

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUHTERN ZONE, CHENNAI)**

IN

ORIGINAL APPLICATION No. 188 OF 2024

BETWEEN

**Muhammed Risham
House No. 12/163, Nambyattil House,
Naduvannur Post,
Kozhikode, Kerala - 673614**

...APPLICANT

- Vs-

**The District Collector
Kozhikode & OTHERS**

...RESPONDENTS

**REPORT FILED BY THE ENVIRONMENTAL ENGINEER, DISTRICT OFFICE
KOZHIKODE, ON BEHALF OF KERALA STATE POLLUTION CONTROL BOARD.
(RESPONDENT NO. 3) IN THE ABOVE CASE IN CONTINUATION TO THE REPORT
DATED 28/06/2024**


Rema Smrithi VK
Standing Counsel for KSPCB

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUHTERN ZONE, CHENNAI)**

**IN
OA.NO. 188 OF 2024**

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE, CHENNAI)
IN
OA. NO.188 OF 2024

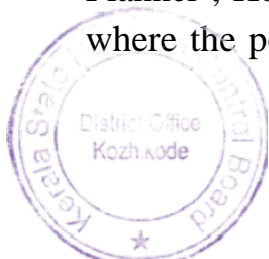
**REPORT FILED BY THE ENVIRONMENTAL ENGINEER,
DISTRICT OFFICE KOZHICODE, ON BEHALF OF KERALA
STATE POLLUTION CONTROL BOARD (RESPONDENT NO.3)**

I, Sauma Hameed, Environmental Engineer; Kerala State Pollution Control Board District Office Kozhikode do hereby solemnly affirm and state as follows.

1. I am the Environmental Engineer, Kerala State Pollution Control Board, District Office Kozhikode (hereinafter referred to as Board) and duly authorized to represent the 3rd respondent in the above case. I am aware of the facts affirmed by me in this report. I am swearing this report based on the best of my knowledge, information and belief and the facts revealed from the records.

2. This Original Application was filed by Sri. Muhammed Risham, House No. 12/163, Nambyattil House, Naduvannur Post, Kozhikode, Kerala - 673614 against the establishing of a new petroleum outlet at his neighborhood property at survey no. 198/4 of Naduvannur Village, Koyilandy Taluk, Kozhikode alleging violation of the guidelines stipulated by the Central Pollution Control Board (CPCB) vide Office memorandum dated 07.01.2020 and seeks order to restrain them from setting up the fuel station. The Hon'ble Tribunal vide its order dated 31.05.2024 had directed to file report by all the respondents. Accordingly report was submitted on 28.06.2024.

3. In continuation of the report, it is submitted as follows. This respondent, the Board issued a letter dated 27.06.2024 to the District Town Planner, Kozhikode to clarify whether the land area in Naduvannur Village where the petrol pump is proposed to be located is a designated residential



SAUMA HAMEED
Environmental Engineer

area as per local laws. As per the reply dated 09.07.2024 from the District Town Planner, there is currently no approved master plan or detailed town planning scheme for the area encompassed by Survey No. 198/4 of Naduvannur Village Koyilandy Taluk, where the proposed petrol pump is located. A copy of the letter is produced herewith and marked as **Annexure R3 (a)** along with its translation.

4. It is humbly submitted that this respondent issued letter dated 27.06.2024 to the occupier of the proposed petrol pump to submit evidence from the Town Planning Department confirming that the site of the proposed petrol pump is not a designated residential area as per local laws. Reply dated 10.07.2024 received from the occupier included letter dated 22.06.2023 from the District Town Planner, confirming that there are no approved master plans or detailed town planning schemes applicable to the area within Naduvannur Grama Panchayat, as per the Kerala Municipality and Town Planning Act, 2016. A copy of the reply is produced herewith and marked as **Annexure R3 (b)** along with its translation.

5. It is humbly submitted that Central Pollution Control Board (CPCB) had issued Guidelines for Setting up of New Petrol Pumps dated 07.01.2020. A copy of the Guidelines is produced herewith and marked as **Annexure R3 (c)**. As per this Guidelines "siting criteria for new Petroleum Retail Outlets is that they should not be located within a radial distance of 50 meters (from fill point/ dispensing unit /vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential areas designated as per local laws. 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 from schools, hospitals (10 beds and above) and residential areas designated as per local laws shall be less than 30 meters." Board had issued Circular no. KSPCB/14/2021-SEE3 dated 18.02.2024 in which it was stated that "*wherever residential areas are not designated as per local laws, the siting criteria related to 'designated residential areas as per local laws' shall not be applicable*". A copy of the Board's circular is produced herewith and marked as **Annexure R3 (d)**. As there are no approved master plans or detailed town planning schemes applicable to the area in question as reported by the town planner, the area is not a designated residential area as per local laws, hence, the minimum distance criteria from residential area as per CPCB Guidelines will



SAUMA HAMEED
Environmental Engineer

not be applicable to the residences located near the proposed site.

6. Addendum to Guidelines for Setting up of New Petrol Pumps was issued by CPCB vide Office Memorandum no.B-13011/1/2019-20/AQM dated 16.08.2021. A copy of the Addendum to Guidelines dated 16.08.2021 is produced herewith and marked as **Annexure R3 (e)**. The minimum distance of 50 meters to water bodies as described in the CPCB Addendum to Guidelines for setting up of New Petrol Pumps dated 16.08.2021 is to be considered by the proponent, while setting up the fuel station. As per the inspection report dated 24.06.2024 there are no water bodies, as listed in the Addendum to Guidelines, within 50 meters of the boundary of the site of the proposed petrol pump.

All the facts stated above are true to the best of my knowledge, information and belief.

Dated this, the 8th day of January 2025.

For and on behalf of the 3rd Respondent,

Environmental Engineer

District Office, Kozhikode



SAUMA HAMEED
Environmental Engineer



മാലിന്യമുക്തം നവകേരളം

ജോയിന്റ് ഡയറക്ടറുടെ കാര്യാലയം
തദ്ദേശസ്വയംഭരണ വകുപ്പ്
സിവിൽ സ്റ്റേഷൻ, കോഴിക്കോട് - 673020
ഫോൺ : 0495 - 2371916, 2371799
e-mail: jdlsgdkzd@gmail.com
തീയതി: 04-07-2024

No.LSGD/JD/KKD/5395/2024-H1

copy

നഗരാസൂത്രകൻ,
കോഴിക്കോട്.

*OA. 198/2024
petrol pump
copy*

എൻവിറോൺമെന്റൽ എഞ്ചിനീയർ,
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്,
കോഴിക്കോട് ജില്ലാ ഓഫീസ്,
ലിങ്ക് റോഡ്, കോഴിക്കോട് - 673 002.

സർ,
വിഷയം: നടുവണ്ണൂർ വില്ലേജ് - റീസർവ്വേ നമ്പർ 198/04 - local laws
പ്രകാരം designated Residential Area യിൽ ഉൾപ്പെടുന്നുണ്ടോ
എന്നത് - സ്പഷ്ടീകരണം -സംബന്ധിച്ച്
സൂചന: താങ്കളുടെ 27/06/2024 തീയതിയിലെ PCB/KKD/DO/GEN-216/OA No.
188/2024 നമ്പർ കത്ത്.

9/7/24

സൂചനയിലേക്ക് ശ്രദ്ധ ക്ഷണിക്കുന്നു. കൊയിലാണ്ടി താലൂക്കിലെ നടുവണ്ണൂർ
വില്ലേജിൽ സർവ്വേ നമ്പർ 198/4ൽ ഉൾപ്പെട്ട സ്ഥലത്ത് അംഗീകൃത മാസ്റ്റർപ്ലാനോ
വിശദ നഗരാസൂത്രണ പദ്ധതികളോ നിലവിലില്ലെന്ന് അറിയിക്കുന്നു.

വിശ്വസ്തയോടെ,

Signed by

Girish Kumar T K

Date: 04-07-2024 15:12:20

നഗരാസൂത്രകൻ,
കോഴിക്കോട്.

*1905
15/7/24*

Translation of Annexure R3 (a)

Office of the Joint Director
Department of Local Self Government
Civil Station, Kozhikode - 673020

Phone: 0495-2371916, 2371799

Email: jdlegdksd@gmail.com
Date: 04-07-2024

No.LSGD/JD/KKD/3395/2024-H1

The Town Planner,
Kozhikode.

The Environmental Engineer,
Kerala State Pollution Control Board,

Kozhikode District Office,
Link Road, Kozhikode - 673 002

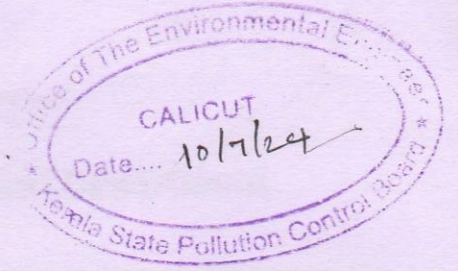
Dear Sir/Madam,

Subject: Clarification on whether Survey No. 198/04 of Nadavannur Village falls within a designated Residential Area as per local laws.

Reference: Your letter PCB/KKD/DO/GEN-216/OA No. 188/2024 dated 27/06/2024

Attention is drawn to the reference letter. We inform you that there are no approved master plans or detailed town planning schemes currently in place for the area covered by Survey No. 198/4 in Nadavannur Village, Koilandi Taluk.

sincerely,
Signed by
Girish Kumar T
Date: 04-07-2024 15:12:20
Town Planner, Kozhikode



from

Shekeen Imbichy Moidy
 Uthradath Padikkal House
 Naduvannur . - 673305.
 Mob - 9048208032

To

The Environmental Engineer
 PCB
 Kozhikode

with

ref: PCB/KKD/DO/GEN-216/OA

NO 188/2024 അന്തിമമായി ഉറപ്പിച്ചിട്ടുണ്ട്.

ഈ അനുമതിയുടെ തീയതി 8/7/2024 മുതൽ

മുൻപായിട്ടുള്ളതും, അന്തിമമായി ഈ അനുമതി-
 നൽകിയിട്ടുണ്ട്. ഇത് നിലനിൽക്കുന്നു.

AE1

10/7/24

മുദ്രിതം
 10/07/24

മുദ്ര

മുദ്ര
 Shekeen

1900
 15/7/24

of The Environmental Engineer
CALICUT
Date... 10/7/24
State Pollution Control Board



Government of Kerala
Local Self Government Department

നമ്പർ.LSGD/JD/KKD/494/2023-H2

ജോയിന്റ് ഡയറക്ടറുടെ കാര്യാലയം,
സിവിൽസ്റ്റേഷൻ, കോഴിക്കോട് - 673 020,
ഫോൺ നം.0495-2371916 , 2371799,
തീയതി.22-06-2023
e-mail:jdlsjdkzd@gmail.com, ddpkzd@gmail.com

നഗരാസൂത്രകൻ,
കോഴിക്കോട്.

ശ്രീ.ഷക്കീൻ ഇമ്പിച്ചി മൊയ്ദി,
ഉത്തരായത്ത് പടിക്കൽ വീട്,
വാകയാട്, അവിടനല്ലൂർ,
നടുവണ്ണൂർ-673614.

സർ,

വിഷയം :- ജോയിന്റ് ഡയറക്ടറുടെ കാര്യാലയം, കോഴിക്കോട് - നടുവണ്ണൂർ
ഗ്രാമപഞ്ചായത്ത്-മാസ്റ്റർപ്ലാൻ പ്രകാരമുള്ള ഇനം വ്യക്തമാക്കുന്നത്
സംബന്ധിച്ച്.

സൂചന :- താങ്കളുടെ 01/06/2023-ലെ അപേക്ഷ.

.....
സൂചന പ്രകാരമുള്ള താങ്കളുടെ അപേക്ഷയിൽ താഴെ പറയുന്ന വിവരങ്ങൾ
അറിയിക്കുന്നു.

നടുവണ്ണൂർ ഗ്രാമപഞ്ചായത്ത് ഉൾപ്പെടുന്ന പ്രദേശത്ത് കേരള നഗര-ഗ്രാമാസൂത്രണ
ആക്ട് 2016' പ്രകാരമുള്ള അംഗീകൃത മാസ്റ്റർപ്ലാനോ വിശദ നഗരാസൂത്രണ
പദ്ധതികളോ നിലവിലില്ല എന്ന വിവരം അറിയിക്കുന്നു.

വിശ്വസ്തയോടെ,

Signed by
Girish Kumar T K

Date: 22-06-2023 16:56:24

Translation of Annexure R3 (b)

From:

Shekeen Imbichy Moidy
Uthradath Padikkal House
Naduvannur - 673305
Mob: 9048208032

To:

The Environmental Engineer
PCB
Kozhikode

Subject: Response to PCB/KKD/DO/GEN-216/OA No. 188/2024

Dear Sir,

I have received a letter from your office dated 08/7/2024. In response, I am submitting this letter along with the required documents.

Sincerely,
Shekeen Imbichy Moidy

Naduvannur
Date: 10/07/2024

**Government of Kerala
Local Self Government Department**

**Office of the Joint Director
Civil Station, Kozhikode - 673 020**

Phone: 0495-2371916, 2371799

Date: 22-06-2023

Email: jdlsjdkzd@gmail.com, ddpkzd@gmail.com

The Town Planner,
Kozhikode.

Shri. Shekeen Imbichy Moidy
Uthradath Padikkal House,
Vakayad, Avitanallur, Nadavannur - 673614

Sir

Subject: Office of the Joint Director, Kozhikode - Clarification regarding the type of area as per the master plan of Nadavannur Gram Panchayat.

Reference: Your application dated 01/06/2023

In response to your application as per the reference, the following information is provided. It is hereby informed that there are no approved master plans or detailed town planning schemes in effect for the area within Nadavannur Grama Panchayat, as per the Kerala Municipality and Town Planning Act, 2016.

**Sincerely,
Signed by**
Girish Kumar T K
Date: 22-06-2023

272
16/01/2020A1
16/01/20

CENTRAL POLLUTION CONTROL BOARD

DELHI 110 032

B-13011/1/2019-20/AQM 10874

January 07, 2020

OFFICE MEMORANDUM

Sub: Guidelines for Setting Up of New Petrol Pumps in Compliance of Hon'ble NGT order dated January 18, 2019 in OA No. 86/2019: Gyanprakash@ Pappu Singh vs Gol & Ors regarding.

Hon'ble National Green Tribunal, vide order dated January 18, 2019 in OA No. 86/2019: Gyanprakash@ Pappu Singh vs Gol & Ors directed Central Pollution Control Board and MoPNG to look into the issue of setting up of large number of petrol pumps in the country and directed that appropriate guidelines be issued by the Central Pollution Control Board in exercise of statutory power.

An Expert Committee comprising of members from IIT Kanpur, NEERI, IIP, TERI, MoPNG and CPCB was constituted to frame Guidelines for setting up of new Petrol Pumps including siting criteria and pollution prevention and control measures.

The guidelines were placed in public domain and comments/suggestions/objections were invited from public and concern stakeholder and these were reviewed and guideline have been finalised.

The final Guidelines prepared by Expert Committee are hereby circulated for implementation by concerned stakeholders. These guidelines are hereby issued with the approval of the Competent Authority.

(V.K. Shukla)

Additional Director, AQM Div.

Encl.: As Above

To.

1. As per List Enclosed

SE-3

14/1/2020

GUIDELINES FOR SETTING UP OF NEW PETROL PUMPS

A. Containment and treatment of spillages from fuel filling operations at petrol pumps:

1. Petrol pumps located in areas with high groundwater table i.e. groundwater levels less than 04 meters shall have secondary containment by way of double walled tanks or concrete protection walls so as to minimize groundwater and soil contamination. It shall be the responsibility of OMC to properly get measured groundwater level at the site of proposed petrol pump and ensure implementation of these adequate protection measures for such sites. Details of measures taken by Oil Marketing Company shall be placed in public domain and in case of contradictory view, view of State/ Central Ground Water Board/ Authority will prevail.
2. All new retail outlets shall have underground tanks/ above ground tank and its ancillary components such as pipes, flexible connectors, pumps, fittings etc. protected from leaks due to corrosion by adopting materials (HDPE/ Mild Steel etc.) with required protective coating, as applicable, duly approved by PESO.
3. Any major leakage/ spillage of Petrol, Diesel, Lube Oil (more than 1 barrel-165 litres) occurs at fueling station, concerned OMC shall report to State Pollution Control Board, PESO and District Administration under intimation to CPCB within 24 hours of occurrence.

Operation of concerned underground storage tank (UST) and its ancillary components shall be stopped immediately and not be resumed till corrective measures to contain and stop leakage/ spillages are implemented to the satisfaction of PESO and concerned SPCB.

OMCs will be held liable for Environmental Compensation (imposed by SPCBs/PCCs) and assessment of environmental damage (depending on extent of contamination in soil and groundwater) and site remediation. Consultant/ Expert agency appointed by OMCs for damage assessment and site remediation shall have minimum national/ international experience of 5 years in this field. Various approved methods shall be considered for cleaning underground contaminants.

4. All DUs shall have Auto Cut off Nozzles which shuts dispensation of fuel if its level in customer fuel tank reaches full capacity.
5. Breakaways to be installed for all the hoses of dispensing units to reduce spillage in the event of customer vehicles moves away with nozzle still in the fueling position.

6. Single/ double plane swivel with breakaway coupling shall be installed for all the dispensing units for better positioning of nozzle while refueling so that it does not fall off accidentally.
 7. In pressurized dispensation, all dispensing units shall be installed with shear valves to cut the fuel flow from pipe line immediately upon accidental knocking of dispensing units from its position.
 8. In pressurized system all Submersible Turbine Pumps (STPs) are to installed with line leak detectors and in the event of pipeline leaks STPs shall stop pumping fuel from underground tanks.
 9. Emergency stop button switch shall be provided on the Multi-Product Dispenser (MPD) to stop the dispensation in case of emergency.
 10. Automation system shall be installed at all new retail outlets to alert in case of tank leak by way of auto gauging system approved by PESO.
 11. All Retail Outlets shall provide overfill alarm through automation.
 12. Measures for spill containment in fill point chambers and forecourt area shall be implemented as prescribed by PESO.
- B. Check on leakages (Leakage Detection System) from underground storage tanks so as to prevent groundwater and soil contamination:**
1. All new retail outlets will have automation system installed which will provide reports on volume balance after every day operation and records shall be maintained.
 2. Manual gauging shall be done once in a month and compare the same with Automatic Tank Gauging for accuracy.
 3. Daily MS and HSD loss shall not exceed MoPNG prescribed limits. In case of leakage beyond such limits, matter shall be got analyzed by OMCs and further action shall be taken for ascertaining the reasons of losses. In case of leakage resulting in soil / groundwater contamination:
 - a. Concerned OMC shall report to State Pollution Control Board, PESO and District Administration under intimation to CPCB within 24 hours of occurrence. Operation of such underground storage tank (UST) and its ancillary components shall be stopped immediately.
 - b. Fuel shall be removed immediately from underground storage tank to prevent further release to environment. Measures to prevent explosion due to vapors released due to leakage as recommended by PESO shall be implemented immediately.

- c. OMCs will be held liable for Environmental Compensation (imposed by SPCBs/PCCs) and assessment of environmental damage (depending on extent of contamination in soil and groundwater) and site remediation. Consultant/ Expert agency appointed by OMCs for damage assessment and site remediation shall have minimum national/ international experience of 05 years in this field. Various approved methods shall be considered for cleaning underground contaminants.
 - d. Operation of Underground tank and its ancillary components shall not be resumed till corrective measures to contain and stop leakages are implemented to the satisfaction of PESO and concerned SPCB.
4. All underground tanks and pipelines shall be subjected to test for leaks every 7 years.

C. Policy towards Treatment and disposal of sludge removed from underground tanks during cleaning:

Sludge shall be collected, stored and disposed as per Rule 8 of Hazardous Waste (Management and Transboundary) Rules, 2016 and amendments thereof and records shall be maintained.

D. Installation, Operation and maintenance of Vapour Recovery System:

1. All **new retail** outlets set up with sale potential of 300KL MS per month and setting up in cities with population more than 1 lakh will be provided with VRS. VRS should be functional by the time of sale of MS touch 300 KL. In case of failure of installation of VRS, Environment Compensation will be levied by SPCBs/ PCCs equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.
2. Any **new retail** outlet set up in cities having population more than 10 lakh and having sale potential of 100 KL MS per month will be provided with VRS. VRS should be installed within a period 03 months from the day of sale of MS touch 100 KL. In case of failure of installation of VRS, Environment Compensation will be levied by SPCBs/ PCCs equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.
3. In case of Stage II VRS, nozzle shall be provided with flexible cover flap or other alternative system for proper covering of filling tank and therefore proper recovery of vapors.
4. OMCs are responsible for maintaining installed VRS. They have to maintain periodic inspections for A/L regulator as prescribed by Legal Metrology. Proper record shall be maintained.

5. Working of dispenser shall be interlinked with VRS functioning. Online system shall be developed within 06 months to monitor status of operation of VRS. In case of non-operation of VRS, the same shall be automatically reported to concerned OMC. VRS shall be brought into operation immediately within 24 hrs and in any case within 72 hrs failing which sale of MS shall be stopped from the fueling station. Proper records of operation of VRS shall be maintained.
6. Work zone monitoring for Total VOC and Benzene shall be conducted by OMCs for petrol pumps selling more than 300 KL/ month and more than 10 lakh population (in first phase) by E(P)Act, 1986 approved labs once in a year to check compliance with OSHA norms (Time-Weighted Average) and report shall be submitted to SPCB. In addition, pilot study shall be conducted by OMCs through expert institutions for online monitoring of VOCs.
- E. **Ground water and soil quality monitoring within petrol pump selling more than 300 KL/ month and more than 10 lakh population shall be conducted by OMCs once in two years through E(P)Act, 1986 approved labs for the following parameters from the nearest source and report submitted to SPCB:**

Permissible Limit

Sr.No.	Parameter	Permissible Limit
1.	Total petroleum hydrocarbons	600µg/l
2.	BTEX	i. Benzene- 950µg/l ii. Toluene- 300µg/l iii. Xylenes- a. o-xylene- 350µg/l b. m & p- xylene- 200µg/l
3.	Ethanol	1400 µg/l
4.	Methyl Tertiary Butyl Ether	13µg/l
5.	PAH	0.0001µg/l

Enforcement agencies including SPCB can collect samples in and around petrol pump to check contamination.

F. Measures for protection of Worker's Health

1. All workers engaged at retail outlets may be covered under ESI. OMC dealers shall implement the personal protective equipment (PPE) as per labor laws.
2. IEC (Information Education Communication) activities should be organized by OMC dealers for workers at regular intervals in order to sensitize them about harmful impacts of VOC emissions.

G. Audit of all protection measures and monitoring system implemented at petrol pumps:

PESO shall conduct audit of tanks and fuel equipment including pipes, overfill protection equipment and alarm system on annual basis and maintain records.

H. Siting criteria of Retail Outlets:

In case of siting criteria for petrol pumps new Retail Outlets shall not be located within a radial distance of 50 meters (from fill point/ dispensing units/ vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential areas designated as per local laws. 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 from schools, hospitals (10 beds and above) and residential area designated as per local laws shall be less than 30 meters. No high tension line shall pass over the retail outlet.

These guidelines are supplementary to all existing relevant Rules, Guidelines, Orders etc.



KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004



KSPCB/14/2021-SEE-3

Date: 18/02/2024

CIRCULAR

Sub: - Clarification regarding ensuring of compliance with CPCB OM dated 07/01/2020 for petroleum Retail Outlets - reg..

Ref:- 1) Circular no. KSPCB/383/2023-SEE-3 dated 29/03/2023
 2) Letter no. KSPCB/318/2023-SEE-1 dated 01/06/2023

As per the judgement dated 14.03.2023 in C.A.421/2022, The Hon'ble Supreme Court directed that retail Petroleum Outlets need not obtain consent of the SPCBs. The Apex Court further directed that the SPCBs should ensure that guidelines issued by CPCB as per the order dated 07/01/2020 and order No. B-13011/1/2019-20/AQM10814 dated 18/08/2020 are strictly adhered to and that if there is any breach of the guidelines, the concerned SPCB should proceed against the erring outlet in accordance with law. The above order was communicated vide circular cited 1st.

In the letter dated 01/06/2023 cited 2nd , all officers of the Board were directed to ensure that consent issued to petroleum outlets established after 07/01/2020 adhere to the distance norms of 30 metres / 50 metres from schools, hospitals (10 beds and above) and "residential areas designated as per local laws".

In continuation to the above, it is clarified that wherever residential areas are not designated as per local laws, the siting criteria related to "designated residential areas as per local laws" shall not be applicable.

Sd/-
 CHAIRPERSON

To

1. The Chief Environmental Engineer,
Head Office Thiruvananthapuram
Regional Office, Thiruvananthapuram/Ernakulam/Kozhikode.
2. The Senior Environmental Engineer,
District Office. Kottayam
3. The Environmental Engineer, District Office,
Thiruvananthapuram, Kollam, Pathanamthitta, Alapuzha, Idukki,
Ernakulam-1, Ernakulam-2, Environmental Surveillance Centre Eloor .
Thrissur, Palakkad, Malappuram, Kozhikode, Kannur, Wayanad, Kasargod.

Copy to:-

- 1) All Technical Staff in HO
- 2) IT Cell (for uploading in the website)
- 3) C.A to CHN & MS

FORWARDED BY ORDER



SENIOR ENVIRONMENTAL ENGINEER-1



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
 MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

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 UoI & 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.

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.

Annexure-I**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.