

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

**O.A.No. 265 of 2017 (SZ)
With
O.A.No. 17 of 2021 (SZ)
With
O.A.No. 01 of 2022 (SZ)**

IN THE MATTER OF

Applicant : N.G.Soman
Vs.
Respondents : Bharat Petroleum Corporation Limited & Ors.

WITH

Applicant : Vipin Nath A. V & Sinu C.Jacob
Vs.
Respondents : Bharat Petroleum Corporation Limited & Ors.

WITH

Applicant : Kuzhikkad Residents Association
Vs.
Respondents : The Secretary MoEF&CC & Ors.

**MEMO FILED ON BEHALF OF KERALA STATE POLLUTION CONTROL
BOARD, 3RD AND 4TH RESPONDENTS**

It is submitted on behalf of the 3rd and 4th respondents as follows:

1. A report dated 12.02.2024 was filed by the Chief Environmental Engineer for and on behalf of the Kerala State Pollution Control Board in the above matters giving factual details addressing the grievance of the applicants.

2. Since there has been no further instructions to be reported in the above matters, the above mentioned report already taken on file may be considered and appropriate orders be passed. Enclosed is a copy of the said report dated 12.02.2024. Further reports will be filed as and when further directions are issued by this Hon'ble Tribunal to these respondents.

It is therefore prayed that this Hon'ble Tribunal may be pleased to take on record the memo filed on behalf of the Kerala State Pollution Control Board, 3rd and 4th respondents and thus render justice.

Dated at Ernakulam this the 27th day of May, 2024



Rema Smrithi VK
Standing Counsel for KSPCB
3rd and 4th Respondents

BEFORE THE HONOURABLE NATIONAL
GREEN TRIBUNAL
SOUTH ZONE, CHENNAI

Original Application No.265 of 2017 (SZ)
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Vs
Respondents : The Secretary MoEF&CC & Ors.

REPORT FILED BY THE CHIEF ENVIRONMENTAL ENGINEER
FOR AND ON BEHALF OF THE KERALA STATE POLLUTION
CONTROL BOARD



Standing counsel for the 3rd and 4th respondents in O.A 265 of 2017

Rema Smrithi. V. K., Advocate
Additional Standing Counsel, National
Green Tribunal, (SZ), CHENNAI

BEFORE THE HONOURABLE NATIONAL GREEN
TRIBUNAL

SOUTH ZONE, CHENNAI

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Dated this the 12th day of February, 2024.

Rema Smrithi. V. K., Advocate

Standing Counsel for the 3rd and 4th Respondents in O.A 265 of 2017

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE, CHENNAI

Original Application No.265 of 2017 (SZ)
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 Vs
 Respondents : The Secretary MoEF&CC & Ors.

REPORT FILED BY THE CHIEF ENVIRONMENTAL ENGINEER
FOR AND ON BEHALF OF THE KERALA STATE POLLUTION
CONTROL BOARD

I, Baburajan P K, aged 53 years, working as Chief Environmental Engineer, Regional Office, Kerala State Pollution Control Board, Ernakulam. I am competent to and duly authorized to represent the 1st Respondent in the above application. I know the facts and circumstances of the case. The factual submissions made here under are true and correct to the best of my knowledge, information and belief. In these circumstances, it is just and necessary that this Hon'ble Tribunal may be pleased to accept the accompanying information on file and it is so humbly prayed in the interests of justice in this case.




BABURAJAN P.K.
 Chief Environmental Engineer

1. It is respectfully submitted that against the order dated 19.04.2022 of the Hon'ble NGT (SZ) in OA.No.265 of 2017 (SZ), OA.No.17 of 2021 (SZ) and OA No. 01 of 2022 (SZ) which are all regarding Bharat Petroleum Corporation Limited- Kochi Refinery, Ambalamugal, Kochi, BPCL submitted Civil Appeal in Hon'ble Supreme Court of India. The subject Civil Appeals 5128-5130/2022 was listed before the Hon'ble Supreme Court on 22-08-2022. On the same day, Hon'ble Supreme Court granted a stay on the direction imposing a penalty of Rs. 2,00,00,000 (Two Crores Only) on BPCL. The Hon'ble Supreme Court stayed the operation of the impugned order under further orders vide order dated 22-08-2022. As per the order dated 04-12-2023, the said case in Hon'ble Supreme Court is pending. The copies of the orders are attached as **Annexure 1** and **Annexure 2** respectively.
2. It is respectfully submitted that complaints have been received by the Board regarding the sound pollution during the commissioning activities of PDPP project, from last months of 2019 onwards. Based on the complaints a hearing was conducted in the Chamber of Chairman on 09/12/2019. The complainants and BPCL, officials participated in the hearing. Directions were given to BPCL authorities based on the decision taken in the hearing to provide sound control measures at the source. Also the District Office was directed to monitor the sound level during commissioning activities. Continuous noise monitoring was conducted for two weeks in January 2020. On 10/01/2020, the Board Chairman along with Chief Environmental Engineer, Regional Office, Environmental Engineer, District Office-2, Ernakulam visited the site and verified the commissioning activities and the control measures provided by the project proponent and directions were given to provide additional control measures to mitigate the noise problem. As per the hearing, and directions given based on the field visit, company provided sound absorption panels in the steam venting line. Acoustic enclosures were provided by installing sound absorption panels in the steam venting line. Acoustic enclosures were provided for water pumps used for pumping raw water. The length of the pipe discharging into the quarry pond was also increased.
3. It is respectfully submitted that Sri. VipinNath and residents located near Adookara area have lodged many complaints against PDDP project from 2021 onwards through various forums. The details of inspection conducted by Board officers based on the complaints and with officials from MoEF and Central Pollution Control Board are given in the table below.




BABURAJAN P.K.
 Chief Environmental Engineer

Sl. No	Date	Officers conducted inspection/monitoring	Purpose
1	05/04/2022	NAMP Operators	Routine sampling and monitoring
2	12/04/2022	Assistant Engineer and NAMP Operator Complaint against PDPP- Vipinnath	Complaint by Vipinnath against PDPP
3	08/06/2022	Chief Environmental Engineer, Environmental Engineer, Assistant Environmental Engineer, Regional Office, Ernakulam	Inspection at outskirts of BPCL project area.
4	06/07/2022	Environmental Engineer, Executive Engineer- Irrigation Department	Inspection at various lands of BPCL
5	14/07/2022	NAMP Operators	Routine sampling
6	02/09/2022	Assistant Engineer, NAMP Operators	Complaint enquiry against PPP from Addokara area
7	07/10/2022	NAMP Operators	Sampling
8	09/11/2022	Chief Environmental Engineer, Environmental Engineer, Assistant Environmental Engineer, Regional Office	Inspection at all the individual units of M/s. BPCL, Kochi Refinery.

4. Based on the inspections necessary directions were given to the project proponent to rectify the problems noticed during the enquiry. The details of the directions given to the company authorities are given below:

SL No	DATE	LETTERS GIVEN	SUBJECT MATTER	MARKED AS
1.	17-02-2021	Executive Director	Noise pollution from PDPP	Annexure 3
2.	26-11-2022	Executive Director	Direction to install CANMS at PDPP	Annexure 4




BABURAJAN P.K.
 Chief Environmental Engineer

From the above details it is clear that Pollution Control Board addressed the complaints raised by the complainants with due seriousness and necessary actions were taken to rectify the pollution problems raised by the complainants.

5. It is respectfully submitted that M/s BPCL- Kochi Refinery, as per environmental clearance conditions and consent to operate conditions, provided Continuous Ambient Air Quality Monitoring Stations (CAAQMS) at five locations including PDPP project area. The CAAQMS are linked to Kerala State Pollution Control Board server and Central Pollution Control Board server for Real Time Monitoring of data. Major stacks in the refinery are provided with Real Time Emission Monitoring System and these are also linked to Kerala State Pollution Control Board and Central Pollution Control Board servers. For plant start up and shut down, flare gas recovery system is used. Venting and flaring are important operational and safety measures used in the refinery particularly during non- routine operational periods. For controlling fugitive emissions occurring from leaking of valves, flanges, pump seals, storage tanks, compress or seals, pressure valves, a Leak Detection Prevention and Repair Programme (LDAR) is practiced in refinery.
6. It is respectfully submitted that for waste water treatment, ETP of adequate capacity having all the treatment facilities to achieve the standard prescribed in the consent conditions are provided in all the process plants. For the treatment of waste water generated in the company, for high COD waste water, liquid incinerator is provided. The low COD waste water is diverted to the ETP of IREP project (Refinery project of M/s BPCL). The main sources of noise in the Petroleum Refinery include large rotating machines such as compressors, turbines, pumps, air coolers, blowers, fans and heaters. Acoustic enclosures and dampening hoods are provided to maintain noise within the permissible limits.
7. The complaints received at various offices of the Board are inspected with due importance and necessary directions are being given to the company for redressing the problems if found genuine. It is respectfully submitted that as per the various orders of the Hon'ble High Court of Kerala and the National Green Tribunal, and as per the various complaints received, Ambient Air/Noise monitoring and well water monitoring had been conducted by the Board in and around the industry on various dates. Also monthly routine inspections were conducted in BPCL- KR. Details of the same are as follows:




BABURAJAN P.K.
 Chief Environmental Engineer

Sl. No.	Date of monitoring	Location	Particulars
1	18/04/2023	BPCL	Treated effluent sample collection
2	10/05/2023	Ettikkara near BPCL	Well water Monitoring
3	11/05/2023	BPCL	Routine Inspection
4	12/05/2023	BPCL	Treated effluent sample collection
5	07/06/2023	BPCL	Treated effluent sample collection
6	07/07/2023	BPCL	Treated effluent sample collection
7	07/07/2023	Adookkara, Ward 16 of Vadavukodu- Puthencruze Grma Panchayat	Well water Monitoring
8	03/08/2023	BPCL	Routine Inspection
9	05/08/2023	BPCL	Treated effluent sample collection
10	12/09/2023	BPCL	Treated effluent sample collection
11	21/09/2023 – 23/09/2023	Ayyankuzhi Area of Vadavucode- Puthencruze GP	Sound, Air and Well water monitoring & Effluent treated effluent sample collected from company
12	17/10/2023	BPCL	Treated effluent sample collection
13	14/11/2023	BPCL	Treated effluent sample collection
14	16/01/2024	BPCL	Routine Inspection

8. A direction was already sent to M/s BPCL- KR on 12.05.2023 for the strict compliance with the consent conditions and the environmental standards. It was also directed to provide an additional continuous sound monitoring station in the compound of the industry to assess the noise level.




BABURAJAN P.K.
 Chief Environmental Engineer

All that is stated above are true to the best of my knowledge information and belief.

Dated this the 12th day of February, 2024.




BABURAJAN P.K.
Chief Environmental Engineer

Chief Environmental Engineer

BEFORE THE HONOURABLE NATIONAL GREEN
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Dated this the 12th day of February, 2024.

Rema Smrithi. V. K., Advocate

Standing Counsel for the 3rd and 4th Respondents in O.A 265 of 2017

ITEM NO.23

COURT NO.5

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 5128-5130/2022

M/S BHARAT PETROLEUM CORPORATION LIMITED

Appellant(s)

VERSUS

N.G. SOMAN & ORS.

Respondent(s)

(FOR ADMISSION and IA No.109533/2022-STAY APPLICATION
and IA No.109534/2022-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 22-08-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER

HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Appellant(s)

Mr. V.Giri, Sr. Adv.

Mr. T. Sundar Ramanathan, AOR

Mr. Vivek Pandey, Adv.

Ms. Sukanya Viswanathan, Adv.

Mr. Shrirang B.V.Arma, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Issue notice.

Operation of the impugned order shall remain stayed
until further orders.

Tag with Civil Appeal No.4576 of 2022.

(ANITA MALHOTRA)
AR-CUM-PS

(KAMLESH RAWAT)
COURT MASTER

Signature Not Verified
Digitally signed by
Anita Malhotra
Date: 2022.08.23
17:35:22 IST
Reason: []

ITEM NO.21

REGISTRAR COURT. 1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR SH. H. SHASHIDHARA SHETTY

Civil Appeal No(s). 4576/2022

VIPINNATH A V & ANR.

Appellant(s)

VERSUS

M/S BHARATH PETROLEUM CORPORATION LIMITED & ORS. Respondent(s)

(CA No. 5128-5130 of 2022 - For service compliance only.)

WITH

C.A. No. 5128-5130/2022 (XVII)

(FOR)

Date : 04-12-2023 This appeal was called on for hearing today.

For Appellant(s)

Mr. T. Sundar Ramanathan, AOR
Petitioner-in-person

For Respondent(s)

Mr. Vivek Pandey, Adv.
Ms. Aastha Sardana, Adv.
Mr. Krishan Singhal, Adv.
Mr. T. Sundar Ramanathan, AOR

Dr. Laxmi Shastri, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Avneesh Arputham, AOR
Mr. Ankit Sharma, Adv.

Mr. Sandeep Kumar Mahapatra, Adv.
Ms. Mrinmayee Sahu, AOR
Ms. Kritika Sharma, Adv.

Mr. Jogy Scaria, AOR
Ms. Beena Victor, Adv.
Mr. Vivek Guruprasad Ballekere, Adv.
Mr. Vivekguruprasad Ballekere, Adv.
Mr. R Ramesh, Adv.

contd...

Ms. M Priya, Adv.

Mr. Amrish Kumar, AOR
Mrs. A Deepa, Adv.

Mr. Anil Shrivastav, AOR
Mr. Alok Kumar, Adv.

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.

Mr. Kaleeswaram Raj, Adv.
Ms. Thulasi K Raj, Adv.
Ms. Aparna Menon, Adv.
Mr. Mohammed Sadique T.a., AOR

UPON hearing the counsel the Court made the following
O R D E R

C.A. No. 5128-5130/2022

Respondent Nos.3 and 13 have filed counter affidavit.

Respondent Nos.4, 5, 10, 12, 14, 15, 21, 24 and 25 are granted four weeks' time, as last opportunity, for filing counter affidavit.

Ld. Counsel for the appellant is granted two weeks' time to take fresh steps and file fresh particulars in respect of the unserved respondent Nos.23, 26 and 27.

Respondent No.7-in person- has filed counter affidavit but it is defective. Four weeks' time is granted to cure the defects.

Service is complete on the remaining respondents, but none has entered appearance.

List again on 22.1.2024.

H. SHASHIDHARA SHETTY
Registrar

KERALA STATE POLLUTION CONTROL BOARD**DISTRICT OFFICE (ERNAKULAM -II), PERUMBAVOOR**

PMC. 20/733, Govt. Hospital -KSRTC Road, Near Kallumkal Auditorium, Perumbavoor - 683 542
Telephone : 0484-2593747

E-mail : pcbdo2ekm@gmail.com

Website : www.keralapcb.nic.in

File No: PCB/DO2-EKM/BPCL-PDPP/2018

DATE: 17.02.2021

From,

Environmental Engineer

District office 2, Ernakulam

Kerala State Pollution Control Board



To,

The Executive Director,

Bharat Petroleum Corporation Limited-Kochi Refinery,

Post Bag-2, Ambalamughal,

Sir,

Sub : Heavy sound and vibration from PDPP project site-Reg

Ref: - 1) Environment clearance from MOEF, F.NO.J-11011/26/2013-1A II (I)
dated 12/05/2015

2) Consent No. :PCB/HO/EKM-2/ICO/ 09 /2019 dated 28.08.2019.

Complaints has been received in this office from residents of Adookara area near PDPP plant of BPCL on today that heavy sound and vibration experienced from the flare stack. Also complaint against spreading of smoke in and around the flare stack. During inspection conducted noise was experienced at that area and the sound level monitoring revealed that it exceeds the ambient sound level standards prescribed for residential area as the measured noise level near the residence on the northern side of the flare stack was at a range of 60- 65dB(A) it was experienced that intense vibration at that area which might be due to faulty installation and need to be rectified immediately. It was also reported by the complainants that during morning time the sound and vibration are at its alarming level. You are reminded that exceedence of noise was identified on earlier occasions also and you have committed not to repeat such incidence any more.

In these circumstances, you are hereby directed to stop the flaring and venting activities till adequate control measures are adopted to reduce heavy noise and severe vibrations. It is also noticed that you have not completed installation activities till date. Hence you are directed to depute a team of officials at the complainants areas to ensure that no exceedence of noise or any other type of pollution are occurring which severely affect the daily life of people in that locality. Also relevant conditions of EC shall be strictly followed. Your actions in this regard shall be reported immediately.

Yours faithfully
DINESH K S Digitally signed by DINESH K S
Date: 2021.02.17 22:21:01
+05'30'
Environmental Engineer

Copy to,

1. The Chairman, Kerala state Pollution Control Board.
2. The Member Secretary, Kerala state Pollution Control Board.
3. The Chief Environmental Engineer, Regional office -Ernakulam,
Kerala state Pollution Control Board.



KERALA STATE POLLUTION CONTROL BOARD

REGIONAL OFFICE, GANDHI NAGAR, ERNAKULAM - 682 020

www.keralapcb.nic.in

PCB/RO-EKM/GEN-71/12

Date: 26.11.2022

From

Chief Environmental Engineer

To

Bharath Petroleum Corporation Ltd

Post Bag No. 2

Ambalamugal - 682302

Sub: - Inspection conducted on 09.11.2022 - reg.

Sir,

Please recall the discussion with the Executive Director on 09.11.2022 during the inspection conducted by the Board. You are hereby requested to install a Continuous Ambient Noise Monitoring Station at the Propylene Derivatives Petrochemical Project (PDPP) unit as discussed.

Yours Faithfully,

Chief Environmental Engineer