

**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.



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**BEFORE THE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE AT CHENNAI  
Original Application No. 29 of 2022**

C. Danielraj,  
Cuddalore District

Applicant(s)...

Vs

Tamil Nadu Pollution Control Board  
& Ors.

Respondent(s)...

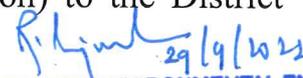
**INDEPENDENT REPORT FILED ON BEHALF OF THE  
RESPONDENTS NO. 1 & 2 – TAMIL NADU POLLUTION CONTROL  
BOARD**

I, R. Rajamanickam, Son of P.M. Ramasamy, Hindu, aged about 58 years, having my office at No. 76, Mount Salai, Guindy, Chennai – 32, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this report on behalf of the Respondents No. 1 & 2 Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ) has passed an order dated 15.03.2022 in O.A. No. 29 of 2022 and among other things directed the official respondents to file their independent response.

In this regard, it is respectfully submitted that 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

  
29/9/2022  
**JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
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JOINT CHIEF ENVIRONMENTAL ENGINEER  
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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:

***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.*

3. It is respectfully submitted that 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.

In this regard, 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.

Further, there are no schools, hospitals and residential areas found 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.

4. It is respectfully submitted that 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 : மு1/நு-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 : C1/17743/2021 dated: 02.12.2021., with the relevant terms & conditions.

  
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5. It is respectfully submitted that the Applicant Thiru. C. Danielraj, 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 are:

- i. *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.*
- ii. *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.*

With reference to the above it is humbly submitted that as per the orders of the Hon'ble NGT (SZ) dated 15.03.2022, the site at SF No. 186/6A, Boothangudi Village, Chidambaram Taluk was inspected by the officials of the O/o. District Environmental Engineer, TNPCB, Cuddalore on 08.04.2022 and the following were observed.

- i. 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 earth-filling is done inside to raise the level of the plot.
- ii. 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.
- iii. 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.

6. It is respectfully submitted that for the contentions mentioned by the Applicant, it is hereby submitted that:

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 letter dated: 13.10.2021.

This was verified during the 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.

7. It is respectfully submitted that the distance between the proposed place for storing the petroleum products in the above proposed site, and the bank of Veeranam Lake was measured 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*

*P. Vijay* 29/9/2022  
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*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 as per the guidelines issued by the CPCB.

8. It is respectfully submitted that 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."* Accordingly the said petroleum outlet shall apply for Consent of TNPCB.

9. It is respectfully submitted that the said petroleum retail outlet proposed at S.F.No. 108/6A at Boothangudi Village, Chidambaram Taluk, Cuddalore was issued the necessary NOC/permissions from the competent authority. The said petroleum retail outlet has not yet applied for Consent of the Board for establishment. The said petroleum retail outlet shall comply 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 50m.
- (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.
- (v) The unit shall apply and get consent to establish and consent to operate from TNPCB under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1987.

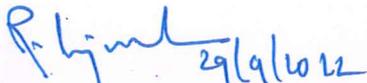
Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

  
29/9/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
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**BEFORE ME**

**VERIFICATION**

I, R. Rajamanickam, Son of P.M. Ramasamy, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai – 600 032, do hereby verify that the contents of above report are true to the best of my knowledge through records.

  
29/9/2012  
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RESPONDENTS – TAMIL NADU  
POLLUTION CONTROL BOARD.**

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

**Date:29.09.2022**

**Date of hearing on:30.09.2022**

