

**BEFORE THE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH)**

**Original Application No. 17 of 2021 (SZ)
With
Original Application No. 265 of 2017 (SZ)**

IN THE MATTER OF

Vipin Nath A. V. & Sinu C. Jacob	... Applicant(s)
Versus	
M/s Bharat Petroleum Corporation Limited	... Respondents(s)
With	
N.G. Soman,	... Applicant(s)
Versus	
M/s Bharat Petroleum Corporation Limited	... Respondents(s)

**OBJECTION FILED AGAINST TECHNICAL COMMITTEE REPORT
ALLEGATIONS ON BEHALF OF BHARAT PETROLEUM CORPORATION
LIMITED – 1st RESPONDENT**

**M/s. King & Partridge
M.Vijayan
M.Kumaresan
Advocates for 1st Respondent- BPCL
MoB: 9942036873**

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

**Original Application No. 17 of 2021 (SZ)
and
Original Application No. 265 of 2017 (SZ)**

1. Vipin Nath A V
S/o N K Viswanathan
Ammencheril House, Kakkad Kara,
Mamala PO, Ernakulam Dist
Kerala - Pin -682305
 2. Sinu C.Jacob
Thondattil House
Kakkad Kara, Mamala PO, Ernakulam Dist
Kereala - Pin-682305
 3. N G Soman
Nenjammalil
Ambalamedu P O
Ernakulam, Kerala – Pin - 682303
- ...Applicants

AND

1. M/s.Bharat Petroleum Corporation Limited
(Propylene Derivatives Petrochemical Project -PDPP)
Post Bag No.2, Ambalamugal-
Ernakulam District, Kerala, Pin-682 302
2. Ministry of Environment, Forest & Climate Change
Rep. by its Secretary
Indira Paryavaran Bhavan,
JorbaghRoad, New Delhi
3. Central Pollution Control Board
Rep. by its Member Secretary
'Parivesh Bhawan', East Arjun Nagar,
Shahdara,Delhi-110032
4. Engineers India Limited
Rep. by its Company Secretary & Nodal Officer
El Bhavan, 1, Bhikaiji Cama Place,
New Delhi-110 006, India
5. Kerala State Pollution Control Board
Rep. by its Member Secretary
Pattom P.O., Thiruvananthapuram-695 004
6. Petroleum and Explosives Safety Organization
Rep. by its Chief Controller of Explosives
A Block CGO Complex Fifth Floor Seminary Hills
Nagpur-(Maharashtra)440006



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As Keel
कुरियन पी आलपाट्ट KURIAN P ALAPATT
मुख्य महाप्रबंधक (मानव संसाधन) कार्यभारी
Chief General Manager (Human Resources)/C
भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड
Bharat Petroleum Corporation Limited
कोच्चि रिफ़ाइनरी Kochi Refinery
अम्बलमगुल Ambalamugal-682 302
एरणाकुलम ज़िला Ernakulam Dist., केरल Kerala

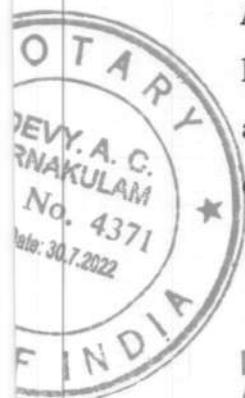
7. OIL INDUSTRY SAFETY DIRECTORATE
Rep. by its Executive Director
8th Floor, OIBD Bhawan, Plot No.2,
Sector-73, Noida, Utar Pradesh-201302
8. DIRECTORATE OF FACTORIES & BOILERS
Rep. by its Director
Suraksha Bhavan
Kumarapuram, Medical College, P.O.
Thiruvananthapuram
Kerala-695 011
- ...Respondents

OBJECTION FILED AGAINST TECHNICAL COMMITTEE REPORT
ALLEGATIONS ON BEHALF OF BHARAT PETROLEUM CORPORATION
LIMITED - 1st RESPONDENT

I, Kurian P Alapatt, son of A K Paul, aged about 59 years, Chief General Manager – Human Resources (HR), Bharat Petroleum Corporation Limited, Kochi Refinery, Ambalamugal – 682302, do hereby solemnly affirm and sincerely state as follows:

1. I am Chief General Manager (HR) of Bharat Petroleum Corporation Limited, Kochi Refinery and as such I am well acquainted with the facts and circumstances of the case. I, 1st Responder have already filed a detailed reply dated 31.05.2021 to the main application which is prayed to be read as a part and parcel of this affidavit. I am filling the present affidavit as objections to the Technical Committee Report dated 05.08.2021.

2. BPCL Kochi Refinery has completed the Propylene Derivatives Petrochemical Project (PDPP) and facilities are under varied stage of commissioning and stabilization. This project is a continuation of the Integrated Refinery Expansion Project (IREP) which was commissioned in the year 2017 at a cost of ₹14,656 crore. The project will integrate the Refinery with the downstream petrochemical unit at an investment ₹6000/- crore. These are projects of great national importance for an Atmanirbhar Bharat and Hon'ble Prime Minister Shri Narendra Modi himself had dedicated to the Nation the IREP units on 27 January 2019 and PDPP Units on 14 February 2021. These projects were conceptualized as a part of 'Make in India' initiative which will help the



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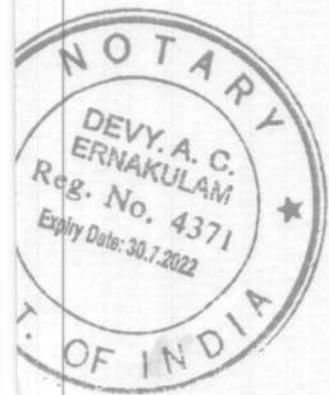
country to reduce predominantly imported niche petrochemical products and will lead to valuable foreign exchange savings.

3. The products from PDPP units such as Acrylates, Acrylic acid and Oxo-Alcohol are not currently manufactured in India. There are only few producers of these products in the world and are mostly located in developed countries of Europe, Japan, Singapore, and China etc. Technology licensors for these processes are limited. India is predominantly importing these products at present. Acrylic acid unit of PDPP will be the world's biggest single train facility. Acrylates unit will be producing Butyl Acrylate and 2-Ethyl Hexyl Acrylate and these will be the first of its kind plants in India, to be set up with imported licensed technology.

4. The products from PDPP are raw materials for industries such as paints, coatings, adhesives, water treatment chemicals and solvents. The PDPP project is expected to attract many ancillary industries getting set up in Kochi. In addition, Government of Kerala is setting up a petrochemical park in the vicinity of PDPP to encourage small scale industries getting set up along with PDPP.

5. BPCL-KR has taken utmost care to incorporate all the necessary features which ensures safety during normal operations & emergency conditions. Before installation of any such complex Process Plants, detailed studies are conducted through agencies having expertise in these fields and plants are built according to well established Design practices/codes incorporating outcome of such studies. The studies include

- a) Environmental Impact Assessment (EIA) Study
- b) Rapid Risk Assessment study (RRA)
- c) Hazard and Operability study (HAZOP) and Assessment of Safety Integrity Level (SIL)
- d) Quantitative Risk Assessment study (QRA)
- e) Emergency Response and Disaster management study (ERDMP)



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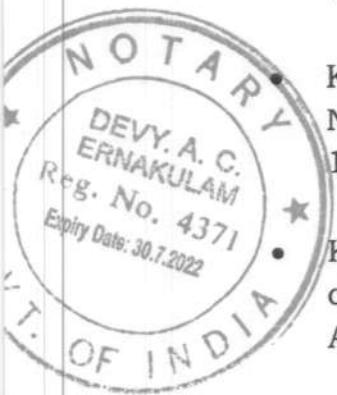
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6. Various clearances and approvals are obtained from regulatory/ Govt bodies which ensures compliance to applicable rules and standards. The same was obtained for PDPP as follow:

- Environmental Clearance obtained from MoEF & CC dated 15th May, 2015 vide F.No.J-11011/26/2013 - IA II (I)
- Site Appraisal accorded by Kerala Factories & Boilers Dept. 17th Feb, 2016 vide G.O.(Rt) No 268/2016/LBR, Thiruvananthapuram, Dated 17.02.2016.
- PESO approval for overall plot plan and all equipment layout 07th Dec, 2016 vide P 5(2)496 /Refinery - dated 07-12-2016
- Consent for Establishment obtained from KSPCB 17th May, 2018 vide Consent No: PCB/HO/EKM-2/ICE/02/2018 Dated 17-05-2018
- PESO approval for updated overall plot plan & layouts 11th Sept, 2018 vide P 5(2)496 /Refinery - dated 11-09-2018
- Consent to Operate obtained from KERALA -SPCB 20th Aug, 2019 vide Consent No: PCB/HO/EKM-2/ICO/09/2019 - Dated 20-08-2019
- NOC from Fire and rescue dept. 14th Dec, 2018 vide D1-7904/2016 - Dtd.14.12.2018 from Regional fire office Ernakulam
- NOC from Local bodies (Village Officer Puthencruz) 14th Nov, 2018 vide Letter No 342- 2018 Dtd.14.11.2018
- NOC from Additional District Magistrate, Ernakulam 09th Oct, 2020 vide NOC No. 49/2020 Dtd.09-10-2020 (Under rule 144 of Petroleum Rules and OISD 116 guidelines)
- PESO Commissioning approval for Acrylic Acid Unit 04th Aug, 2020 vide P 5(2)496 /Refinery II - dated 04-08-2020

Kerala Factories and Boilers Department 08-May 2019 vide Doc No.T3/10811/2019/F&B/R Dis, Dated 08-05-2019 Permit number 109/2019

Kerala Factories and Boilers Department 6-Sept-2020 Amendment of factory license including PDPP project vide Permit No.109/2019 Amendment letter dated 16-Sept-2020.



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- Central Electrical Authority – Approval 13th Mar, 2019 & 03rd Oct, 2019

7. The Technical Committee Report is factually not correct and hereby denied. Before the formation of the Technical Committee constituted by Chairman, KSPCB, Govt. of Kerala has formed a high level Expert committee based on the recommendation of Govt. Petitions' Committee for the scientific study of health and safety of the residents living near BPCL Kochi Refinery and also to conduct a complete Refinery Quantitative Risk Assessment (QRA) study with an external independent agency.

8. Several petitions were brought to the notice of the Government of Kerala through various offices by residents near Kochi Refinery of Bharat Petroleum. The complaints were mainly on safety and health related issues owing to alleged pollution in the vicinity of the BPCL-Kochi Refinery and at its new project sites of Propylene Derivatives Petrochemical Project (PDPP) and Motor Spirit Block Project (MSBP). The matter was brought to the notice of the Kerala State Legislative assembly Petition committee. The Petition committee consists of 5 MLAs with officials from the legislative assembly. The petition committee conducted 2 public hearings with all petitioners, statutory authorities and the company. After the second hearing Petitions' Committee recommended the formation of an expert committee for the scientific study of health and safety of the residents living near BPCL Kochi Refinery and also to conduct a complete Refinery Quantitative Risk Assessment (QRA) study with an external independent agency. The Government of Kerala considered these recommendations of the Petitions Committee, of Kerala Legislative Assembly and MD, KSIDC vide GO (Ord) No:669/2020/Industries, Thiruvananthapuram Dated 20/08/2020 formed the expert committee presided over by the Principal Secretary (Industries).

9. The Expert committee was presided by Shri. APM Mohammed Hanish, IAS, Principal Secretary (Industries) Govt. of Kerala and following were the members of the expert committee:

- Prof Shiva Nagendra, Professor, Civil Engineering Dept, Indian Institute of Technology (IIT), Chennai.



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എറണാകുളം ജില്ല Ernakulam Dist കേരള Kerala

- Dr. R. Venugopal, IPES, Dy Chief Controller, Petroleum & Safety Organization (PESO), Kochi.
- Dr. T Mukundan, Retd. Scientist-G, Associate Director (Materials), Naval, Physical & Oceanographic Laboratory (NPOL), Kochi.
- Dr. V Sivanandan Achary, Professor and Director, School of Environment Studies, CUSAT, Kochi.
- Shri. S Suhas IAS, District Collector, Ernakulam (Representative Revenue Dept.)
- Shri. Santosh Koshy Thomas, Managing Director, KINFRA.

10. The Expert Committee appointed by GoK visited Kochi Refinery and had site visit of projects and had three review meetings.

SNO	PROCEEDINGS	DATE
1	Kochi Refinery site visit & First sitting	06 November 2020
2	Second sitting at Kochi Refinery	04 December 2020
3	Third sitting at Kochi Refinery	22 January 2021
4	Report submitted by Expert committee to Govt. Of Kerala	

11. The Expert Committee also reviewed the independent Quantitative Risk Assessment study (QRA) report of the entire Refinery including PDPP and Motor Spirit Block Project (MSBP) submitted by M/s Bureau Veritas Industrial Services (I) Pvt. Ltd, Mumbai. This scientific QRA study was conducted as per the directive of the Govt. petitions' Committee. M/s Bureau Veritas Industrial Services (I) Pvt. Ltd, Mumbai was selected based on the tender floated as per the list given by Govt. of Kerala. The study extensively covered consequence analysis and considered hazard distances for all selected failure cases including explosions, major leaks etc. and concluded that the impact of all scenarios are contained within the boundary limits of BPCL Kochi Refinery. Further, with the safety measures, maintenance program and emergency response plans that are available with BPCL-KR, the risk falls in "As Low As Reasonably Practical" (ALARP) level. The expert committee has already submitted their report dated 15.02.2021 to the Government Petitions' Committee. ***This Expert Committee concluded that the health, Safety and Environment norms as applicable to a Refinery unit as per State and Central statutory stipulations have been met by BPCL Kochi Refinery.*** The



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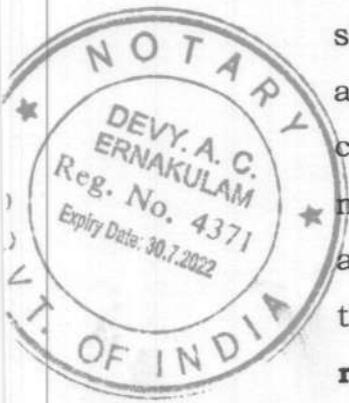
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copy of the Expert Committee Report dated 15.02.2021 which was received from district administration is attached (**Annexure - 1 - Expert Committee Report_BPCL KR**).

12. However, due to the repeated complaints with malicious motives from neighbourhood on alleged pollution, KSPCB chairman based on the request from CPCB, constituted another committee to study the pollution and safety aspects of the new projects. We do not understand the rationale behind this motive as a high-level Expert committee constituted by the Govt. of Kerala has already conducted a detailed scientific study with the collection of more than 6 months on line data and submitted an exhaustive report before the formation of the technical Committee.

13. The contents of point No:1 under chapter 5 of observation and recommendation of the Technical Committee are hereby denied as false. It is submitted that BPCL-KR has always displayed highest level of commitment towards all the compliance conditions and stipulated norms regarding protection of health, safety and environment for our stakeholders. The Environment, Health and Safety Management systems in place at BPCL-KR are the best in class. The same amount of persistent attention and vigil are being maintained for IREP, PDPP and MSBP also. There has been no instance of violation with respect to relevant conditions of Environmental clearance (EC) / Consent to Operate (ICO) or any other clearances / norms applicable for existing and new facilities.

- a) The allegation of high NOx value in the stack of PFCCU regenerator was not correct and the same was justified to KSPCB in many occasions with proper evidence (**Annexure- 2 - Real Time Data Acquisition and Monitoring report for PFCCU Regenerator Stack NOx**). There is continuous ambient monitoring facility as stipulated by KSPCB and the ambient conditions around refinery and all refinery stacks are monitored round the clock. These are connected to Pollution Control Board (PCB) servers for 24 X 7 monitoring. On 4th March 2021, in addition to KSPCB sampling, another stack analysis was also performed by KSPCB approved third party "A" grade laboratory (**Annexure- 3 - Eco Lab 3rd party report for PFCCU stack**). The NOx reading as submitted by third



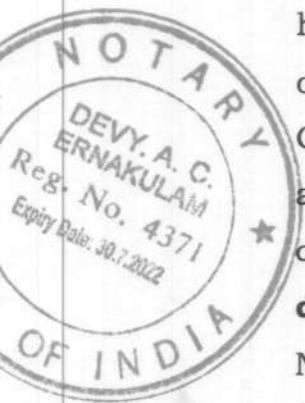
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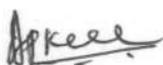
party laboratory was also found to be complying within the specified PCB limits.

- b) On the allegation of high phenol compounds in the treated water samples, it is submitted that BPCL is monitoring the Phenol content at authorized Outlet of Kochi Refinery on a daily basis and none of our analysis was reported beyond the permitted limits of KSPCB. In addition to the same Outlet sample is being analysed by KSPCB approved third party "A" grade laboratory on a monthly basis and no deviation has been reported so far. BPCL results from March 1st to 25th (**Annexure - 4 - BPCL laboratory report for Phenol**) and the third party analysis report on 13th February 2021 (**Annexure- 5 - Eco Lab 3rd party report for Phenol**) also shows no deviation from stipulated limit. To prove the results beyond doubt, on 5th May, 2021 3 No's of Outlet samples, collected at the same time was analysed in two different laboratories including BPCL Quality Control and KSPCB Approved 'A' grade laboratory along with KSPCB analysis. These results are consistent with BPCL Quality control analysis (**Annexure - 6 - BPCL laboratory report for Phenol and treated effluent**), KSPCB Approved 'A' grade laboratory (**Annexure - 7 - Cochin test house 3rd party report for phenol and treated effluent**) and KSPCB analysis (**Annexure - 8 - KSPCB analysis report for phenol and treated effluent**) and are well below the Minimum National Standards (MINAS) permitted limit.
- c) On the allegation of high noise levels outside BPCL Kochi Refinery boundary area, it is submitted that we have been operating complex refinery units of world scale capacity at Ambalamugal, Ernakulam for past several decades in a clean, green and safe manner. There has been no instance of violation with respect to relevant conditions of Environmental Clearance (EC) / Consent to Establish (ICE) / Consent to Operate (ICO) or any other clearances / norms applicable for this facilities. BPCL - Kochi Refinery has been declared as an Industrial Zone (**Annexure - 9 - Govt Notification declaring Refinery area as industrial zone**). The schedule of the Noise Pollution (Regulation and Control) Rules 2000 stipulates Ambient Air Quality Standards in respect of Noise applicable to



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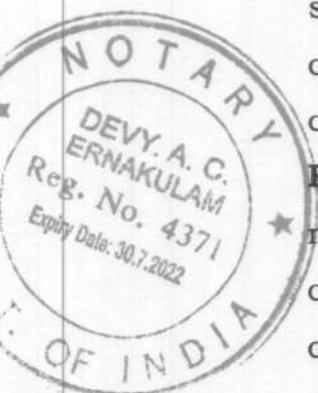



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Industrial Area as 75 dBA during day time (06:00 AM to 10:00 PM) and 70 dBA during night time (10.00 p.m. to 6.00 a.m.) (**Annexure - 10 - Noise Pollution (Regulation and Control) Rules, 2000 - schedule**). We have maintained our noise level well within industrial zone standard limits (**Annexure - 11 - PDPP area sound monitoring - F&B sheet- APR - JUN 2021**). The overall noise levels in and around projects are well within the standards. However, the facilities have been commissioned and during normal operation, the sound levels of the units will be much less than the specified limits.

- d) With respect to the complaints regarding flaring, Refinery flare is an inevitable part of the Refinery for ensuring safe disposal of hydrocarbon and off gases generated during emergencies. Flare stack is an emergency relief device where the flame and emission source are located at a height of 100 meters above the ground. The variance in flaring quantity is only a temporary phenomenon associated with commissioning activities. During the normal operation, only pilots will be in line where fuel firing quantity will be very minimal. No unwanted flaring is anticipated once the project units are stabilized and are on stream. The same was reviewed by the high level Expert Committee and have acknowledged the importance and ground reality.
- e) **Flare stack location:** We wish to highlight that the new facilities developed as part of PDPP / MSBP projects strictly adhere to statutory guidelines as prescribed by OISD / PESO. All distance criteria as projected in the guidelines have been maintained and can be reviewed in the approved layout drawings (**Annexure- 12 - PDPP complex major distance compliance table**). This is further monitored by OISD / PESO during pre-commissioning audit and commissioning clearance is given only after confirming satisfactory compliance to the norms.

OISD Distance Norms to Boundary wall		
Sl. No	From	Distance in (meters)
1	Process Unit	60
2	Process control room	30
3	Class A Storage tank	0.5 D Min 20
4	Class B Storage tank	0.5 D Min 20



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5	Pressured storage LPG	Max 90
6	Flare	90
7	POL Bulk Loading	Max 20
8	POL Bulk Loading LPG	30
9	Fire Station / First Aid Centre	12
10	Boiler House /Process Unit Heaters	50
11	Rail spur	30
12	Cooling tower	30
13	Electrical sub Station	15

In addition to the above, we are much obliged to submit the following:

- i) The COVID First Line Treatment Centre (CFLTC) and Govt. COVID hospitals with 1500 beds are functioning right next to the plant in Refinery land and there are several hundreds of patients undergoing treatment and care with direct Oxygen supply from the Refinery. These facilities are under the supervision of the Govt. Health Dept. and District Administration with the help of nearly hundred nurses and Doctors (**Annexure - 13 - Letter from Chief Secretary for providing Oxygen beds- COVID**).
- ii) Many families are living in the Refinery Quarters and have not been afflicted by any of the pollutions as alleged by the residents.
- iii) Over 2000 Refinery employees and 5 times its number of contract employees are working round the year in the past so many years on various projects and they are totally safe. No extreme health issues were found as per the Medical examinations report in the investigations done as per directive of the Human Rights Commission.
- iv) CISF officials total strength of 324 staff with 144 family accommodation and balance 180 bachelor accommodation totalling around 750 people are also staying in side Refinery land and many migrant labours are also staying near vicinity which are equally populated like outside.

14. The contents of point No: 2 under chapter-5 of the Technical Committee report are hereby denied as false. That over the years BPCL-Kochi Refinery has been in the forefront in executing several projects for the improvement of fuel quality and the Environment as a whole. BPCL Kochi Refinery has always been meeting the compliance requirements

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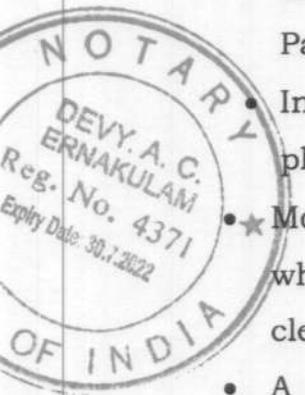


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stipulated by statutory bodies such as MoEFCC, KSPCB and CPCB. We are recipient of KSPCB pollution control awards for heavy industries continuously for the last 12 years and several prestigious awards from different forums (**Annexure - 14 - KSPCB pollution awards and other prestigious award**). BPCL - Kochi Refinery has developed green belt inside Refinery premises as guided by the environment clearance (EC) conditions. The Environment Clearance (EC) for the Projects were issued only after scrutiny of the recommendations of Environmental Impact Assessment (EIA) Report, Rapid Risk Analysis (RRA) Report and the Public Hearing.

15. With respect to the green belt development at PDPP project, vide Environment clearance (F.No.J-11011/26/2013 - IA II (I)) issued by MoEFCC, BPCL- Kochi Refinery (**Annexure - 15 - PDPP Environment Condition Clearance**) has to earmark 40 acres of land in and around the units for developing green cover as part of PDPP project. BPCL Kochi Refinery has taken all efforts to develop the green cover as stipulated in the environment clearance. Over the last two years, more than 25000 saplings have been planted to develop green cover. The details of green cover are as below.

- The green belt development had started along with the construction activities and in the first phase, the green belt was developed along both sides of the canal and near the boundary walls in PDPP.
- The suitable native plant species were procured from the forest nurseries in consultation with Retried Dy. Forest Conservator.
- In the second phase, the green belt was developed aggressively around the PDPP areas earmarked as the green belt. The green belt is being developed in the form of various parks such as herbal park, Fruit Parks, Bird parks, Bamboo Parks, etc., inside the PDPP premises.
- In the final phase of green belt development, the large areas for sapling plantation was limited due to the various site clearance activities.
- Most of the waste materials were stored in the flare area (90(m) radius) which is not part of the green belt. It was disposed off as part of area clearing and commissioning.
- A portion of the land along the boundary was earmarked for storing scrap generated during the construction phase. At present all the scrap



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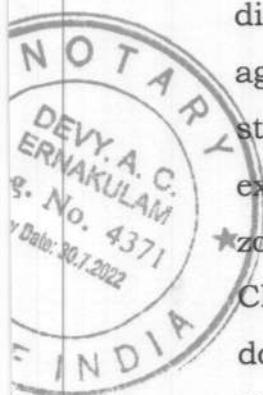
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has been disposed and the area is also being converted into green cover.

- As on 31st March 2021, we have developed 40.1 (acres) as green cover to meet the EC conditions. The same has been communicated in the compliance report submitted to MoEFCC. The latest compliance report is attached for your perusal (**Annexure - 16 - PDPP EC Compliance report submitted to MoEFCC**).

16. BPCL Kochi Refinery vehemently disagrees to the observation of the Technical committee with respect to the development of green cover as part of IREP project. We have conducted an exclusive survey for calculating total plant area and green belt area at Kochi Refinery. With reference to that survey, it has been identified that the total area at Kochi Refinery is 1344.93 acres, out of which Plant area is 924.63 acres (**Annexure-17 - Total green belt Drawing at KR**). The available green belt is 315.3 acres which is more than the requirement of 305.1 (acres) as prescribed in the MoEFCC guidelines (33 % of plant area). As part of the green cover, various parks and thick vegetation have been developed and maintained at various locations. These includes Eco park, Herbal park, Fruit Parks, Rainbow Park, Butterfly Parks, Bamboo Parks, Kalpakodyan (coconut grove), Miyawaki forest, Varshodhyan and Amruthasaras etc. (**Annexure - 18 - Eco park/ CDU-2 / rain water harvesting photo**) All conditions and requirements related to green belt are full filled and being maintained at Kochi Refinery as per Environment clearance and CPCB guidelines.

17. The contents of point No:3 under chapter-5 of the Technical Committee report are hereby denied as false. All project Units and facilities are strictly constructed as per OISD / PESO guidelines and all distance criteria have been maintained and checked by the statutory agencies before the commissioning of units. The distance criteria standard details have been explained in Point no: 13(e). There are no existing statutes from regulatory bodies regarding maintenance of buffer zone for Petroleum Refinery / Petrochemical plants. The Environment Clearances (EC) obtained from MoEFCC for PDPP and MSBP projects also do not stipulate any requirement of buffer zone. The Environment Clearance (EC) for the Projects were issued only after scrutiny of the



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recommendations of different reports viz; Rapid Risk Analysis (RRA) Report, the Public Hearing etc.

18. MB Lal committee safety recommendations directed by OISD / PESO has been complied by BPCL-KR. We wish to disagree with the Technical Committee report recommendation that the buffer zone has to be maintained around the Refinery as it is not a statutory requirement. The same was also objected by PESO representative in the Technical Committee and this is evident from the dissent note (**Annexure-19 - Dissent note by PESO regarding technical committee report**). The dissent note of PESO is relevant and it reads as follows:

"PESO is not consensual with the recommendations given in item-3 of chapter 5 of the technical committee report regarding the requirement of buffer zone of 250-300m around the refinery as per the recommendations clause 10.20(ii) of the M B Lal committee's report, since the same is not incorporated in the Petroleum Rules as yet. The committee can report on the existing statutes and not on the basis of some other committee's recommendations. Moreover, all the licences/ approvals granted by PESO to the BPCL-Kochi refinery under the Petroleum Rules are only after receipt of the No Objection Certificate (NOC) from the District Magistrate (DM). The NOC issued by the DM is after due consideration of all safety aspects of the vulnerable sections of society as stated in Clause 10.20(i) of the M B Lal committee's report. Hence recommendations for implementation of 250-300 meter green belt may be deleted in the report if it is not statute under the acts and rules administered by other organizations".

19. The contents of point No: 4 of Chapter 5 of the Technical Committee report are hereby denied as false. BPCL - Kochi Refinery have taken utmost care to incorporate all the necessary features which ensures safety during normal operations & emergency conditions. Before installation of any such complex Process Plants / units, detailed studies are conducted through agencies having expertise in these fields and units are built according to well established Design practices/codes incorporating outcome of such studies. The studies include

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1. Environmental Impact Assessment (EIA) Study
2. Rapid Risk Assessment study (RRA)
3. Hazard and Operability study (HAZOP) and Assessment of Safety Integrity Level (SIL)
4. Quantitative Risk Assessment study (QRA)
5. Emergency Response and Disaster management study (ERDMP)

20. The various clearances and approvals which are obtained from regulatory/ Govt bodies ensures compliance to applicable rules and standards for Propylene Derivatives Petrochemical Project (PDPP) are mentioned above in the point No: 6.

21. MoEFCC has already considered the EIA recommendations and prevailing norms before issuing the Environmental Clearance conditions considering this particular site. The EC for PDPP (F.No.J-11011/26/2013 -IA II (I) dated 15thMay, 2015) clearly spells about the area requirement for the green belt (40 acres) and nothing is mentioned about the buffer zone. As mentioned earlier, all project Units and facilities are strictly constructed as per OISD / PESO guidelines and all distance criteria have been maintained.

22. Acquisition of land for any project is planned based on the OISD / PESO distance guidelines and project requirement. With respect to PDPP and MSBP projects, all land acquisition has been completed as per the facilities required for the project including the development of green cover. Currently no major projects or expansion plans are envisaged by BPCL Kochi Refinery.

23. Moreover, any request for land acquisition has to be approved by the State Level Monitoring Committee (SLMC) headed by Chief Secretary, Government of Kerala. For a specific proposal to be cleared by the SLMC, detailed feasibility study, social impact study, complete plot plan and an

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approved project and budget are essential. The statutory committee has to ascertain that only required extent of land is acquired.

24. The Government has very clearly specified that, if the acquired land is not used within five years, it can take back the land and return it to the eligible land owners or assign it to Land Bank (Chapter X111 clause 101 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013). The land acquired is to be strictly utilized for the intended purpose only (Chapter X111, clause 99 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act 2013).

25. On the above context, we regret to note that the acquisition of land specified in the committee report is beyond the requirement of BPCL-Kochi Refinery.

26. Further, with regard to Technical Committee general recommendations and suggestions, M/s BPCL Kochi Refinery would like to submit that as per the Panchaythi Raj and Nagarapalika Act, the rights of the water bodies are vested with Local Self Government. The above said widening and development of the existing Thodu which was almost silted and in a poor condition was taken up as per the request and resolution with a signed copy of the drawing from the Thiruvaniyoor Grama Panchayat. Based on this, BPCL had submitted the request to Principal Secretary as explained earlier. In addition to that, based on the direction from Additional Chief Secretary (LSGD), Thiruvaniyoor Grama Panchayat had also submitted necessary documents including resolution, drawing, etc. to Govt. of Kerala for issuing necessary orders. BPCL also had a meeting with Local Self Government Department (LSGD) state level officials in this regard.

27. As per the Panchayti Raj and Nagarapalika Act, Grama Panchayat (Local Self Government) is the custodian of the Thodu. They have passed a resolution for diverting the Thodu as per the MoM dated 2nd February

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2016 (**Annexure - 20 - Grama Panchayat Minutes along with Resolution for PDPP canal rerouting**). In addition to BPCL's request to Government of Kerala, Thiruvaniyoor Grama Panchayat has also submitted the necessary documents to Govt. of Kerala for obtaining necessary approval.

28. Based on the Minutes of Meeting of the rerouting of the Thodu , a study was conducted through M/s Engineers India Ltd., a Govt. of India Public Undertaking company, for rerouting the said Thodu on the southern side of our acquired property by providing sufficient width and depth (23 meters width on top & 11 meters at bottom and 5 meters depth) for free flow of entire storm water of nearby areas to Chithrapuzha. BPCL \ EIL has not disturbed the hydrology of the existing area. The existing canal was located at an RL of -0.5 meter and we have maintained the same level for the diversion of the Thodu. We would also bring to your attention that the flooding in the area was minimal compared with other places in the District during the worst flood of Kerala in 2018. It was mainly because of the widening of this Thodu.

29. As per the Minutes of Meeting between Vadavucode Puthencruz Grama Panchayat and BPCL dated 09/12/2015, and subsequent visit by President of Vadavucode Puthencruz Grama Panchayat to the site, a diversion canal was constructed from the rerouted canal to existing canal on the northern side for ensuring the uninterrupted flow of water at south-western boundary. This has helped in avoiding water logging in the area.

30. Based on the meeting between Thiruvaniyoor Grama Panchayat and BPCL, the Panchayat had passed a resolution and it has been sent to Govt. of Kerala for obtaining approval and related orders. This is in addition to BPCL's request to Govt. of Kerala for approval.



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31. It may be noted that the original canal was having a width of about 5 meters and the total area of old Thodu was about 1 acre and 80 cents. The rerouted canal is having a width of 23 meters and approximate area is 8 acres. Now, there is no water logging in this area. It may be further noted that Government of Kerala has issued Government Orders, **(Annexure - 21 - Govt. orders for the conversion of paddy land granting permission to BPCL Kochi Refinery)** for the conversion of paddy land for its expansion and allied petrochemical project.

It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the above application as against the 1st Respondent and thus render justice.

Solemnly affirmed at Kerala on this the 13th day of September, 2021 and signed his name in my presence.



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BEFORE ME

NOTARY: KERALA

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