BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN BENCH, CHENNAI

ORIGINAL APPLICATION NO. 158 OF 2023 (SZ)

IN THE MATTER OF:

V. Ayyasamy … Applicant

Versus

District Collector, Coimbatore & Ors.

… Respondent(s)

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DEPONENT

H.D. VARALAXMI, M.Tech
Regional Director
CENTRAL POLLUTION CONTROL BOARD
(MoEF & CC, Govt. of India)
Regional Directorate (Chennai)
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate, Chennai - 600 058

Place: Chennai

Date: 25.10.2024

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN BENCH CHENNAI

ORIGINAL APPLICATION NO. 158 OF 2023 (SZ)

IN THE MATTER OF:

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REPLY AFFIDAVIT FILED ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD (CPCB), RESPONDENT NO. 2

MOST RESPECTFULLY SHOWETH:

I, Smt. H. D. Varalaxmi, D/o Shri H.S. Devaiah, Hindu, aged about 54 years and having office at the Regional Directorate – Chennai, Central Pollution Control Board, 2nd Floor, 77-A, Ambattur Industrial Estate, Chennai – 600058, do hereby solemnly affirm and sincerely state on oath as follows: -

1. I am presently working as the Regional Director, Regional Directorate Chennai, Central Pollution Control Board. I am fully conversant with the facts of the case and have been authorized to file the present affidavit on behalf of the Respondent No. 2
2. It is humbly submitted that the application relates to establishment of Petrol Pump by M/s. Indian Oil Corporation Limited (IOCL) Otthakkalmandapam Village, Madukkarai Taluk, Coimbatore District, in violation of siting criteria prescribed under CPCB guidelines.

H.D. VARALAXMI, M.Tech
Regional Director
CENTRAL POLLUTION CONTROL BOARD
(MoEF & CC, Govt. of India)
Regional Directorate (Chennai)
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate, Chennai - 600 058

3. It is humbly submitted that as per CPCB guidelines dated 07.01.2020 for setting up of new petrol pumps, new retail outlets shall not be located within the radial distance of 50 meters (from fill point/ dispensing units/ vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential area 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 school, hospitals (10 beds and above) and residential area designated as per local laws shall be less than 30 meters.

4. Further, an addendum to the Guidelines for setting up of new petrol pumps was issued on August 16, 2021 indicating siting criteria to be adopted w.r.t. water bodies, in compliance to the Hon'ble NGT orders dated 23.07.2020 and 09.10.2020 in OA NO. 61 of 2019 (CZ): Suresh Mandaloi Vs State of M.P. & Ors.

5. It is humbly submitted that as per said addendum, 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 stream and rivers, the distance shall be considered from floodway. In case floodway is not defined, the distance shall be considered from banks/ edge of river. The siting criterion is to be implemented for all new petrol pumps where construction by OMCs starts post the issuance of these guidelines, i.e. 16.08.2021. Further, 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).

   The copy of the Office Memorandum dated 16.08.2021 issued by CPCB is annexed herewith and marked as **Annexure R2-1**.

H.D. VARALAXMI, M.Tech
Regional Director
CENTRAL POLLUTION CONTROL BOARD
(MoEF & CC, Govt. of India)
Regional Directorate (Chennai)
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate, Chennai - 600 058

6. It is humbly submitted that the addendum was shared with State Pollution Control Boards (SPCBs) / Pollution Control Committees (PCCs) including Tamil Nadu Pollution Control Board i.e. Respondent No. 3, for implementation by concerned stakeholders. It is also submitted that the matter of implementation of siting criteria and issue of NOC is to be dealt by concerned State Government Agency.

PRAYER

In view of above, it is respectfully prayed that this Answering Respondent No. 2, the Central Pollution Control Board, shall be abide by any order/direction passed by this Hon'ble Tribunal.

H.D Varalaxmi

DEPONENT

VERIFICATION

It is verified that the content of this reply statement which is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified on this January 25, 2024 at Chennai.

Nathami

N. Nathami
Counsel for R-2

H.D Varalaxmi

DEPONENT

H.D.VARALAXMI, M.Tech
Regional Director
CENTRAL POLLUTION CONTROL BOARD
(MoEF & CC Govt of India)
Regional Directorate (Chennai)
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate, Chennai - 600 058

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

B-13011/1/2019-20/AQM

August 16, 2021

OFFICE MEMORANDUM

Sub: Addendum to the Guidelines for Setting Up of New Petrol Pumps issued on January 07, 2020 -regarding.

CPCB in compliance of the Hon'ble National Green Tribunal order dated January 18, 2019 in O.A. No. 86/2019: Gyanprakhash @ Pappu Singh Vs UoI & Ors. issued guidelines for Setting Up of New Petrol Pumps vide O.M. No. B-13011/1/2019-20/AQM/10809 dated January 07, 2020.

Hon'ble NGT vide further orders dated 23.07.2020 and 09.10.2020, in the matter of Suresh Mandaloi Vs. State of M.P & Ors. (O.A. No. 61 of 2019 (CZ)), directed MoEF&CC and CPCB to submit a report with regard to the minimum distance from water bodies to the petrol pump.

The matter was referred to the Expert Committee and the draft guidelines for implementation in case of petrol pumps near water bodies were prepared. The guidelines also specify the groundwater and soil sampling protocol, frequency of sample collection and the prescribed parameters and screening values to be adopted. The same monitoring protocol and parameters/ values (except for monitoring frequency) need to be adopted for petrol pumps covered under the guidelines dated January 07, 2020.

These draft guidelines were placed in public domain for seeking comments/suggestions from public and concerned stakeholders. These were reviewed by the Expert Committee and the guidelines have been finalised and are hereby issued as addendum to the earlier CPCB Guidelines dated January 07, 2020 for implementation by concerned stakeholders.

This issues with the approval of the Competent Authority.

(P.K. Gupta)
Additional Director& Divisional Head
AQM Div.

Encl.: As Above

To

1. All SPCBs/ PCCs
   (As per list enclosed)

with a request to circulate to Commissioner of civil supplies or other similar authorities who look after issues related to petrol pumps at State/ UT level and District Collectors/ Commissioners /Deputy Commissioners.

List of Stakeholders

1.	The Member Secretary Andhra Pradesh State Pollution Control Board D. No.33-26-14D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalmvari Street, Kasturibaipet, Vijayavada-520010	2.	The Member Secretary Arunachal Pradesh State Pollution Control Board 'ParyavaranBhavan', Yupla Road, PappuNallah, Naharlagun – 791110 Arunachal Pradesh
3.	The Member Secretary Assam State Pollution Control Board Bamunimaidan, Guwahati – 781021 Assam	4.	The Member Secretary Bihar State Pollution Control Board Parivesh Bhawan, Plot No.N-B/2, Patliputra Industrial Area Patna-800023
5.	The Member Secretary Chhattisgarh Environment Conservation Board Paryavas Bhawan, North Block Sector-19 NayaRaipur – 492 099 Chhattisgarh	6.	The Member Secretary Goa State Pollution Control Board Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao - Bardez Goa - 403511
7.	The Member Secretary Gujarat State Pollution Control Board Sector 10-A, Gandhi Nagar – 382043 Gujarat	8.	The Member Secretary Haryana State Pollution Control Board C-11, Sector 6, Panchkula, Haryana 134109 Haryana
9.	The Member Secretary Himachal Pradesh State Pollution Control Board ParyavaranBhavan, Phase III, New Shimla – 171009 Himachal Pradesh	10.	The Member Secretary J&K State Pollution Control Board, Parivesh Bhawan, Forest Complex, Gladni, Narwal, transport Nagar, Jammu (J&K)
11.	The Member Secretary Jharkhand State Pollution Control Board T.A Building, HEC Campus, P.O. Dhurwa Ranchi – 834004 Jharkhand	12.	The Member Secretary Karnataka State Pollution Control Board ParisaraBhavan, 4th& 5th floors Church Street, Bangalore 560 001 Karnataka
13.	The Member Secretary Kerala State Pollution Control Board Plamoodu Junction, Pattam Palace P.O. Thiruvanathapuram – 695004 Kerala	14.	The Member Secretary Maharashtra State Pollution Control Board Kalpataru Point, 3rd& 4th floors Sion Matunga Scheme Road No. 6 Opp. Cine Planet, Sion Circle, Sion (E), Mumbai 400 022, Maharashtra
15.	The Member Secretary Madhya Pradesh State Pollution Control Board ParyavaranParisar, E-5 Arera Colony Bhopal – 462016 Madhya Pradesh	16.	The Member Secretary Manipur State Pollution Control Board **Lamphelpat,** **Imphal West D.C. Office Complex – 795004** Manipur
17.	The Member Secretary Meghalaya State Pollution Control Board Arden, Lumpyngngad, Shillong – 793014 Meghalaya	18.	The Member Secretary Mizoram State Pollution Control Board New Secretariat Complex, Khatla,Thlanmual Peng, Aizawl Mizoram 796001
19.	The Member Secretary Nagaland State Pollution Control Board Signal Point, Dimapur, Nagaland – 797112 Nagaland	20.	The Member Secretary Odisha State Pollution Control Board Paribesh Bhawan A-118, Nilakanta Nagar, Unit VIII, Bhubaneshwar 751012 Odisha
21.	The Member Secretary Punjab State Pollution Control Board Nabha Road, ITI Rd, Adarsh Nagar, Prem Nagar, Patiala – 147001, Punjab	22.	The Member Secretary Rajasthan State Pollution Control Board A-4 Institutional Area, JhalaneDungri Jaipur – 302004, Rajasthan

23.	The Member Secretary Sikkim State Pollution Control Board State land Use & Environment Cell Govt. of Sikkim, Deorali, Gangtok. Sikkim	24.	The Member Secretary Tamil Nadu State Pollution Control Board No. 76, Mount Salai, Guindy, Chennai - 600032 Tamil Nadu
25.	The Member Secretary Telangana State Pollution Control Board ParyavaranBhavan A-3, Industrial Estate, Sanath Nagar, Hyderabad – 500 018 Telangana	26.	The Member Secretary Tripura State Pollution Control Board Parivesh Bhawan Pt. Nehru Complex, Gorkhabasti P.O., Kunjaban, Agartala, West Tripura - 799 006 Tripura
27.	The Member Secretary Uttarakhand Environment Protection & Pollution Control Board 29/20, Nemi Road, Dehradun – 248001 Uttarakhand	28.	The Member Secretary Uttar Pradesh State Pollution Control Board 3rd floor, PICUP Bhavan, VibhutiKhand, Gomti Nagar, Lucknow– 226010 Uttar Pradesh
29.	The Member Secretary West Bengal State Pollution Control Board ParibeshBhavan Building, No.10-A, Block –LA, Sector 3, Salt Lake City, Kolkata – 700 091, West Bengal	30.	The Member Secretary Delhi Pollution Control Committee, Government of N.C.T. Delhi 4th Floor,ISBT Building,Kashmere Gate,Delhi-110006
31.	The Member Secretary Andaman & Nicobar Islands Pollution Control Committee, Department of Science & Technology, Dollygunj Van Sadan, Haddo P.O., Port Blair – 744102	32.	The Member Secretary Chandigarh Pollution Control Committee, Paryavaran Bhawan, Ground Floor, Sector19 B Madhya Marg, Chandigarh
33.	Member Secretary Daman, Diu & Dadra Nagar Haveli Pollution Control Committee, Office of the Deputy Conservator of Forests, Moti Daman, Daman – 396220	34.	Member Secretary Lakshadweep Pollution Control Committee, Department of Science, Technology & Environment, Kavarati-682555
35.	Member Secretary Pondicherry Pollution Control Committee, Housing Board Complex, Anna Nagar, Pondicherry-600 005		---

2. Joint Secretary (Marketing)
   Ministry of Petroleum and Natural Gas, Govt. of India
   ShastriBhavan,
   New Delhi – 110001

3. Chief Controller of Explosives
   Petroleum and Explosive Safety Organization (PESO)
   A Block CGO Complex Fifth Floor Seminary Hills
   Nagpur-(Maharashtra) -440006

4. Director
   Legal Metrology
   Ministry of Consumer Affairs, Food and Public Distribution Deptt. of Consumer Affairs,
   Room No.461-A, Krishi Bhawan,
   New Delhi - 110 001

5. The Chairman,
   M/s. Bharat Petroleum Corporation Limited
   Bharat Bhavan, 4 and 6 Currimbhoy Road
   Ballard Estate, Mumbai 400 001

6. The Chairman,
   M/s. Hindustan Petroleum Corporation Limited
   Petroleum House, 17, Jamshedji Tata Road, Mumbai
   Maharashtra 400020

7. The Chairman,
   M/s. Indian Oil Corporation Limited
   Indian Oil Bhawan, G9, Ali Yavar Jung Marg
   Bandra East, Mumbai, Maharashtra 400 051

8. The Chairman,
   M/s. Shell India Markets Pvt. Ltd.
   Plot No. 7, Bangolore Hardware Park,
   Devanahalli Industrial Park
   MahadevaKodigehalli
   Bangalore- 562 149, Karnataka.

9. The Chairman,
   M/s Reliance Industries Limited,
   Maker Chambers - IV
   Nariman Point
   Mumbai 400 021, India

10. The Chairman,
    M/s. Nayara Energy Limited (Formerly Essar Oil Limited)
    5th Floor, Jet Airways Godrej BKC,
    Plot No. C-68, G Block
    BandraKurla Complex, Bandra East
    Mumbai- 450 051

Copy to:

1. Joint Secretary
   CP Division
   Ministry of Environment, Forest and Climate Change
   Indira ParyavaranBhavan,
   Jorbagh Road, New Delhi – 110 003
2. Regional Director
   Regional Directorate, Lucknow
   PICUP Bhawan, VibhutiKhand, GomtiNagar,
   Lucknow– 226010
3. Regional Director
   Regional Directorate,Bengaluru
   A-Block, NisargaBhavan,
   1st and 2nd Floors, 7th D Cross, Thimmaiah Road, Shivanagar,
   Bengaluru-560079
4. Regional Director
   Regional Directorate, Bhopal
   Parivesh Bhawan, Paryavaran
   Parisar E-5, Arera Colony, Bhopal-462016
5. Regional Director
   Regional Directorate, Vadodara
   Parivesh Bhawan, Opp. Ward No. 10 VMC Office Subhanpura,
   Vadodara –390023
6. Regional Director
   Regional Directorate,Shillong
   "TUM-SIR". Lower Motinagar,
   Near Fire Brigade H.Q., Shillong–793014
7. Regional Director
   Regional Directorate,Kolkata
   'South end Conclave' Block-502, 5th & 6th Floor, 1582,
   Razidanga, Main Road, Kolkata- 700107
8. Regional Director
   Regional Directorate, Tamil Nadu
   Second Floor, No.77-A, South Avenue Road, Ambattur Industrial Estate, Ambattur Taluk, Thiruvallur District, Chennai- 600 058, Tamil Nadu.
9. Regional Director
   Regional Directorate, Chandigarh
   e-mail- gurnamsingh.cpcb@nic.in
10. Regional Director
    Regional Directorate, Pune
    e-mail - bksharma.cpcb@nic.in
11. PA to CCB
12. AO to MS
13. IT Division : for uploading on CPCB website

ADDENDUM TO GUIDELINES FOR SETTING UP OF NEW PETROL PUMPS

The Hon'ble NGT vide orders dated 23.07.2020 and 09.10.2020, in the matter of Suresh Mandaloi Vs. State of M. P. & Ors. (O.A. No. 61 of 2019 (CZ)), directed MoEF&CC and CPCB to submit a report with regard to the minimum distance from water bodies to the petrol pump.

The matter was subsequently referred to the Expert Committee constituted by CPCB earlier in the matter of guidelines for setting up of new petrol pumps and the following addendum guidelines (to guidelines dated 07.01.2020) have been finalised for implementation in case of petrol pumps near water bodies:

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 OMCs starts post the issuance of these guidelines.

b) Retail outlets coming within 50 meter to 100 meter 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 meter 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 meter from the nearest point of surface water bodies.

NOTE: These guidelines are supplementary to all existing relevant Rules, Guidelines, Orders, Notifications such as Wetlands (Conservation and Management) Rules, 2017, Coastal Regulation Zone (CRZ) Notification, 2011 etc. The other measures, prescribed in CPCB guidelines for setting up of new petrol pumps dated 07.01.2020, for containment and treatment of spillages, check on leakages from USTs, treatment and disposal of sludge removed from underground tanks during cleaning, measures for protection of workers' health, audit of all protection measures and monitoring system implemented at petrol pumps, shall also apply to the fuel retail outlets falling in the criteria specified above.

Monitoring protocol specifying the prescribed parameters and screening values annexed with these guidelines (other than the monitoring frequency), shall also be adopted for those retail outlets where CPCB guidelines dated 07.01.2020 are applicable.

These guidelines shall be reviewed from time to time.

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 50m distance from the underground storage tank location at the retail outlet. The samples shall be analysed for the following parameters:

Table 1.

Sr. No.	Parameter	Screening Values
1.	Total petroleum hydrocarbons (C_{10} -C_{40})	**0.6mg/L**
2.	BTEX	i. Benzene- **0.01mg/L** ii. Toluene- **0.7mg/L** iii. Xylene-**0.5mg/L**
3.	Methyl Tertiary Butyl Ether	**13µg/l**
4.	Total PAH	**0.0001mg/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 1m below the bottom of the storage tank level. Soil samples shall be analysed for the following parameters:

Table 2.

Sr. 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/groundwater 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.

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REPLY AFFIDAVIT FILED ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD (CPCB), RESPONDENT NO. 2

Advocate NATHAMI N

COUSEL FOR CPCB