

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No 186 of 2021 (SZ)

IN THE MATTER OF:

N Muraleedhara Mallan

Applicant

Versus

Central Pollution Control Board and others

Respondent (s)

INDEX

S. No	Particulars	Page No
01	Reply statement as per NGT orders in the matter of O. A. 186 of 2021 (SZ) (N Muraleedhara Mallan V/s. Central Pollution Control Board and others) on account of objection raised against a proposed petrol pumps at Mararikulam North Village, Kanjikkuzhy Block in Alappuzha District of Kerala.	01 to 05
02	NGT order dated 23.08.2021	06 to 08
03	Annexure R1-1: Addendum to the guidelines for setting up new petrol pumps as per the office memorandum B-13011/1/2019-20/AQM, dated August 16, 2021	09 to 17
04	Annexure R1-2: CPCB clarification dated 29-01-2021 on exemption of siting criteria to petrol pumps/ ROs where prior clearance/ initial approval has been obtained from PESO and construction started before 07-01-2020.	18 to 22
05	Annexure R1-3: CPCB advisory dated 20.08.2019 issued to SPCBs/PCCs with respect to exemption for retail outlets from obtaining consent to operate.	23

S. Suresh
DEPONENT 9/9/2021

Place: Bengaluru

Date: 09.09.2021



S. SURESH
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE (SOUTH)
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
BENGALURU - 560 079. MOB : 9480672128

**BEFORE THE NATIONAL GREEN TRIBUNAL, (SZ), SITTING AT
CHENNAI**

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

Application No 186 of 2021(SZ)

IN THE MATTER OF

N Muraleedhara Mallan
S/o Narayana Mallan
Nandanam Kundelattu Krishna Nivas
SL Puram, Varakady Road,
Mararikkulam North, Sethulekshmpuram,
Alappuzha, Kerala-688523
Phone No.9884422695.
Email- taurs@gmail.com

...Applicant

-Vs-

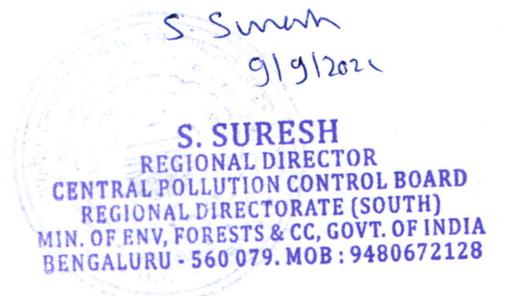
The Central Pollution Control Board,
Represented by its Chairman,
Pariwesh Bhavan, East Arjun Nagar,
Delhi - 110032.
Phone No. +91 11 22307233
Email- ccn.cpcb@nic.in
And 5 others

...Respondents

REPLY STATEMENT FILED ON BEHALF OF THE 1ST RESPONDENT

The 1st Respondent submits as follows: -

1. The 1st Respondent has perused the application filed by the applicant. The application has been filed by the Applicant to permanently forbear the 4th and 5th



Respondents from establishing a fuel station at Survey Nos. 498/4-5-6 and 17 of Mararikulam North Village, Kanjikkuzhy Block in Alappuzha District of Kerala in violation of the existing laws. The applicant is aggrieved by the setting up of a fuel station in an eco-fragile area close to the coastal belt of Alappuzha district without the consent from the 3rd respondent, The Kerala State Pollution Control Board (KSPCB).

2. That the averment contained in Para 1 and 6, it is submitted that the Applicant is residing in Mararikulam North village, Kanjikkuzhy Block in Alappuzha district, which is a coastal village through which the national highway 66 (Previously NH 47) passes. It is claimed that the village is bestowed with thick vegetation with numerous water bodies. The 4th respondent Oil Marketing Company (OMC), M/s. Bharat Petroleum Corporation Limited (BPCL) is attempting to establish a retail outlet (RO) in survey no. 498/4-5-6 and 17 of the above village through the 5th respondent project proponent. It is claimed that the proposed location of the RO is a residential area with 6 ponds, 4 wells, 6 houses, 7 bore wells and a medical clinic with staff quarters and residences. It is stated that the distance between the proposed RO and residences/ clinic is less than 25m and that this is in violation of CPCB siting Guidelines and authorities have not taken any steps in spite of several agitations and representation in the matter to stop works of RO, being setup in the eco-fragile location

3. Further, it is stated that the proposed petrol pump is just 15m from the applicant's house. It is submitted that the 1st Respondent on January 07, 2020 has issued guidelines for setting up of new petrol pumps in compliance of the Honourable National Green Tribunal (NGT) order dated January 18, 2019 in the matter of OA No. 86/2019. The guidelines issued is based on the specific



S. Suresh
S. SURESH
 REGIONAL DIRECTOR
 CENTRAL POLLUTION CONTROL BOARD
 REGIONAL DIRECTORATE (SOUTH)
 MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
 BENGALURU - 560 079. MOB : 9480672128

directions to prepare appropriate guidelines for setting up new petrol pumps in the country and the guidelines are to be got implemented by the State Government/ SPCBs. It is submitted that as per the CPCB guidelines, new petrol pumps/ ROs shall not be located within a radial distance of 50 m (from fill point/ dispensing unit/ vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential area designated as per the local laws. It is also mandated that in case of constraints in complying with 50 m distance criteria, the petrol pump/ RO shall implement additional safety measures as prescribed by Petroleum Explosive Safety Organization (PESO). The guideline further insists on minimum 30 m distance criteria between new petrol pump/ RO and schools/ hospitals/ residential areas designated by local laws. The guidelines issued as per the CPCB office memorandum No. B-13011/1/2019-20/AQM/0814 dated 07-01-2020 is at ANNEXURE A-1.

4. Further, it is claimed that there are two natural ponds in the immediate vicinity of the proposed fuel station. It is submitted that CPCB has recently issued an addendum to the ANNEXURE A-1 guidelines, wherein it is mandated that new petrol pumps are not allowed within 50m from any surface water bodies included in the revenue records. The addendum as per the office memorandum B-13011/1/2019-20/AQM, dated August 16, 2021 is annexed as ANNEXURE R1-1. The ground reality of nearby surface water bodies like ponds needs to be verified by the concerned district office of the 3rd Respondent.

5. It is submitted that, in view of to several references/ cases received regarding the applicability of CPCB siting criteria dated 07-01-2020 with respect to new petrol pumps/ ROs where letter of intents (LoI) have been issued or applications have been made for obtaining NOC or prior/ initial approval has been obtained



S. Suresh

S. SURESH
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE (SOUTH)
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
BENGALURU - 560 079. MOB : 9480672128

from Petroleum Explosive Safety Organization (PESO); CPCB issued clarification dated 29-01-2021 (ANNEXURE R1-2), that the above guidelines is applicable for petrol pumps/ ROs where construction commenced by Oil Marketing Companies (OMC) on or after 07-01-2020. It was made clear that the siting criteria specified in the above guideline is not applicable to petrol pumps/ ROs where prior clearance/ initial approval has been obtained from PESO and subsequently construction has been started by OMC before 07-01-2020.

6. With regard to the averments in para 7, it is submitted that CPCB on 20.08.2019 has issued an advisory to SPCBs/PCCs that petrol pumps may be exempted from obtaining consent (ANNEXURE R1-3). With regard to the grounds raised by the applicant, the allegations and apprehensions must be verified by a proper site inspections of the location of the proposed fuel station. It is submitted that, if the proposed fuel station is not in compliance with the ANNEXURE A-1 guidelines and the ANNEXURE R1-1 addendum to the above guidelines, respondent R4 and R5 needs to reconsider the location for the proposed RO unless they are entitled for exemption in distance criteria as per the ANNEXURE R1-2 clarification. It is submitted that said guidelines are to be got implemented by the State Government/ SPCBs.

In the light of the above, the Hon'ble Tribunal may pass appropriate orders and render justice.

Dated at Bengaluru on this the 9th day of August, 2021.

Counsel for 1st Respondent

S. Suresh
DEPONENT 9/8/2021

S. SURESH
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE (SOUTH)
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
BENGALURU - 560 079. MOB: 9480672128



S. SURESH
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE (SOUTH)
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
BENGALURU - 560 079. MOB: 9480672128

VERIFICATION

I, S. Suresh, working as Scientist 'E' and posted as Regional Director (Bengaluru), Central Pollution Control Board, the 1st Respondent herein do hereby verify that the contents of the above paragraphs are true and correct to the best of my knowledge, information and belief.

Dated at Bengaluru on this the 9th day of August, 2021.

Counsel for 1st Respondent

S. Suresh
31/8/2021
DEPONENT

S. SURESH
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE (SOUTH)
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
BENGALURU - 560 079. MOB : 9480672128



Item No.02:

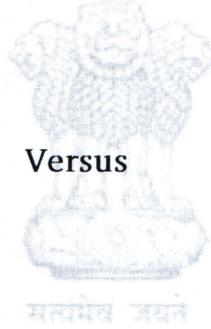
BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 186 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF

N. Muraleedhara Mallan
Kerala



Versus

..Applicant(s)

Central Pollution Control Board
Rep. by its Chairman,
New Delhi and others.

...Respondent(s)

Date of hearing: 23rd August, 2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. DR. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s): Mr. S. Kamalesh Kannan and
Mr. S. Sai Sathya Jith

For Respondent(s): Mrs. P. Jeyalakshmi for R1
Mrs. V. K. Rema Smrithi for R3

ORDER

1. When the matter came up for hearing today through Video Conference for admission, Mr. S. Kamalesh Kannan and Mr. S. Sai Sathya Jith represented the applicants. Mrs. P. Jeyalakshmi represented first respondent and Mrs. V.K. Rema Smrithi represented 3rd respondent.
2. When it was pointed out as to whether any compliant has been made to

the regulator regarding the violation and whether the regulator had taken any action, the learned counsel appearing for the applicant submitted that though the applicant has not made any complaint, several persons who were likely to be affected by the establishment this unit had moved the Kerala State Pollution Control Board (KSPCB), but they had not taken any action and that was the reason why the applicant filed this application as a Public Interest Litigation and he is prepared to produce the documents to show that certain complaints have been made to the authorities and no action has been taken. He had also submitted that he will be satisfied if directions are given to the Kerala State Pollution Control Board (KSPCB) that if, they are not complying with the conditions, they should not allow to proceed with the establishment of the unit and the application can be disposed of with such direction. But we are not inclined to do that as giving such blanket direction without hearing the other side, will affect his interest and it is likely to be misused as well.

3. The learned counsel appearing for the applicant submitted that if some time is granted, he will be able to produce certain representations made by the local people. So before admitting the matter, we feel that time can be given to the applicant to produce certain documents to show that there were representations made by the local people against the establishment of the unit on the ground of sitting criteria to the regulators and the regulators had not taken any action. So, we feel that some time is granted

to the applicant to produce certain documents to show that such a representation has been made by the public to the authorities and no action was taken in spite of that.

4. Post for admission, on 03.09.2021.

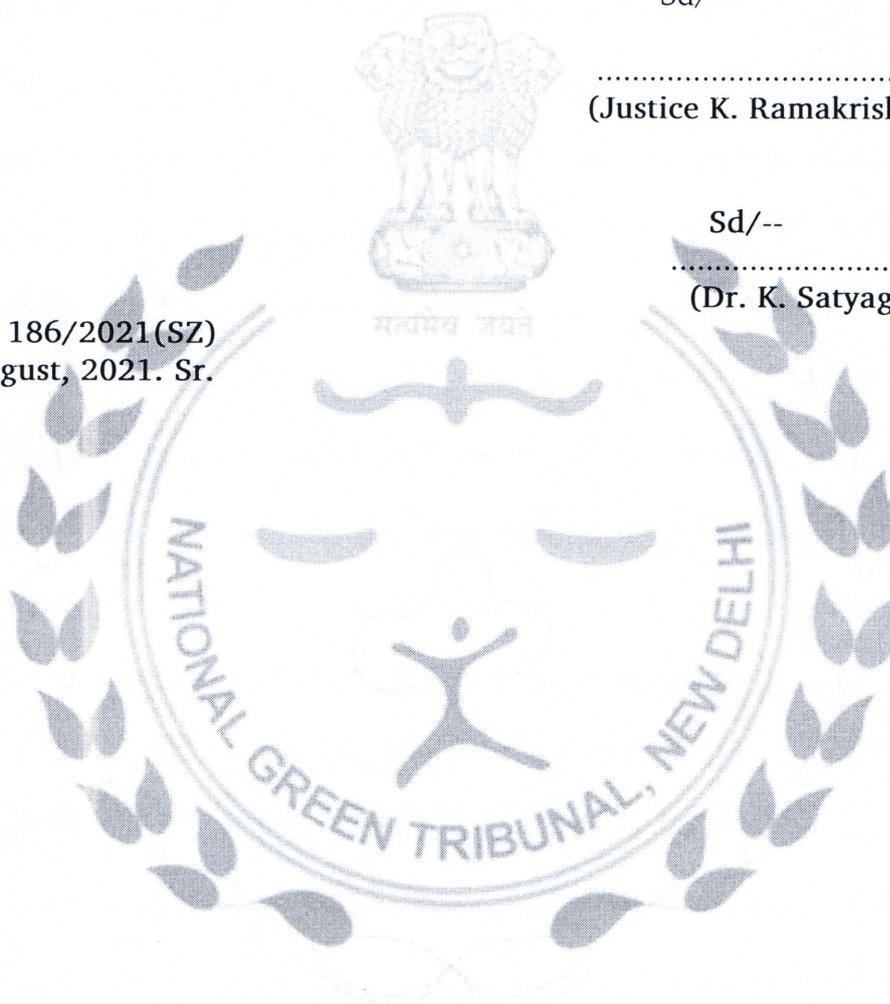
Sd/--

.....J.M.
(Justice K. Ramakrishnan)

Sd/--

.....E.M.
(Dr. K. Satyagopal)

O.A. No. 186/2021(SZ)
23rd August, 2021. Sr.





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: Gyanprakash @ Pappu Singh Vs Uol & 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 PansaraBhavan, 4 th & 5 th floors Church Street, Bangalore 560 001 Karnataka
13.	The Member Secretary Kerala State Pollution Control Board Plamoodu Junction, Pattam Palace P.O. Thiruvananthapuram - 695004 Kerala	14.	The Member Secretary Maharashtra State Pollution Control Board Kalpataru Point, 3 rd & 4 th 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 Lamphepat, 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, Bhubaneswar 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 Paryavaran Bhavan 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 3 rd floor, PICUP Bhavan, Vibhuti Khand, Gomti Nagar, Lucknow - 226010 Uttar Pradesh
29.	The Member Secretary West Bengal State Pollution Control Board Paribesh Bhavan 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, Sector 19 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, Kavaratti-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
Shastri Bhavan,
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, Bangalore 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:

PAGE 13

1. Joint Secretary
CP Division
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi – 110 003
2. Regional Director
Regional Directorate, Lucknow
PICUP Bhawan, Vibhuti Khand, Gomti Nagar,
Lucknow– 226010
3. Regional Director
Regional Directorate, Bengaluru
A-Block, Nisarga Bhavan,
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.

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.



CENTRAL POLLUTION CONTROL BOARD

DELHI 110032

B-13011/1/2020-21/AQM

January 29, 2021

OFFICE MEMORANDUM

Sub: 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

This is in reference to guidelines issued by CPCB on 07.01.2020 for setting up of new petrol pumps indicating the siting criteria to be got implemented for new Retail Outlets.

References/cases have been received with regard to applicability of CPCB siting criteria dated 07.01.2020, in case of Retail Outlets where Letter of Intents (LoIs) have been issued or applications have been made for obtaining NOC or prior clearance/ initial approval has been obtained from PESO.

In this regard, it is clarified that the siting criteria for new Retail Outlets is to be complied with in cases where construction of Retail Outlets by Oil Marketing Companies commenced on or after 07.01.2020. In other words, the siting criteria will not apply to those cases where PESO prior clearance/ initial approval has been obtained and subsequently construction has been started by the OMC before 07.01.2020.

This is issued with the approval of Competent Authority.

(P. K. Gupta)
Additional Director and Head
AQM division

To:

1. All SPCBs/PCCs - *With a request to circulate to Commissioner of civil supplies or other similar authorities who look after issues related to fuel Retail Outlets at State level and District Collectors.*
(As per list enclosed)
2. Ministry of Petroleum And Natural Gas
Joint Secretary (Marketing)
Ministry of Petroleum and Natural Gas, Govt. of India
Shastri Bhavan,
New Delhi – 110001

3. Petroleum And Explosives Safety Organisation
Chief Controller of Explosives
Petroleum and Explosive Safety Organization (PESO)
A Block CGO Complex Fifth Floor Seminary Hills
Nagpur-(Maharashtra) -440006
4. The Chairman,
M/s. Bharat Petroleum Corporation Limited
Bharat Bhavan, 4 and 6 Currimbhoy Road
Ballard Estate, Mumbai 400 001
5. The Chairman,
M/s. Hindustan Petroleum Corporation Limited
Petroleum House, 17, Jamshedji Tata Road, Mumbai
Maharashtra 400020
6. The Chairman,
M/s. Indian Oil Corporation Limited
Indian Oil Bhawan, G9, Ali Yavar Jung Marg
Bandra East, Mumbai, Maharashtra 400 051
7. General Manager (International Trade),
Mangalore Refinery and Petrochemicals Limited,
Core - 8, 7th Floor,
Scope Complex, Lodhi Road,
New Delhi - 110003
8. The Chairman and Managing Director,
M/s. Shell India Pvt. Ltd.
Plot No. 7, Bangalore Hardware Park,
Devanahalli Industrial Park
Mahadeva Kodigehalli
Bangalore- 562 149, Karnataka.
9. The Chairman and Managing Director,
M/s Reliance Industries Limited,
Maker Chambers - IV
Nariman Point
Mumbai 400 021
10. Chairman
M/s. Nayara Energy Limited (Formerly Essar Oil Limited)
5th Floor, Jet Airways Godrej BKC,
Plot No. C-68, G Block
Bandra Kurla Complex, Bandra East
Mumbai- 450 051

Copy to:

1. ✓ Regional Director
Regional Directorate, Bhopal
Third Floor Sahkar Bhawan
North T T Nagar
Bhopal 462003
2. Regional Director
Regional Directorate Bengaluru
A-Block, Nisarga Bhavan,
1st and 2nd Floors, 7th D Cross,
Thimmaiah Road, Shivanagar,
Bengaluru-560079
3. Regional Director
Regional Directorate, Chennai
No. 76, Mount Salai,
Guindy, Chennai-600032
4. Regional Director
Regional Directorate Kolkata
South end Conclave Block-502, 5th and 6th Floor,
1582, Razidanga, Main Road,
Kolkata-700107
5. Regional Director
Regional Directorate, Lucknow
PICUP Bhawan
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010
6. Regional Director
Regional Directorate, Shillong
TUM-SIR, Lower Motinagar,
Near Fire Brigade H.Q., Shillong-793014
7. Regional Director
Regional Directorate, Vadodara
Parivesh Bhawan, Opp. Ward No. 10
VMC Office Subhanpura, Vadodara - 390 023
8. Regional Director
Regional Directorate, Pune
Row House No.1, Nisarg Vihar,
Balewadi, Pune -411045

1.	The Member Secretary Andhra Pradesh State Pollution Control Board D. No.33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalmvari Street, Kasturibaipet, Vijayavada-520010	2.	The Member Secretary Arunachal Pradesh State Pollution Control Board 'Paryavaran Bhawan', Yupla Road, Pappu Nallah, 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 Naya Raipur - 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 Paryavaran Bhawan, 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 Parisara Bhawan, 4 th & 5 th floors Church Street, Bangalore - 560 001 Karnataka
13.	The Member Secretary Kerala State Pollution Control Board Plamoodu Junction, Pattam Palace P.O. Thiruvananthapuram - 695004 Kerala	14.	The Member Secretary Maharashtra State Pollution Control Board Kalpataru Point, 3 rd & 4 th 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 Paryavaran Parisar, 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, Bhubaneswar - 751012 Odisha
21.	The Member Secretary Punjab State Pollution Control Board Nabha Road, ITI Rd, Adarsh Nagar, Premi Nagar, Patiala - 147001 Punjab	22.	The Member Secretary Rajasthan State Pollution Control Board A-4 Institutional Area, Jhalane Dungri 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 Paryavaran Bhavan 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 3 rd floor, PICUP Bhavan, Vibhuti Khand, Gomti Nagar, Lucknow – 226010 Uttar Pradesh
29.	The Member Secretary West Bengal State Pollution Control Board Paribesh Bhavan 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, Sector 19 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		

Advisory for all SPCBs/ PCCs**Advisory regarding exemption to Retail Outlets from obtaining Consent**

Number of representations have been received by Government indicating that SPCBs/ PCCs are insisting to get consent for setting up of new Retail Outlets. As per CPCB Document on 'Revised Classification of Industrial Sectors Under Red, Orange, Green and White Categories' dated February 29, 2016, Automobile fuel outlets (only dispensing) have been kept in separate category and may be exempted from the purview of Consent management in view of minor air pollution due to some fugitive emissions during fuel filling operations.

Further, as per Guidelines prepared by CPCB and MoPNG for 'Setting up of Petrol Pumps', all new retail outlets set up with sale potential of 300KL MS per month in cities with population more than 1 lakh, and, with sale potential of 100 KL MS per month in cities having population more than 10 lakh will be required to install Vapour Recovery System (VRS). Accordingly, the Retail Outlets may be exempted from obtaining consent from SPCBs/ PCCs.

Encl.: CPCB Document on 'Revised Classification of Industrial Sectors Under Red, Orange, Green and White Categories'