

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH, CHENNAI.**

Original Application No. 29 of 2022(SZ)

C. Danielraj,
Cuddalore District.

...Applicant

Vs

The Tamil Nadu Pollution Control Board & ors.

...Respondents

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Filed by
Tmt. Shanmugavalli Sekar
Advocate, Chennai.

Joint Committee Report of Revenue Divisional Officer, Chidambaram and District Environmental Engineer(a/c), Tamil Nadu Pollution Control Board, Cuddalore, with regard to OA No: 29 of 2022 (SZ) in the matter of C. Daniel raj Vs TNPC Board, and others.

The Divisional Manager, Nayara Energy Ltd, Chennai had applied for the grant of No Objection Certificate (NOC) under Petroleum Rules for proposed Retail outlet to store petroleum Class A/B (Petrol & Diesel Retail Service Station) to the District Revenue Officer, Cuddalore along with the details of Land, approval letter from Ministry of Commerce and Industry etc., on 15.06.2021,

The siting criteria for new fuel retail outlets are mentioned in the guidelines issued by the Central Pollution Control Board, Delhi which is communicated by CPCB to the Stake holders, State level Authorities who look after the issues related to fuel retail outlets at State Levels. The same was communicated by the TNPCB, Chennai to all the District Collectors including District Collector, Cuddalore vide Letter No: TNPCB/P&D/F.010551/2020, dated: 12.03.2021.

In the above guidelines, the para 'H' states as;

H. Siting criteria of Retail Outlets: *New retail outlets shall not be located within a radial distance of 50 meters (from fill point/ dispensing units/ underground storage tanks / vent pipe whichever is nearest) from schools and hospitals (10 beds and above). In case of constraints in providing 50 meters distance, the retail outlet shall implement additional safety measures as prescribed by PESO. In no case the distance between new retail outlet and sensitive areas shall be less than 30 meters. No high tension line shall pass over the retail outlet.*

The Applications filed by M/s. Nayara Energy Ltd to the DRO, Cuddalore were forwarded to the Superintendent of Police, District Fire Officer, Executive Engineer(Water Resources Organisation), Chidambaram, Superintending Engineer (Highways-Construction and Maintenance) Cuddalore, District Environmental Engineer, TNPC Board, Cuddalore to inspect the proposed site for the New Petrol Retail Outlet and send a report.

The Assistant Engineer, TNPCB, Cuddalore has inspected the proposed site for the establishment of the retail outlet of M/s. Nayara Energy Ltd at S.F. No.108/6A, Boothangudi Village, Chidambaram Taluk, Cuddalore District on 11.10.2021 and found that the site is vacant.

There are no schools, hospitals and residential areas within a radial distance of 50 meters, and hence the location proposed for the establishment of petroleum retail outlet is conforming the said guidelines issued by the CPCB. This was informed to the District Revenue Officer, Cuddalore by the District Environmental Engineer, Cuddalore vide Lr. No. DEE/TNPCB/CUD/F. No. 0986/Retail Outlet/2021, dated :13.10.2021.

The proposed petroleum retail outlet at SF No: 108/6A, Boothangudi village, Chidambaram Taluk, has obtained permissions/approvals from the following Authorities;

- (i) PESO (Govt. of India) Approval No: A/P/SC/TN/14/10993 (P508375) dated: 02.07.2021.
- (ii) Permission from Tamil Nadu Fire & Rescue department Lr. No. ந.க.எண் :7201/அ2/2021 நாள் : 22.07.2021.
- (iii) No objection certificate from The Regional Engineer (Highways) through க.எண் : 1442/2021/இவ அ - 1/நாள் : 18.10.2021.
- (iv) NOC issued by the Superintendent of Police, Cuddalore through ந.க. எண் : G1/E-214/2021 நாள் : 07.09.2021.

The Sub-Collector, Chidambaram has recommended the issue of NOC to the District Collector through ந.க.அ3/2170/2021 நாள் : 29.10.2021.

Finally the NOC for storage of petroleum products at S.F. No: 108/6A, Boothangudi Village, Chidambaram Taluk, Cuddalore District was issued by the Additional District Magistrate / Additional Collector, Cuddalore vide Ref : G1/17743/2021 dated: 02.12.2021., with the relevant terms & conditions.

The Applicant Thiru. C. Danielraj a resident of Vadalur, Kurinjipadi Taluk, Cuddalore District has filed the application in O.A. No. 29/2022, against the installation of the above Petroleum retail outlet.

The main contentions of the Applicant is;

The proposed fuel station at the site is less than 50 meters from the waterbody and the leakages from the underground storage tanks are a threat to ground water and soil contamination.

The operation of the fuel stations in impugned area poses serious environmental hazard to the public at large due to the presence of harmful petroleum vapour and other components in the atmosphere.

As per the orders of the Hon'ble NGT (SZ) dated:15.03.2022, the Committee consisting of Revenue Divisional Officer, Chidambaram and the District Environmental Engineer, TNPCB, Cuddalore was constituted. The above Committee has inspected the site at SF No. 186/6A, Boothangudi Village, Chidambaram Taluk on 08.04.2022 and the following were observed.

1. The site is found vacant and no construction activities are carried out. Stone wall is constructed on three sides for a height of 4 ft from ground level and earthfilling is done inside to raise the level of the plot.

2. The proposed site is surrounded by vacant lands on the North, South and Western sides. On the Eastern side there is road (MDR – 542) and then the extended tail part of Veeranam lake.

3. The Distance between the proposed storage area of petroleum tank shown by the representative of M/s. Nayara Energy Ltd and the firm bank of the Veeranam lake is measured and found to be 50 m. The bank of the lake is constructed with stone masonry.

For the contentions mentioned by the Applicant, the Committee submits the following;

The siting criteria for new Retail Outlets issued by the CPCB, was communicated to the District Collector by the Member Secretary, TNPC Board, Chennai vide Letter dated: 12.03.2021. Based on the guidelines, the District Environmental Engineer, Cuddalore has given the report that there are no schools, hospitals or residences for a radial distance of 50 m on all sides vide Ir dt: 13.10.2021.

This was verified at the site, by the Committee during the Joint Inspection on 08.04.2022. The Addendum to the guidelines for setting up of New Petrol

pumps states that the Retail outlets shall not be located within a distance of 50 meters from the nearest point of water bodies. The Addendum was communicated to all District Collectors and District Environmental Engineers on 03.01.2022, at a later date after the issue of NOC to this retail outlet, on 02.12.2021.

The Committee has measured the distance between the proposed place for storing the petroleum products in the above proposed site, and the bank of Veeranam lake, in the presence of Thiru. K. Anwar, the franchisee of M/s. Nayara Energy Ltd, and found to be 50 m.

The para (b) and (c) of Addendum provides that;

(b) For the Retail Outlets coming within 50 m to 100 m from the nearest point of surface water body shall have secondary containment by way of double walled tanks or concrete protection walls and underground storage tanks (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 through approved lab or labs with national / international accreditation. The monitoring shall be done for those Fuel retail outlets which are located within 100m from point of surface water bodies.

Accordingly, the proposed retail outlet shall install the necessary safety protections and carryout the monitoring of the groundwater and soil quality around the retail outlet.

For the other contention of the Applicant, about the harmful petroleum vapours from the retail outlet, the following is submitted;

The Hon'ble NGT (SZ), IN O.A. No. 138 of 2020, has ordered that the petroleum retail outlets have to install vapour recovery system (VRS) to recover the vapours from the petroleum products dispensing unit. Accordingly, The Chairman, TNPCB has addressed all the District Collectors informing that,

'it is requested that before the issue of NOC to the New Petrol pumps by the District Administration, the Guidelines issued by the CPCB as well the orders passed by the Hon'ble NGT (SZ) shall be taken into consideration. After getting the NOC from the District Administration for installation of petrol pump, the Applicant shall then approach the DEE, TNPCB for obtaining consent to

establish/consent to operate under the Water (P&CP) Act 1974 and the Air (P&CP) Act 1981.

It is submitted that the petroleum outlets shall apply for the consent of the Board after installation of the vapour recovery system(VRS) in the retail outlets.

Conclusion:

In light of the above, and upon the inspection of the committee at site, the following is concluded;

The petroleum retail outlet proposed at SF. No. 108/6A, at Boothangudi Village, Chidambaram Taluk, Cuddalore District was issued the necessary NOCs / permissions from the competent Authorities. It is submitted that the retail outlet may be instructed to carryout the following;

(i) The petroleum retail outlet shall ensure that the distance between the storage point of petroleum products and the firm bank of the Veeranam lake shall be maintained at a distance not less than 50 m.

(ii) The retail outlet shall have secondary containment by way of double walled tanks or concrete protection walls around Underground Storage Tank (UST), as per the Addendum to the guidelines issued by the CPCB.

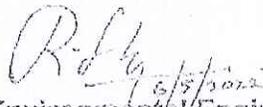
(iii) The retail outlet shall install necessary vapour recovery system (VRS) and apply for the consent order of the TNPC Board under Water (P& CP) Act 1974 and Air (P& CP) Act 1981, in compliance with the orders of the Hon'ble NGT(SZ).

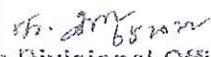
(iv) The petroleum retail outlet shall carryout all the conditions stipulated in the permissions/NOCs issued by the Competent Authorities.

The above is humbly submitted for the consideration of the Hon'ble NGT(SZ).

Encl :1). The topographical sketch of the proposed site for the retail outlet at S.F.No: 108/6A, Boothangudi Village, Chidambaram Tk, Cuddalore District.

2). Photograph of the site.

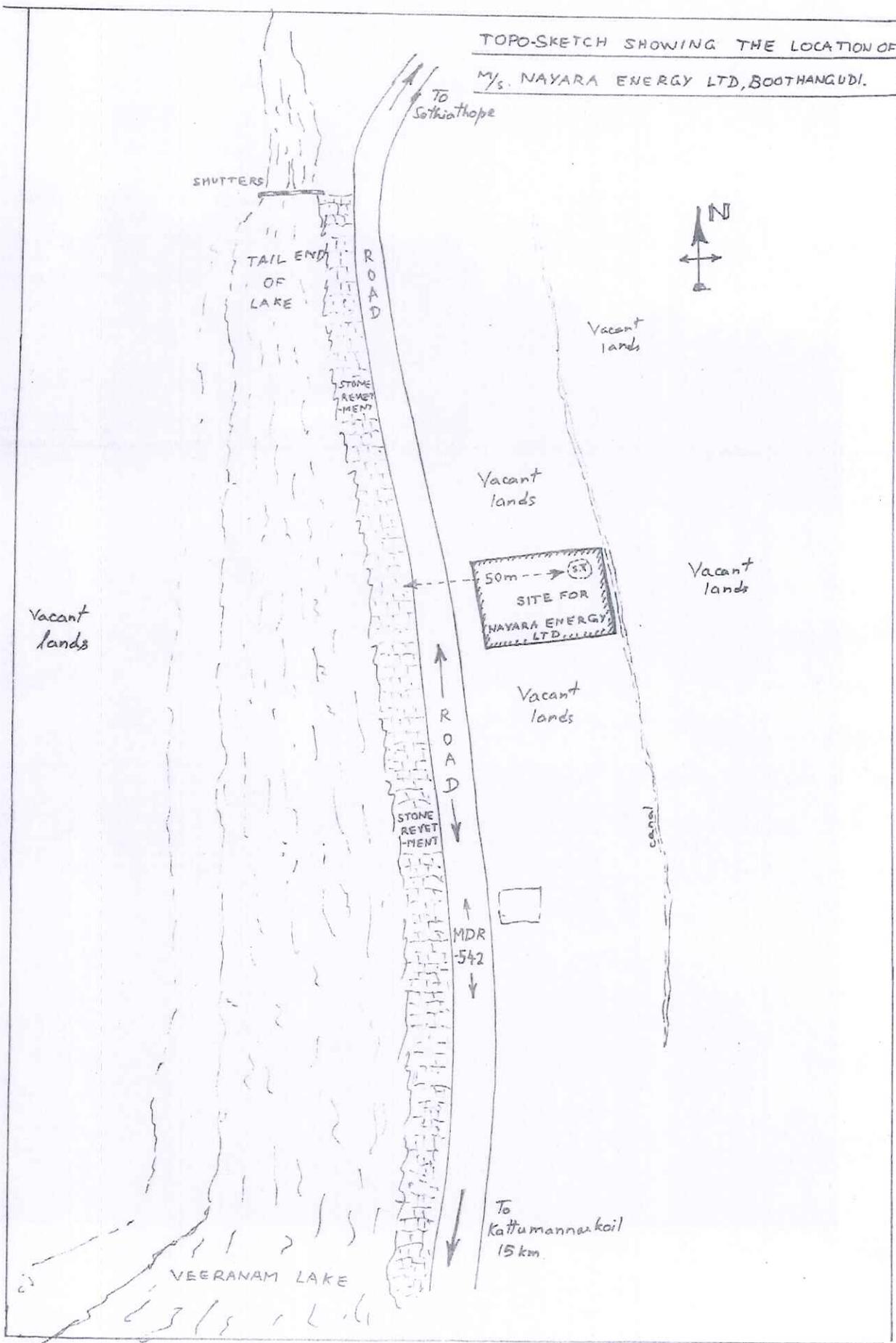

District Environmental Engineer(a/c),
TNPCB, Cuddalore.


Revenue Divisional Officer
Chidambaram,
Cuddalore District.

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TNPCB & others.**

**Advocate for Respondent TNPCB:
Tmt. Shanmugavalli Sekar
Advocate, Chennai.**

Date:09.05.2022

Date of hearing on:10.05.2022

