each petrol pumps under your control shall be furnished to the TNPCB within 15 days from the date of receipt of this letter.

The receipt of this letter shall be acknowledged.

Encl: CPCB Guidelines

Sd/-
Chairman

Copy to

All JCEEs (M) and DEEs, TNPCB – For necessary follow-up action and report.


13.11.2020
For Chairman
13.11.2020



TAMILNADU POLLUTION CONTROL BOARD



List of Oil Companies

- 1 The Executive Director
Indian Oil Corporation Limited
No 139, Indian Oil Bhavan,
Nungambakkam High Road,
Nungambakkam, Chennai – 600034
- 2 The Executive Director
Hindustan Petroleum Corporation Limited, GMO SZ-Retail,
Thalamuthu Natarajan Building,
4th floor, Post Box No: 3045,
Gandhi Irwin Road, Chennai , 600008
- 3 The Executive Director
Bharat Petroleum Corporation Ltd,
Southern Regional Office,
1, Ranganathan Gardens, Off.11th Main Road,
P B 1212&1213, Anna Nagar,
Chennai – 600040
- 4 The Executive Director
Reliance Industries Ltd
A1 Tower, 5th Floor,
Dr. Radhakrishnan Salai,
Mylapore, Chennai – 600004
- 5 The Executive Director
M/s. Shell India Markets Pvt Limited
No. 143, MGR Main Road, Kandanchavadi,
Perungudi, Chennai – 600 096
- 6 The Executive Director
M/s. Nayara Energy Limited
5th Floor, Jet Airways Godrej BKC, Plot No. C-68,
G Block, Bandra Kurla Complex,
Bandra East, Mumbai - 400 051.



TAMIL NADU POLLUTION CONTROL BOARD

From

Thiru. A.V. Venkatachalam, I.F.S.,
Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai – 600 032.

To

Oil Companies (As per list)

Letter No. TNPCB/T2/F.22025/2020 Dated: 06.09.2021

Sir,

Sub: TNPCB – Hon'ble NGT Order dated 18.01.2019 in O.A No. 86/2019 –
Addendum to the CPCB Guidelines for setting up of new Petrol Pumps –
To be followed up – Regarding.

Ref: 1. Hon'ble NGT Order dated 18.01.2019 & 22.07.2019
2. CPCB O.M No. B-13011 / 1 / 2019-20 / AQM, dated January 07, 2020
3. TNPCB letter No. TNPCB / T5 / F.02160 / 2020, dated: 12.11.2020
4. CPCB O.M No. B-13011 / 1 / 2019-20 / AQM, dated August 16, 2021
(Copy enclosed)

I am to invite kind attention to the references cited. The Hon'ble National Green Tribunal vide order dated January 18, 2018 in OA No. 86/2019 filed by Gyanprakash @ Pappu Singh Vs Union of India & Ors, directed Central Pollution Control Board to issue guidelines for setting up of Petrol Pumps in exercise of statutory powers. Accordingly, the CPCB vide O.M dated 07.01.2020, 2nd cited issued 'Guidelines for setting up of New Petro Pumps' and the same was communicated to all the oil companies, vide this office letter 3rd cited.

Central Pollution Control Board vide O.M. dated 16.08.2021, 4th cited has communicated an addendum to the 'Guidelines for setting up of New Petro Pumps'. As per the Guidelines, the Petrol Pumps near water bodies shall comply with the following

- a) All the surface water bodies irrespective of utility shall be protected from any possible contamination. These include lakes, ponds, streams, rivers, wetlands, canals and creeks, as per revenue records. Retail outlets shall not be located within a distance of 50 meters from the nearest point of water bodies. In case of streams and rivers, the distance shall be considered from floodway. In case floodway is not defined, the distance shall be considered from firm banks / edge of river. The siting criterion is to be implemented for all new petrol pumps where construction by Oil Marketing Companies (OMCs) starts post the issuance of these guidelines.

- b) Retail outlets coming within 50 meters to 100 meters from the nearest point of surface water body shall have secondary containment by way of double walled tanks or concrete protection walls around Underground Storage Tank (UST).
- c) Groundwater and soil quality monitoring near the premises of fuel retail outlets shall be conducted by OMCs once a year through E (P) Act, 1986 approved labs or labs with national / international accreditation. The monitoring shall be done for those Fuel Retail Outlets which are located within 100 meters from the nearest point of surface water bodies. These shall be applicable to all petrol pumps, regardless of the date of establishment. In case of any clarification and / or difficulty in obtaining samples for groundwater and soil quality monitoring, OMCs may seek assistance of local administration / SPCB / PCC / CGWB. Protocol for soil and groundwater monitoring is annexed as Annexure-I.
- d) Groundwater and soil quality monitoring shall also be conducted by OMCs before installation of the new fuel retail outlet, for those retail outlets coming up within 100 meters from the nearest point of surface water bodies.

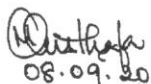
It is mandatory that the above CPCB guidelines and the CPCB guidelines communicated by this office letter 3rd cited shall necessarily be complied by all the new petrol pumps installed after 07.01.2020.

In case of existing petrol pumps, they shall also comply with the above CPCB guidelines and the CPCB guidelines communicated by this office letter 3rd cited, except the siting criteria, within a period of 3 months. As far as siting criteria, they shall comply with the norms issued by the Ministry of Road Transport & Highways letter No.Rw-NH-33032 / 01 / 2017-S&R(R), dated 26th June 2020.

Necessary compliance report for each petrol pumps under your control shall be furnished to TNPCB within 15 days from the date of receipt of this letter.

The receipt of this letter shall be acknowledged.

Enclosure: CPCB Guidelines.


08.09.2021
For Chairman

Copy to

All the Joint Chief Environmental Engineers (M) and
All District Environmental Engineers,
Tamil Nadu Pollution Control Board – For necessary follow up action and report.

Annexure-I

Protocol for monitoring quality of soil and groundwater near the premises of fuel retail outlets

Samples of groundwater being used for drinking purposes shall be collected from at least three different directions with reference to the retail outlet. The sampling point should be preferably within 50 meters distance from the underground storage tank location at the retail outlet.

The samples shall be analyzed for the following parameters:

Table I

S. No.	Parameter	Screening value
1	Total petroleum hydrocarbons (C10-C40)	0.6 mg/L
2	BTEX	i. Benzene – 0.01 mg/L ii. Toluene – 0.7 mg/L iii. Xylene – 0.5 mg/L
3	Methyl Tertiary Butyl Ether	13 µg/l
4	Total PAH	0.0001 mg/l

Further, soil sample shall be collected from a borehole within the premises of the fuel retail outlet adjacent to the Underground Storage Tank (UST) pit. The depth of bore hole should be up to 1 meter below the bottom of the storage tank level. Soil samples shall be analyzed for the following parameters

Table 2

S. No.	Parameter	Screening Values (mg/kg)
1.	Total petroleum hydrocarbons (TPH)	5000
2.	Benzene	5
3.	Toluene	30
4.	Xylene	50
5.	Methyl Tertiary Butyl Ether	100
6.	Total PAH	40

Ground water and soil quality monitoring shall be conducted by OMCs once a year through E (P) Act, 1986 approved labs or labs with national / international accreditation and the reports are to be submitted to SPCB. The soil monitoring shall be done in first six months while groundwater monitoring shall be done in the next six months.

In case of exceedance of screening by any parameter, or in case of leakage resulting in soil / ground water contamination, the measures / steps as prescribed in the guidelines for setting up of petrol pumps dated 07.01.2020 shall be taken up. Assessment and remediation shall be carried out as per the guidelines issued by MoEF&CC and CPCB.

FROM 3

FORM OF SUPPLY OF INFORMATION TO THE APPLICANT UNDER THE RIGHT TO INFORMATION ACT,2005

No.2044/PWY/EE/A2/RTI/31/2021/405

dt.21/10/2021.

From
The Executive Engineer,
Public Works Department,
Yanam.

To
Thiru V.B.R.Menon,
Advocate, Madras High Court,
Flat No.4B, Brook Dale Apartments,
No.12 P.T.Rajan Salai, K.K.Nagar,
Chennai-600078

Sir,

Please refer your application letter no. Nil dated 23/08/2021 communicated to the undersigned vide I.D.Note No.1836/PW/CE/EE(P)/AE(P)1/RTI-Gen/2021-22 dated 16/09/2021 by the Public Information Officer-cum-Executive Engineer (Planning), Public Works Department, Puducherry regarding the information about the issuing NOC, granting permission by PWD for opening of new petroleum retails outlets with in the U.T. of Puducherry.

2 The information asked for is as detailed below:
Reply:

Sl. No.	Information requested	Information furnished
3.1	Whether the IRC Circular No.12-2009 and/or IRC NO.12-2016 are being strictly adhered to in the U.T of Puducherry while issuing No Objection Certificate (NOC) or consent by PWD for opening of new Petroleum Retail outlets with in the U.T. of Puducherry.	Yes, the IRC No.12-2009 is being adhered to in Yanam Division while issuing NOC or consent by PWD for opening of new Petroleum Retails.
3.2	Whether any G.O., Circular or directions have been issued by the Government of Puducherry or PWD to the jurisdictional PWD engineers to comply with IRC Circular 12-2009 and/or IRC 12-2016 while grating permission or consent for the opening of new Petroleum Retail outlets with in the U.T. of Puducherry.	The PWD, Yanam Division is not aware whether GO/Circular issued by the GOP or PWD to comply with IRC circular 12-2009 while grating permission or consent by PWD for opening of new petroleum Retail outlets.
3.3	If the answer to the query above is yes, kindly send me copies of all the Government orders, circulars, Directions etc. directing strict compliance of IRC circular 12-209 and/or IRC Circular No.12-2016 within the UT of Puducherry.	This Division is not having any G.O/Circular as sought by the petition.

3 As per Section 19 of the Right to Information Act, 2005, you may file an appeal to the Public Appellate Authority of the Department within 30 days of issue of this order.

Name & address of the first Appellate Authority:
Thiru V.Sathiyamurthi,
Superintending Engineer-II (i/c),
Public Works Department,
Puducherry.

Yours faithfully


EXECUTIVE ENGINEER-CUM-
PUBLIC INFORMATION OFFICER,
PWD, YANAM.

Copy to:

The Public Information Officer-cum-Executive Engineer (Planning),
Public Works Department,
Puducherry.



TAMIL NADU POLLUTION CONTROL BOARD

From

Thiru A.Udhayan, IFS.,
Chairman
Tamil Nadu Pollution Control Board
76, Mount Salai, Guindy,
Chennai – 600 032.

To

All Oil Companies (As per list)

Letter No. TNPCB/T2/F.22025/2020, dated. 21.01.2022

Sir,

Sub: TNPCB – Hon'ble NGT (SZ) order dated 23.12.2021 in O.A.No. 138 of 2021 – Petrol Pumps to provide VRS and to get consent of TNPCB under the Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 – Follow-up action - Regarding.

Ref: 1. CPCB OM No.B-13011/1/2019-20/AQM/10809 Dt. 7.1.2020
2. Lr No. TNPCB/T5/F.2160/2020, dated 12.11.2020
3. CPCB OM No. B-13011/1/2020-21/AQM/5419-5470 Dt. 29.1.2021
4. CPCB OM No. B-13011/1/2019-20/AQM, dt 16.08.2021
5. Lr No. TNPCB/T2/F.22025/2020, dated 6.9.2021
6. Hon'ble NGT order dated 23.12.2021 in O.A.No. 138 of 2020.

I am to invite your attention to the references cited. Wherein the reference 1st cited the Central Pollution Control Board has issued Guidelines for Setting up of New Petrol Pumps in compliance of the Hon'ble National Green Tribunal (PB) order dated 18.01.2019 in O.A.No. 86/2019. In the reference 3rd cited, the CPCB has issued clarification with regard to cut-off date as 07.01.2020 for applicability of siting criteria, referred in Guidelines, for Setting up of New Petrol Pumps. Again the CPCB vide reference 4th cited has issued addendum to the above guidelines. The above CPCB letters were communicated to all Oil Companies vide letter 2nd and 5th cited.

As per the CPCB guidelines, *inter alia* that the petrol pump or new retail outlets shall not be located within a radial distance of 50 metres (from fill point/dispensing units/vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential areas designated as per local laws. In case of constraints in providing 50 metres distance, the retail outlet may implement additional safety measures as prescribed by PESO. In no case the distance between the new retail outlet from schools, hospitals (10 beds and above) and residential area designated as per local laws shall be less than 30 meters. No high tension line shall pass over the retail outlet.

Further, Retail outlets shall not be located within a distance of 50 metres from the nearest point of water bodies. Retail outlets coming within 50 metre to 100 metre from the nearest point of surface water body shall have secondary containment by way of double walled tanks or concrete protection walls around underground Petroleum storage tank (UST).

In the Retail Petroleum outlet related case, the Hon'ble National Green Tribunal (SZ) in its order dated 23.12.2021 in O.A.No. 138 of 2020 (Copy enclosed) have disposed the case with the following directions:-

- (i) *We made it clear that all the Retail Petroleum Outlets which are located in cities having more than 10 Lakh population should have installed the VRS (Vapour Recovery System) mechanism which are having turnover of more than 300 KL/Month and above, as insisted by the Central Pollution Control Board in consultation with the Ministry of Petroleum and Natural Gas as per circular dated 12.12.2016. If any of the Retail Petroleum Outlets had not installed the same within the time frame fixed by the CPCB or extended by the Hon'ble Apex Court in this regard, then CPCB is directed to take appropriate action against those petroleum outlets/storage depot which have not complied with the same by imposing environmental compensation as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad &Ors. Vs. Union of India &Ors.).*
- (ii) *As regards the new petroleum outlets of Stage 1 and Stage 2 (having 100 KL/Month to 300 KL/Month) and for Stage 1A (Storage depots) are concerned, the same will have to be installed within the extended time fixed by the CPCB both by public sector undertaking and private sector undertaking and if there is any violation found, then they are directed to take appropriate action for such violation as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad & Ors. Vs. Union of India &Ors.).*
- (iii) *The Central Pollution Control Board (CPCB) as well as the State Pollution Control Boards are directed to issue direction under Section 5 of the Environment (Protection) Act, 1986 and Section 18 of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 to make it mandatory to obtain Consent to Establish and Consent to Operate for new petroleum outlets to be established in future and even to those which are under the preparation of establishment, but not started construction as has been done by the State Pollution Control Board, Kerala and such a direction should be issued within a period of 3 (Three) months and till then, all the new Retail Petroleum Outlets are directed to apply for Consent to Establish and Consent to Operate before its establishment.*



TAMIL NADU POLLUTION CONTROL BOARD

- (iv) *We also direct all the existing Retail Petroleum Outlets irrespective of its turnover to obtain Consent to Operate for the existing outlets within a period of 6 (Six) Months. If it is not obtained, then the concerned State Pollution Control Board is directed to take appropriate action against such petrol pumps in accordance with law.*

In view of the above, it is requested that all the Oil Marketing Companies, to instruct all their retail petroleum outlets in the State of Tamil Nadu to comply with the Hon'ble NGT directions, CPCB guidelines including siting criteria and get necessary clearances from the various authorities. Further, all the retail petroleum outlets shall obtain consent of the Tamil Nadu Pollution Control Board under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 within the time line given by the Hon'ble NGT.

Further it is requested the list of Retail Petrol Pumps, in the State, under your company's distribution network, along with the status of installation of VRS, shall be furnished to the TNPCB within two weeks, so as to take further follow-up action.

Encl: NGT order dated 23.12.2021

Sd/-xxxx
Chairman

Copy to

1. All District Environmental Engineers,
Tamil Nadu Pollution Control Board,
2. All Joint Chief Environmental Engineers (M),
Tamil Nadu Pollution Control Board

R. Rajan
21/1/2022
For Chairman

List of Oil Companies

- 1 The Executive Director
Indian Oil Corporation Limited
No. 139, Indian Oil Bhavan,
Nungambakkam High Road
Nungambakkam, Chennai – 600 034.
- 2 The Executive Director
Hindustan Petroleum Corporation Limited
Thalamuthu Natarajan Building
4th Floor, Post Box No. 3045
Gandhi Irwin Road, Chennai – 600 008.

u
21/1

- 3 The Executive Director
 Bharat Petroleum Corporation Ltd,
 Southern Regional Office
 1, Ranganathan Gardens, Off. 11th Main Road
 PB 1212 & 1213, Anna Nagar
 Chennai – 600 040.
- 4 The Executive Director
 Reliance Industries Ltd
 A1 Tower, 5th Floor
 Dr. Radhakrishnan Salai,
 Mylapore, Chennai – 600 004.
- 5 The Executive Director
 M/s. Shell India Markets Pvt Limited
 No. 143, MGR Main Road, Kandanchavadi,
 Perungudi, Chennai – 600 096.
- 6 The Executive Director
 M/s. Nayara Energy Limited,
 5th Floor, Jet Airways Godrej BKC, Plot No. C-68
 G Block, Bandra Kurla Complex
 Bandra East, Mumbai – 400 051.



Tamil Nadu Pollution Control Board

Proceeding No. TNPCB/T2/F.22025/2020 - 24 dated 18.02.2022

Sub: TNPCB - Hon'ble NGT (SZ) order dated 23.12.2021 in O.A.No. 138 of 2021 - Retail Petroleum outlets to provide VRS and to get consent of TNPCB under the Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 - Direction issued under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31A of Air (Prevention and Control of Pollution) Act, 1981 - Regarding.

Ref: 1. CPCB OM No.B-13011/1/2019-20/AQM/10809 Dt. 7.1.2020
 2. Lr No. TNPCB/T5/F.2160/2020, dated 12.11.2020
 3. CPCB OM No. B-13011/1/2020-21/AQM/5419-5470 Dt. 29.1.2021
 4. CPCB OM No. B-13011/1/2019-20/AQM, dt 16.08.2021
 5. Lr No. TNPCB/T2/F.22025/2020, dated 6.9.2021
 6. Hon'ble NGT order dated 23.12.2021 in O.A.No. 138 of 2020.
 7. Lr No. TNPCB/T2/F.22025/2020, dated. 21.01.2022

Whereas, as per Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, and as per Section 31A of the Air (Prevention and Control of Pollution) Act, 1981, the State Pollution Control Board may, in the exercise of its powers and performance of its functions under these Acts, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Whereas, the Central Pollution Control Board vide reference 1st cited have issued Guidelines for Setting up of New Petrol Pumps in compliance of the Hon'ble National Green Tribunal (PB) order dated 18.01.2019 in O.A.No. 86/2019. In the reference 3rd cited, the CPCB has issued clarification with regard to cut-off date for applicability of siting criteria referred in Guidelines for Setting up of New Petrol Pumps dated 07.01.2020. Again the CPCB vide reference 4th cited has issued addendum to the above guidelines. The above CPCB letters were communicated to all Oil Companies by TNPCB vide letter 2nd and 5th cited.

Whereas, as per the CPCB guidelines, *interalia* that the petrol pump new retail outlets shall not be located within a radial distance of 50 metres (from fill point/dispensing units/vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential areas designated as per local laws. In case of constraints in providing 50 metres distance, the retail outlet may implement additional safety measures as prescribed by PESO. In no case the distance between the new retail outlet from schools, hospitals (10 beds and above) and residential area designated as per local laws shall be less than 30 meters. No high tension line shall pass over the retail outlet. Further, Retail outlets shall not be located within a distance of 50 metres from the nearest point of water bodies. Retail outlets coming within 50 metre to 100 metre from the nearest point of surface water body shall have secondary containment by way of double walled tanks or concrete protection walls around underground storage tank (UST).

Whereas, in Retail Petroleum Outlets related case, the Hon'ble National Green Tribunal (SZ) in its order dated 23.12.2021 in O.A.No. 138 of 2020 have disposed the case with the following directions:-

- (i) We made it clear that all the Retail Petroleum Outlets which are located in cities having more than 10 Lakh population should have installed the VRS mechanism which are having turnover of more than 300 KL/Month and above, as insisted by the Central Pollution Control Board in consultation with the Ministry of Petroleum and Natural Gas as per circular dated 12.12.2016. If any of the Retail Petroleum Outlets had not installed the same within the time frame fixed by the CPCB or extended by the Hon'ble Apex Court in this regard, then CPCB is directed to take appropriate action against those petroleum outlets/storage depot which have not complied with the same by imposing environmental compensation as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad & Ors. Vs. Union of India & Ors.).
- (ii) As regards the new petroleum outlets of Stage 1 and Stage 2 (having 100 KL/Month to 300 KL/Month) and for Stage 1A (Storage depots) are concerned, the same will have to be installed within the extended time fixed by the CPCB both by public sector undertaking and private sector undertaking and if there is any violation found, then they are directed to take appropriate action for such violation as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad & Ors. Vs. Union of India & Ors.).
- (iii) The Central Pollution Control Board (CPCB) as well as the State Pollution Control Boards are directed to issue direction under Section 5 of the Environment (Protection) Act, 1986 and Section 18 of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 to make it mandatory to obtain Consent to Establish and Consent to Operate for new petroleum outlets to be established in future and even to those which are under the preparation of establishment, but not started construction as has been done by the State Pollution Control Board, Kerala and such a direction should be issued within a period of 3 (Three) months and till then, all the new Retail Petroleum Outlets are directed to apply for Consent to Establish and Consent to Operate before its establishment.
- (iv) We also direct all the existing Retail Petroleum Outlets irrespective of its turnover to obtain Consent to Operate for the existing outlets within a period of 6 (Six) Months. If it is not obtained, then the concerned State Pollution Control Board is directed to take appropriate action against such petrol pumps in accordance with law.

Whereas, the TNPCB vide letter 7th cited have requested that all the Oil Marketing Companies to instruct all their retail petroleum outlets in the State of Tamil Nadu to comply with the Hon'ble NGT directions, CPCB guidelines including siting criteria and get clearance from the various authorities. Further all the retail petroleum outlets shall obtain consent of the Tamil Nadu Pollution Control Board under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 within the time line given by the Hon'ble NGT.

Whereas, now in exercise of powers given under Section 33A of the Water (P&CP) Act, 1974 and under Section 31(A) of the Air (P&CP) Act, 1981 you are hereby directed to comply with the orders of the Hon'ble NGT (SZ) dated 23.12.2021 in O.A. No. 138 of 2020, to comply with the guidelines issued by the CPCB and to apply for consent of the Tamil Nadu Pollution Control Board immediately. Failure to comply with the above directions will lead to take further action in accordance with law.

The receipt of this proceeding shall be acknowledged.

Sd/-xxxx
Chairman

To

M/s. Sri Kk Ambal Fuels, *Petrol Pump*

Kottaiyur,

Sivagangai District - 630106

Copy to file.

[Signature] 18/12/22
For Chairman

[Signature]
18/02/22

**ABSTRACT**

Highways and Minor Ports Department - Guidelines / Norms to issue No Objection Certificate for setting up of road side Petroleum Retail Outlets alongside SHs / MDRs / ODRs maintained by Highways Department – Orders - Issued.

Highways and Minor Ports (HN.2) Department**G.O.(Ms) No.25****Dated: 24.02.2022**

பிலைவ, மாசி 12, திருவள்ளூர்வராண்டு 2053

Read:-

From the Chief Engineer (Construction & Maintenance), Highways Department Letter No.1459/Cont.3/2017, dated 17.11.2021 and 01.12.2021.

ORDER:

In the letters read above, the Chief Engineer (Construction & Maintenance), Highways Department has furnished a proposal for Guidelines / Norms to issue NOC for setting up of road side Petroleum Retail Outlets alongside SH/MDR/ODR roads under Highways Department in Tamil Nadu and requested the Government to issue the guidelines / norms for issue of No Objection Certificate / access permission to fuel stations (Petrol/Diesel retail outlets, Gas retail outlets, Electrical Vehicle (EV) Charging stations and biofuel pumps with or without Rest Area Amenities etc.) alongsides of roads maintained by Tamil Nadu Highways Department.

2. The Government after careful examination of the proposal of the Chief Engineer (Construction & Maintenance), Highways Department issue the following guidelines/norms as criteria for issuing No Objection Certificate (NOC) / access permissions to fuel stations (Petrol/Diesel retail outlets, Gas retail outlets, Electrical Vehicle (EV) Charging stations and biofuel pumps with or without Rest Area Amenities etc.) alongside SHs / MDRs / ODRs maintained by Tamil Nadu Highways Department.

Sl. NO.	DISTANCE NORMS	NORMS APPLICABLE (IN METERS)
NON-URBAN (Rural) STRETCHES: PLAIN AND ROLLING TERRAIN		
1.	Intersection with SHs/MDRs/ODRs	300 (SHs) 200 (MDRs/ODRs)
NON-URBAN (Rural) STRETCHES: HILLY/MOUNTAINOUS TERRAIN		
2.	Intersection with any category of road (irrespective of carriageway width)	100
URBAN STRETCHES: PLAIN AND ROLLING/HILLY/MOUNTAINOUS TERRAIN		
3.	Intersection with any category of road (irrespective of carriageway width)	100

GENERAL CRITERIA		
4.	Any barrier including that of Toll Plaza and Railway Level Crossing	500
5.	Distance from the start of approach road of ROB	200
6.	Start of approach road of Grade Separator/Flyover	300
7.	Distance between two fuel stations	<u>Rural/ Urban/Hilly:</u> 300 (SHs) 200 (MDRs/ODRs) (Both undivided and divided c/w)
8.	Acceleration/Deceleration Lane	<u>Rural:</u> 100 (acceleration) 70 (deceleration) <u>Urban/Hilly:</u> Dispensed with
9.	Size of Plot	35x35 (Rural) 20x20 (Urban/Hilly)

Except these modifications all other provisions of IRC: 12-2016 will remain applicable. The Highway Authority will be as defined in the Tamil Nadu Highways Act, 2001.

(By Order of the Governor)

Dheeraj Kumar
Principal Secretary to Government

To

The Chief Engineer, (Construction and Maintenance),
Highways Department, Chennai – 25.

The Director General, Highways Department, Chennai – 25.

All Chief Engineers and Director, Highways Research Station in Highways Department,
Chennai - 25.

The Accountant General, Chennai – 18.

Copy to:

The Special P.A to Minister (Public Works-Buildings,
Highways and Minor Ports), Chennai – 9.

The Private Secretary to Principal Secretary to Government,
Highways and Minor Ports Department, Chennai – 9.

All Sections in Highways Department, Chennai -9.

C.No.345/HN2/2020

SF/ SC

//Forwarded by Order//

[Signature]
Section Officer

28
24.02.2022

MATTER MAY BE LISTED ON
24.03.2022

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL SOUTHERN ZONE
SITTING AT CHENNAI**

Original Application No. 118 of 2021 (SZ)

D. Sakthivel,
S/o. Devaraj,
No.23, Main Road,
Pavai Thanneerpandal Palayam,
Periyasemur
Erode District - 638 004 ... Applicant

And

The District Collector
Erode District
Collectorate Complex,
State Highway 96
Opp. District Court,
Palayapalayam,
Erode - 638 001 ... Respondents
and 7 others

**ADDITIONAL DOCUMENTS
NO.6**

**V.B.R Menon, B.E, MBA(IIMA), LLB,
(Ms – 23 / 2012)
Counsel for the Applicant
Ph: 9384762930**