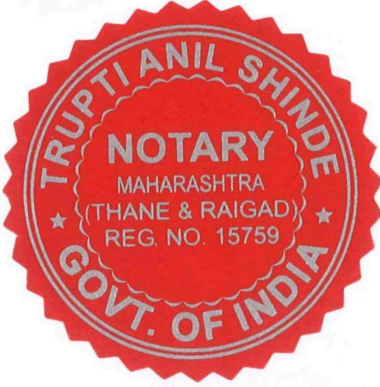


**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

Original Application No.181/2023(WZ)



Hridaynath Yasahwant Tawade Applicant

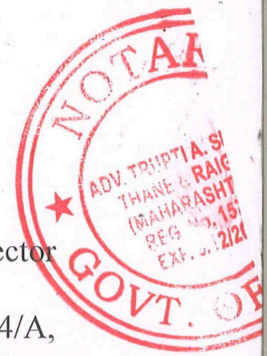
Versus

Union of India & Ors. Respondent

REJOINDER ON BEHALF OF THE APPLICANT

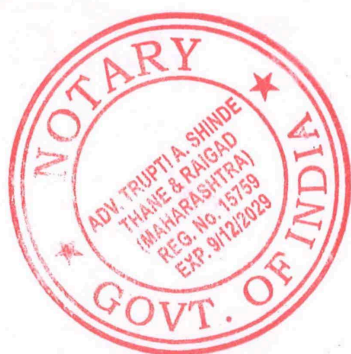
1. The Applicant submits this consolidated reply addressing the submissions made by Respondent's. The Applicant's concerns stem from violations by CIDCO in siting petrol pumps at specific plots in Navi Mumbai. The objections relate to non-compliance with environmental laws, breach of CPCB guidelines, and threats to public safety and ecological balance.
2. The Applicant seeks to highlight the serious lapses in adherence to environmental norms and emphasizes the necessity of judicial intervention to protect the environment and public health.
3. The Respondent No. 3 claims that the siting of petrol pumps is in accordance with environmental regulations, which is factually incorrect. The Applicant hereby specifically disputes CIDCO's





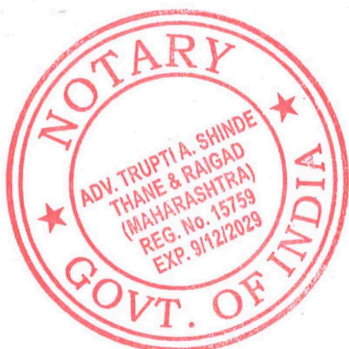
assertions concerning Plot Nos. 277A, Sector 3, Ulwe; 84, Sector 21, Ulwe; 1, Sector 8, Pushpak Nagar; 49, Sector 34/A, Kharghar; 2, Sector 37, Kharghar; 132, 143, 144, Sector 9, New Panvel (E); and C-6, Sector 12, Kalamboli. It is pertinent to note that every single plot is located within the prohibited limits of residential complexes, schools, and hospitals.

4. The approval dates mentioned by Respondent No. 3 especially in the Environmental Clearance dated 18th February 2023 are questionable as they do not address compliance with CPCB guidelines issued in the year 2020 and 2021. The guidelines mandate a minimum distance of 50 meters from the nearest residential area and 100 meters from schools and hospitals, which the Respondent No. 3 has failed to observe CPCB guidelines annexed and marked herewith as Exhibit "A".
5. The Respondent No. 3 has not conducted adequate public consultations as required under Section 14 of the National Green Tribunal Act, 2010. The residents of Kharghar, Panvel, and adjoining areas have raised various concerns, but the same are conveniently ignored, reflecting procedural impropriety.





6. The Respondent No. 2, in the reply filed deposited by Regional Director admitted the issuance of siting criteria but has transferred the responsibility for enforcement on the shoulders of the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs). The Applicant submits that this transfer of responsibility by any means does not absolve the CPCB of its supervisory duties under the Environment (Protection) Act, 1986.
7. The CPCB's guidelines dated 23rd March 2021 clearly restrict the setting up of fuel pumps near water bodies to prevent potential groundwater contamination. It is pertinent to note that the specific plots like Plot No. 277A, Sector 3, Ulwe, and Plot No. C-6, Sector 12, Kalamboli, are alarmingly close to natural drains and ponds, as evidenced by a site inspection conducted on 10th July 2023. It is the duty of CPCB to ensure the strict compliance of said guidelines.
8. The Respondent No. 2 has alleged that it conducted environmental audits and found no violations. However, this assertion is contradicted by the Applicant's independent findings and RTI responses dated 5th September 2023, revealing that no



comprehensive impact assessment was conducted for the petrol pump on Plot No. 277A, Sector 3, Ulwe.



9. Furthermore, the Respondent No. 2's Audited Reports fail to indicate compliance checks on fire safety norms as well as emergency response measures, especially for petrol pumps near residential zones in Panvel. An incident report dated 22nd August 2023 documented multiple fire safety violations, which Respondent No. 2 has not addressed.

10. The violation of CPCB Guidelines: The CPCB's siting criteria serve as binding regulations for all urban development projects involving hazardous substances. The Applicant cites M.C. Mehta v. Union of India (1987) 1 SCC 395, emphasizing that the regulatory bodies cannot be passive in the face of environmental violations.

11. Failure to Conduct Environmental Impact Assessment (EIA): - The Environmental Impact Assessment Notification, 2006, mandates detailed impact studies before setting up any industrial or commercial activity that may affect the environment. CIDCO has not undertaken this exercise for petrol pumps at sensitive locations. The Authority in T.N. Godavarman Thirumulpad v.



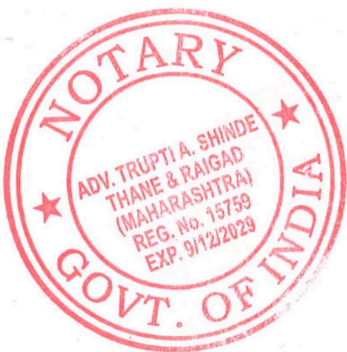


Union of India (2008) 2 SCC 222 reiterates the necessity of EIAs for projects with potential environmental impact.

12. Public Health and Fire Safety Concerns: Under Article 21 of the Constitution of India, the right to life encompasses a pollution-free environment. Establishing fuel stations without considering the proximity to schools, hospitals, and residential buildings violates this fundamental right. The judgment in Subhash Kumar v. State of Bihar (1991) 1 SCC 598 affirms this principle.

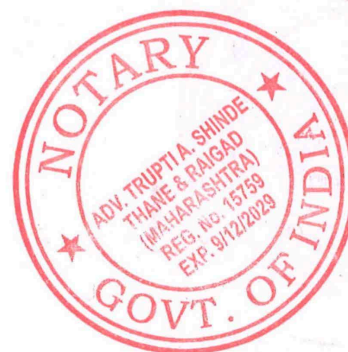
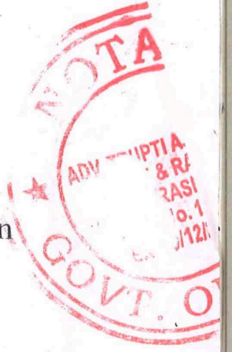
13. Plot-Specific Issues

- i. Plot No. 277A, Sector 3, Ulwe: Located within 50 meters of a water body, violating environmental safety norms due to the risk of contamination. CIDCO's approval did not consider the ecological impact.
- ii. Plot No. 84, Sector 21, Ulwe: Situated next to residential buildings Aryavrat CHS and Platinum Ecscaso, raising concerns over safety, pollution, and fire hazards in a densely populated area.
- iii. Plot No. 1, Sector 8, Pushpak Nagar: Proposed near a newly planned residential sector, posing risks to



future inhabitants. CIDCO's planning should align with residential safety norms.

- iv. Plot No. 49, Sector 34/A, Kharghar: Adjacent to Affinity Homes at Plot No. 48, contradicting safety guidelines that require a buffer distance from residential buildings.
- v. Plot No. 2, Sector 37, Kharghar: Part of a newly developed residential sector, where a fuel station could compromise urban planning and public health considerations.
- vi. Plot Nos. 132, 143, 144, Sector 9, New Panvel (E): Located next to residential complexes Deepraj CHS, Eminent Residency, and Sai Ashish Apartment, increasing fire hazards and air quality concerns.
- vii. Plot No. C-6, Sector 12, Kalamboli: In close proximity to a water body, violating pollution control norms and raising risks of groundwater contamination.



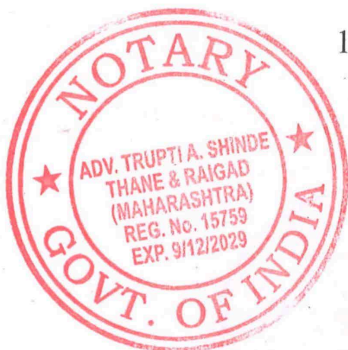


14. The Applicant highlights Respondent No. 3 continued disregard for the safety and welfare of Navi Mumbai residents. The Applicant's return argument emphasizes that regulatory compliance cannot be compromised, particularly for commercial interests. The principle of sustainable development, as upheld in *Vellore Citizens' Welfare Forum v. Union of India* (1996) 5 SCC 647, mandates that development must not come at the cost of environmental degradation.

15. The Applicant reiterates the need for a moratorium on construction activities at the disputed plots until a full environmental audit is conducted and compliance is ensured.

16. The Applicant denies that the allegations made against Respondent No. 4 are baseless. It is pertinent to highlight that the concerns raised in the petition are grounded in the public interest to ensure the safety and compliance of petroleum outlets with environmental regulations, particularly those outlined by the Central Pollution Control Board.

17. While Respondent No. 4 claims to be a regulatory authority, it is submitted that Respondent No. 4's role cannot be reduced to mere oversight of safety matters, as it directly influences the



establishment and operational processes of petroleum retail outlets. Respondent No. 4's claim of non-involvement in site selection, however, overlooks its responsibility in ensuring that these establishments adhere to environmental safety norms, including the CPCB guidelines. It is crucial that Respondent No. 4's oversight extends to ensuring compliance with environmental regulations as outlined in the CPCB's siting criteria for petrol pumps.

18. The Applicant questions Respondent No. 4's apparent lack of action in enforcing compliance with CPCB guidelines concerning the proximity of fuel stations to sensitive areas such as residential zones, schools, and water bodies.

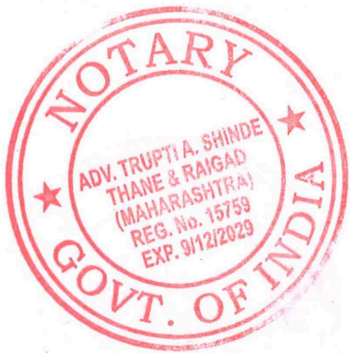
19. Respondent No. 4 submission states that licenses are issued only upon compliance with the guidelines set by the District Authorities and the CPCB. However, the Applicant submits that Respondent No. 4 claim that no license has been issued without adhering to the CPCB guidelines should be corroborated by clear documentation showing that compliance with the CPCB's siting criteria has been strictly followed in every instance, especially for the sites in question.



20. Prior Approvals and Letters Issued to Indian Oil Corporation:

The Applicant respectfully requests clarification regarding the actions taken by Respondent No. 4 in relation to the following:

- i. The letter issued by PESO to Indian Oil Corporation on 10th May 2024 instructing them not to commence construction in violation of CPCB guidelines. The Applicant seeks confirmation on the actions taken by Respondent No. 4 after issuing this letter and whether any follow-up inspections or compliance checks were carried out at the sites at Plot No.227 A, Sector No. 3, Ulwe Node, and Plot No.1, Sector No. 8, Pushpak Nagar.
- ii. What is the current status of the letter issued by Respondent No. 4 to Indian Oil Corporation on 10th May 2024 regarding the construction stoppage? Has Indian Oil Corporation complied with this directive, and what steps has Respondent No 4 taken to enforce compliance?
- iii. Further, the Applicant requests Respondent No. 4 to clarify whether any further action has been taken

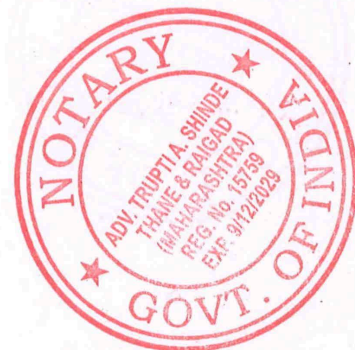


against Indian Oil Corporation for non-compliance with CPCB's distance requirements from sensitive zones, particularly in light of the concerns raised in this petition.

21. The Applicant submits that despite Respondent No. 4 claims of regulatory oversight, there remains a lack of clarity on whether the environmental impact and public safety concerns have been adequately addressed in the approval process. The Applicant refers to the fact that the sites in question (Ulwe Node and Pushpak Nagar) are in proximity to sensitive areas, raising serious concerns about Respondent No. 4 role in ensuring that the CPCB guidelines were not just noted but enforced at the time of granting approvals.

22. The Applicant requests that Respondent No. 4 provide a comprehensive report on the following:

- a. Details of inspections carried out at the fuel station sites mentioned in the application, especially regarding compliance with the CPCB guidelines.





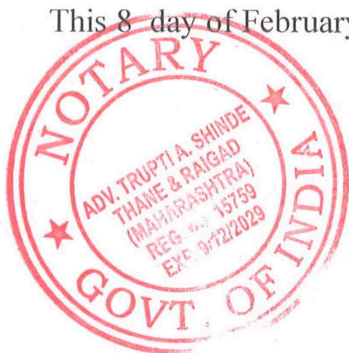
- b. A status update on the implementation of the directives issued to Indian Oil Corporation, including any action taken post 10th May 2024.
- c. Clarification on whether Respondent No. 4 has conducted any site verifications after issuing prior approvals in January and March 2024 to ensure that these stations are not violating the CPCB's siting criteria.

23. The Applicant reiterates that Respondent No. 4 failure to address these violations in a timely manner and take effective action in line with its regulatory obligations under the Petroleum Act, 1934, and the Petroleum Rules, 2002, only exacerbates the risks posed to public health and the environment. The Applicant submits that Respondent No. 4 must be held accountable for its inaction and lack of coordination with the relevant environmental authorities.

24. In view of the aforesaid facts and circumstances, the Application taken out by the Petitioner be allowed.

Solemnly affirmed at Mumbai)

This 8 day of February 2025)



[Handwritten Signature]

Applicant

Before me,

BEFORE ME

[Handwritten Signature]

08 FEB 2025

TRUPTI ANIL SHINDE
B.A. LL.B. LL.M.
ADVOCATE HIGH COURT
Stall No. 16, Plot No. 17,
Janta Market, Sector - 3,
Nerul (E), Navi Mumbai - 400706.



This document has noted and
Registered at Sr. No. 909
Page No. 8 in Notary
Reg. No. 8 dated on.....

08 FEB 2025

459

Exhibit "A"



CENTRAL POLLUTION CONTROL BOARD

DELHI 110 032

B-13011/1/2019-20/AQM

10802-10847

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

Copy to:

- 1. Joint Secretary
CP Division
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi – 110 003

- 2. PS to CCB

- 3. PS to MS

MS
AQM

YJM
16/1/20

AEE-I

MS
SEC (CCB)

please circulate to all
R/S & GIC

17/1/20

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.
13. **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	600 μ g/l
2.	BTEX	i. Benzene- 950 μ g/l ii. Toluene- 300 μ g/l iii. Xylenes- a. o-xylene- 350 μ g/l b. m & p- xylene- 200 μ g/l
3.	Ethanol	1400 μ g/l
4.	Methyl Tertiary Butyl Ether	13 μ g/l
5.	PAH	0.0001 μ g/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.


HARYANA STATE POLLUTION CONTROL BOARD

C-11 Sector-6, Panchkula

Ph - 0172- 577870-73, Fax No. 2581201

E-mail- hspcbho@gmail.com

Website: hspcb.gov.in

No. HSPCB/PLG/2020/
Dated:

To

All Regional Officer in Field.

Sub: Guidelines for setting up of new petrol pumps in compliance of Hon'ble NGT order dated 18.01.2019 in OA No. 86/2019 Gayanaprakash @Pappu Singh Vs GOI & Ors -regarding.

Kindly refer to the subject noted above.

In this regard, it is intimated that the Central Pollution Control Board vide memorandum dated 07.01.2020 circulated guidelines for setting up of new petrol pumps to various concerned stakeholders for implementation and the copy of the same has been circulated to all Deputy Commissioner in the State of Haryana with a copy to Director, Town and country Planning Department and Director, Food and Supplies Department vide this office letter no. 831-854 dated 05.02.2020.

The subject cited guidelines were placed before Board of Directors and Board in its 187th meeting vide agenda item no. 187.19(S) has approved to adopt the above said guidelines received from CPCB related to SPCBs/PCCS only, for compliance. There are guidelines from A to H in said memorandum and SPCBs/PCCS has to take action on relevant part of guidelines from A to E.

In view of above, I have been directed to enclose herewith copy of said memorandum dated 07.01.2020 received from Central Pollution Control Board on the subject noted above for your information and further necessary action.

- DA/1.** Guidelines for setting up of new petrol pumps.
 2. Copy of Head Office letter dated 05.02.2020.

Sr. Env. Engineer (Pig)
For Chairman

Endst. No. HSPCB/PLG/2020/983-90
Dated: 13/3/20

A copy of the above is forwarded to the following for information and necessary action please:-

1. All section Incharges in Head Office of the Board.
2. Nodal Officer (IT) for uploading the order on the website of the Board.

DA/As above.

Sr. Env. Engineer (Pig)
For Chairman

Endst. No. HSPCB/PLG/2020/
Dated:

A copy of the above is forwarded to the following for information of the officers please:-

1. P.S. to Chairman.
2. P.A. to Member Secretary.

DA/ As above.

Sr. Env. Engineer (Pig)
For Chairman

PTMS
18/19

1 222

CENTRAL POLLUTION CONTROL BOARD

DELHI 110 032

B-13011/1/2019-20/AQM 10809

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.

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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.

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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

1. As per List Enclosed

List of Stakeholders

1. The Member Secretary Andhra Pradesh State Pollution Control Board D. No.33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalmvari Street, Kosterihaipei, Vijayavada-520010	2. The Member Secretary Arunachal Pradesh State Pollution Control Board 'Paryavaran Bhawan', Yupha Road, Papito Nallah, Naharlagun 791110 Arunachal Pradesh
3. The Member Secretary Assam State Pollution Control Board Bamuninaidan, Guwahati - 781021 Assam	4. The Member Secretary Bihar State Pollution Control Board Parivesh Bhawan, Plot No. N-B-2, Patliputra Industrial Area Patna-800023
5. The Member Secretary Chhattisgarh Environment Conservation Board Paryavas Bhawan, North Block Sector-19 Naya Raipur - 492 099 Chhattisgarh	6. The Member Secretary Goa State Pollution Control Board Nr. Pileone Industrial Estate, Opp. Salgao Seminary, Salgao - Bardez Goa - 403511
7. The Member Secretary Gujarat State Pollution Control Board Sector 10-A, Gandhi Nagar 382043 Gujarat	8. The Member Secretary Haryana State Pollution Control Board C-11, Sector 6, Panchsala, Haryana 134109 Haryana
9. The Member Secretary Himachal Pradesh State Pollution Control Board Paryavaran Bhawan, Phase III, New Shimla 171009 Himachal Pradesh	10. The Member Secretary J&K State Pollution Control Board, Parivesh Bhawan, Forest Complex, Gladh - National Transport Nagar, Jammu (J&K)
11. The Member Secretary Jharkhand State Pollution Control Board T.A Building, HEC Campus, P.O. Dhanwa Ranchi 834004 Jharkhand	12. The Member Secretary Karnataka State Pollution Control Board Parivara Bhawan, 4 & 5 floors, Church Street, Bangalore 560001 Karnataka
13. The Member Secretary Kerala State Pollution Control Board Plamoudu Junction, Pattam Palace P.O. Thiruvananthapuram 695004 Kerala	14. The Member Secretary Maharashtra State Pollution Control Board Kalpatara Point, 3rd & 4th floors, Sion Mangla Scheme Road No. 6 Opp. Cine Planet, Sion Circle, Sion (E) Mumbai 400 022, Maharashtra
15. The Member Secretary Madhya Pradesh State Pollution Control Board Paryavaran Parivar, E-5 Arera Colony Bhopal 462016 Madhya Pradesh	16. The Member Secretary Manipur State Pollution Control Board Lamphepat, Imphal West D.C. Office Complex - 795004 Manipur
17. The Member Secretary Meghalaya State Pollution Control Board Arden, Lampyngpad, Shillong 793014 Meghalaya	18. The Member Secretary Mizoram State Pollution Control Board New Secretariat Complex, Khatla, Thlammai Panga, Sanaol Mizoram 790001
19. The Member Secretary Nagaland State Pollution Control Board Signal Point, Dimapur, Nagaland 797112 Nagaland	20. The Member Secretary Odisha State Pollution Control Board Paribesh Bhawan A-118, Nilakanta Nagar, Unit VIII, Bhubaneswar 751012 Odisha
21. The Member Secretary Punjab State Pollution Control Board Nabha Road, ITI Rd, Adarsh Nagar, Prem Nagar, Patiala - 147001 Punjab	22. The Member Secretary Rajasthan State Pollution Control Board A-4 Institutional Area, Jhalane Durgri Jaipur - 302004 Rajasthan
23. The Member Secretary Sikkim State Pollution Control Board State Land Use & Environment Cell Govt. of Sikkim, Deorali, Gangtok, Sikkim	24. The Member Secretary Tamil Nadu State Pollution Control Board No. 76, Mount Sagar, Guindy, Chennai 600032, Tamil Nadu

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25.	The Member Secretary Telangana State Pollution Control Board Paryavaran Bhavan A-3, Industrial Estate, Sanath Nagar, Hyderabad 500 018 Telangana	26.	The Member Secretary Tripura State Pollution Control Board Parivesh Bhavan Pl. Nehru Complex, Gorkhabari P.O., Kunjaban, Agartala, West Tripura - 799 006 Tripura
27.	The Member Secretary Uttarakhand Environment Protection & Pollution Control Board 29/20, Nemi Road, Dehradun 248001 Uttarakhand	28.	The Member Secretary Uttar Pradesh State Pollution Control Board 3 rd floor, P.C.I.P. Bhavan, Vibhuti Khand, Gomi Nagar, Lucknow 226010 Uttar Pradesh
29.	The Member Secretary West Bengal State Pollution Control Board Parivesh Bhavan Building, No.10-A, Block I-A, Sector 3, Salt Lake City, Kolkata 700 091, West Bengal	30.	The Member Secretary Delhi Pollution Control Committee, Government of N.C.T. Delhi 4th Floor, ISBT Building, Kirti Gate, Delhi-110002
	The Member Secretary Andaman & Nicobar Islands Pollution Control Committee, Department of Science & Technology, Dollygunj Van Sadan, Haddo P.O., Port Blair 744102	32.	The Member Secretary Chandigarh Pollution Control Committee, Paryavaran Bhawan, Ground Floor, Sector 19 B Madhya Marg, Chandigarh
33.	Member Secretary Daman, Diu & Dadra Nagar Haveli Pollution Control Committee, Office of the Deputy Conservator of Forests, Moti Daman, Daman 396220	34.	Member Secretary Lakshadweep Pollution Control Committee, Department of Science, Technology & Environment, Kavaratti-682355
35.	Member Secretary Pondicherry Pollution Control Committee, Housing Board Complex, Anna Nagar, Pondicherry-605 005	36.	Joint Secretary (Marketing) Ministry of Petroleum and Natural Gas, Govt. of India Shastri Bhawan, New Delhi - 110001
37.	Chief Controller of Explosives Petroleum and Explosive Safety Organization (PESO) A Block CGO Complex Fifth Floor Seminary Hills Nagpur-(Maharashtra) -440006	38.	Director Legal Metrology Ministry of Consumer Affairs, Food and Public Distribution Dept. of Consumer Affairs, Room No-461-A, Krishna Bhawan, New Delhi - 110 001
39.	The Chairman, M/s. Bharat Petroleum Corporation Limited Bharat Bhawan, 4 and 6 Currimbhoy Road Ballard Estate, Mumbai 400 001	40.	The Chairman, M/s. Hindustan Petroleum Corporation Limited Petroleum House, 17, Jambheji Tata Road, Mumbai Maharashtra 400020
41.	The Chairman, M/s. Indian Oil Corporation Limited Indian Oil Bhawan, G9, Ali Yavar Jung Marg Bandra East, Mumbai, Maharashtra 400 051	42.	The Chairman and Managing Director, M/s. Shell India Pvt. Ltd. Plot No. 7, Bangalore Hardware Park, Devanahalli Industrial Park Mahadeva Kodigehalli, Bangalore- 562 109, Karnataka
43.	The Chairman and Managing Director, M/s Reliance Industries Limited, Maker Chambers - IV Nariman Point Mumbai 400 021	44.	Chairman M/s. Nayara Energy Limited (Formerly Essar Oil Limited) 5th Floor, Jet Airways Godrej BNC, Plot No. C-68, G Block Bandra Kurla Complex, Bandra East Mumbai- 400 051
45.	General Manager (International Trade), Mangalore Refinery and Petrochemicals Limited, Core - 8, 7th Floor, Scope Complex, Lodhi Road, New Delhi - 110003		

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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.

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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.

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- 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.

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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.

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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.

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Item No. 06

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 86/2019

Gyanprakash @ Pappu Singh

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 18.01.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s):

For Respondent(s):

ORDER

The issue raised in this application is to limit number of petrol pumps so as to avoid adverse impact on the environment.

The applicant has referred to news item dated 24.12.2018 in 'Live Mint' under the heading "Indian Oil, HP and BP's plan to open 80,000 petrol pumps hits land hurdle" to submit that large number of petrol pumps are being opened without any concern for environment and without any guideline about sustainability of such large number of petrol pumps.

Reference has been made to the guidelines issued by Indian Road Congress "General Conditions of Siting" laying down distance from the highways and distance between the two fuel stations. Photographs of unregistered and indigenously assembled vehicles have also been filed, with further averments that such vehicles create air pollution and safety hazardous.



HARYANA STATE POLLUTION CONTROL BOARD
 C-11 Sector-6, Panchkula
 Ph - 0172- 577870-73, Fax No. 2581201
 E-mail- hspcbho@gmail.com
 Website: hspcb.gov.in

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No. HSPCB/PLG/2020/831-52

Dated: 5/2/20

To

All Deputy Commissioners in State of Haryana.

Sub: Guidelines for setting up of new petrol pumps in compliance of Hon'ble NGT order dated 18.01.2019 in OA No. 86/2019 Gayanaprakash a Pappu Singh Vs GOI & Ors -regarding.

Kindly refer to the subject noted above.

In this regard, I have been directed to enclose herewith copy of memorandum dated 07.01.2020 received from Central Pollution Control Board on the subject noted above for your information and further necessary action.

DA/ As above.

Sr. Env. Engineer (Plg)
 For Chairman

ip
 Endst. No. HSPCB/PLG/2020/853-54

Dated: 5/2/20

A copy of the above is forwarded to the following for information and necessary action please:-

1. Director, Town & Country Planning Department, Haryana.
2. Director, Food & Supply Department, Haryana.

DA/ As above.

Sr. Env. Engineer (Plg)
 For Chairman

AK



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 Uol & 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.

List of Stakeholders

1.	The Member Secretary Andhra Pradesh State Pollution Control Board D. No.33-26-14D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalmvari Street, Kasturibaipet, Vijayavada-520010	2.	The Member Secretary Arunachal Pradesh State Pollution Control Board 'ParyavaranBhavan', Yupla Road, PappuNallah, Naharlagun - 791110 Arunachal Pradesh
3.	The Member Secretary Assam State Pollution Control Board Bamunimaidan, Guwahati - 781021 Assam	4.	The Member Secretary Bihar State Pollution Control Board Parivesh Bhawan, Plot No.N-B/2, Patliputra Industrial Area Patna-800023
5.	The Member Secretary Chhattisgarh Environment Conservation Board Paryavas Bhawan, North Block Sector-19 NayaRaipur - 492 099 Chhattisgarh	6.	The Member Secretary Goa State Pollution Control Board Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao - Bardez Goa - 403511
7.	The Member Secretary Gujarat State Pollution Control Board Sector 10-A, Gandhi Nagar - 382043 Gujarat	8.	The Member Secretary Haryana State Pollution Control Board C-11, Sector 6, Panchkula, Haryana 134109 Haryana
9.	The Member Secretary Himachal Pradesh State Pollution Control Board ParyavaranBhavan, Phase III, New Shimla - 171009 Himachal Pradesh	10.	The Member Secretary J&K State Pollution Control Board, Parivesh Bhawan, Forest Complex, Gladni, Narwal, transport Nagar, Jammu (J&K)
11.	The Member Secretary Jharkhand State Pollution Control Board T.A Building, HEC Campus, P.O. Dhurwa Ranchi - 834004 Jharkhand	12.	The Member Secretary Karnataka State Pollution Control Board ParisaraBhavan, 4 th & 5 th floors Church Street, Bangalore 560 001 Karnataka
13.	The Member Secretary Kerala State Pollution Control Board Plamoodu Junction, Pattam Palace P.O. Thiruvananthapuram - 695004 Kerala	14.	The Member Secretary Maharashtra State Pollution Control Board Kalpataru Point, 3 rd & 4 th floors Sion Matunga Scheme Road No. 6 Opp. Cine Planet, Sion Circle, Sion (E), Mumbai 400 022, Maharashtra
15.	The Member Secretary Madhya Pradesh State Pollution Control Board ParyavaranParisar, E-5 Arera Colony Bhopal - 462016 Madhya Pradesh	16.	The Member Secretary Manipur State Pollution Control Board Lamphelpat, Imphal West D.C. Office Complex - 795004 Manipur
17.	The Member Secretary Meghalaya State Pollution Control Board Arden, Lumpyngngad, Shillong - 793014 Meghalaya	18.	The Member Secretary Mizoram State Pollution Control Board New Secretariat Complex, Khatla, Thlanmual Peng, Aizawl Mizoram 796001
19.	The Member Secretary Nagaland State Pollution Control Board Signal Point, Dimapur, Nagaland - 797112 Nagaland	20.	The Member Secretary Odisha State Pollution Control Board Paribesh Bhawan A-118, Nilakanta Nagar, Unit VIII, Bhubaneswar 751012 Odisha
21.	The Member Secretary Punjab State Pollution Control Board Nabha Road, ITI Rd, Adarsh Nagar, Prem Nagar, Patiala - 147001, Punjab	22.	The Member Secretary Rajasthan State Pollution Control Board A-4 Institutional Area, JhalaneDungri Jaipur - 302004, Rajasthan

23.	The Member Secretary Sikkim State Pollution Control Board State land Use & Environment Cell Govt. of Sikkim, Deorali, Gangtok, Sikkim	24.	The Member Secretary Tamil Nadu State Pollution Control Board No. 76, Mount Salai, Guindy, Chennai - 600032 Tamil Nadu
25.	The Member Secretary Telangana State Pollution Control Board ParyavaranBhavan A-3, Industrial Estate, Sanath Nagar, Hyderabad - 500 018 Telangana	26.	The Member Secretary Tripura State Pollution Control Board Parivesh Bhawan Pt. Nehru Complex, Gorkhabasti P.O., Kunjaban, Agartala, West Tripura - 799 006 Tripura
27.	The Member Secretary Uttarakhand Environment Protection & Pollution Control Board 29/20, Nemi Road, Dehradun - 248001 Uttarakhand	28.	The Member Secretary Uttar Pradesh State Pollution Control Board 3 rd floor, PICUP Bhavan, VibhutiKhand, Gomti Nagar, Lucknow- 226010 Uttar Pradesh
29.	The Member Secretary West Bengal State Pollution Control Board ParibeshBhavan Building, No.10-A, Block -LA, Sector 3, Salt Lake City, Kolkata - 700 091, West Bengal	30.	The Member Secretary Delhi Pollution Control Committee, Government of N.C.T. Delhi 4th Floor, ISBT Building, Kashmere Gate, Delhi-110006
31.	The Member Secretary Andaman & Nicobar Islands Pollution Control Committee, Department of Science & Technology, Dollygunj Van Sadan, Haddo P.O., Port Blair - 744102	32.	The Member Secretary Chandigarh Pollution Control Committee, Paryavaran Bhawan, Ground Floor, Sector19 B Madhya Marg, Chandigarh
33.	Member Secretary Daman, Diu & Dadra Nagar Haveli Pollution Control Committee, Office of the Deputy Conservator of Forests, Moti Daman, Daman - 396220	34.	Member Secretary Lakshadweep Pollution Control Committee, Department of Science, Technology & Environment, Kavarati-682555
35.	Member Secretary Pondicherry Pollution Control Committee, Housing Board Complex, Anna Nagar, Pondicherry-600 005		---

2. Joint Secretary (Marketing)
Ministry of Petroleum and Natural Gas, Govt. of India
Shastri Bhavan,
New Delhi – 110001
3. Chief Controller of Explosives
Petroleum and Explosive Safety Organization (PESO)
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4. Director
Legal Metrology
Ministry of Consumer Affairs, Food and Public Distribution Deptt. of Consumer Affairs,
Room No.461-A, Krishi Bhawan,
New Delhi - 110 001
5. The Chairman,
M/s. Bharat Petroleum Corporation Limited
Bharat Bhavan, 4 and 6 Currimbhoy Road
Ballard Estate, Mumbai 400 001
6. The Chairman,
M/s. Hindustan Petroleum Corporation Limited
Petroleum House, 17, Jamshedji Tata Road, Mumbai
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7. The Chairman,
M/s. Indian Oil Corporation Limited
Indian Oil Bhawan, G9, Ali Yavar Jung Marg
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8. The Chairman,
M/s. Shell India Markets Pvt. Ltd.
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Bangalore- 562 149, Karnataka.
9. The Chairman,
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Maker Chambers - IV
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10. The Chairman,
M/s. Nayara Energy Limited (Formerly Essar Oil Limited)
5th Floor, Jet Airways Godrej BKC,
Plot No. C-68, G Block
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Mumbai- 450 051

Copy to:

1. Joint Secretary
CP Division
Ministry of Environment, Forest and Climate Change
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2. Regional Director
Regional Directorate, Lucknow
PICUP Bhawan, Vibhuti Khand, Gomti Nagar,
Lucknow– 226010
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Bengaluru-560079
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5. Regional Director
Regional Directorate, Vadodara
Parivesh Bhawan, Opp. Ward No. 10 VMC Office Subhanpura,
Vadodara –390023
6. Regional Director
Regional Directorate, Shillong
"TUM-SIR". Lower Motinagar,
Near Fire Brigade H.Q., Shillong–793014
7. Regional Director
Regional Directorate, Kolkata
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8. Regional Director
Regional Directorate, Tamil Nadu
Second Floor, No.77-A, South Avenue Road, Ambattur Industrial Estate, Ambattur
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9. Regional Director
Regional Directorate, Chandigarh
e-mail- gurnamsingh.cpcb@nic.in
10. Regional Director
Regional Directorate, Pune
e-mail - bksharma.cpcb@nic.in
11. PA to CCB
12. AO to MS
13. IT Division : for uploading on CPCB website

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.



CENTRAL POLLUTION CONTROL BOARD

DELHI 110032

B-13011/1/2020-21/AQM

January 29, 2021

OFFICE MEMORANDUM

Sub: Clarification with regard to cut-off date for applicability of siting criteria referred in Guidelines for Setting Up of New Petrol Pumps dated 07.01.2020

This is in reference to guidelines issued by CPCB on 07.01.2020 for setting up of new petrol pumps indicating the siting criteria to be got implemented for new Retail Outlets.

References/cases have been received with regard to applicability of CPCB siting criteria dated 07.01.2020, in case of Retail Outlets where Letter of Intents (LoIs) have been issued or applications have been made for obtaining NOC or prior clearance/ initial approval has been obtained from PESO.

In this regard, it is clarified that the siting criteria for new Retail Outlets is to be complied with in cases where construction of Retail Outlets by Oil Marketing Companies commenced on or after 07.01.2020. In other words, the siting criteria will not apply to those cases where PESO prior clearance/ initial approval has been obtained and subsequently construction has been started by the OMC before 07.01.2020.

This is issued with the approval of Competent Authority.

(P.K.G.)

(P. K. Gupta)

Additional Director and Head
AQM division

To:

1. All SPCBs/PCCs - *With a request to circulate to Commissioner of civil supplies or other similar authorities who look after issues related to fuel Retail Outlets at State level and District Collectors.*
(As per list enclosed)
2. Ministry of Petroleum And Natural Gas
Joint Secretary (Marketing)
Ministry of Petroleum and Natural Gas, Govt. of India
Shastri Bhavan,
New Delhi – 110001

3. Petroleum And Explosives Safety Organisation
Chief Controller of Explosives
Petroleum and Explosive Safety Organization (PESO)
A Block CGO Complex Fifth Floor Seminary Hills
Nagpur-(Maharashtra) -440006
4. The Chairman,
M/s. Bharat Petroleum Corporation Limited
Bharat Bhavan, 4 and 6 Currimbhoy Road
Ballard Estate, Mumbai 400 001
5. The Chairman,
M/s. Hindustan Petroleum Corporation Limited
Petroleum House, 17, Jamshedji Tata Road, Mumbai
Maharashtra 400020
6. The Chairman,
M/s. Indian Oil Corporation Limited
Indian Oil Bhawan, G9, Ali Yavar Jung Marg
Bandra East, Mumbai, Maharashtra 400 051
7. General Manager (International Trade),
Mangalore Refinery and Petrochemicals Limited,
Core - 8, 7th Floor,
Scope Complex, Lodhi Road,
New Delhi – 110003
8. The Chairman and Managing Director,
M/s. Shell India Pvt. Ltd.
Plot No. 7, Bangalore Hardware Park,
Devanahalli Industrial Park
Mahadeva Kodigehalli
Bangalore- 562 149, Karnataka.
9. The Chairman and Managing Director,
M/s Reliance Industries Limited,
Maker Chambers - IV
Nariman Point
Mumbai 400 021
10. Chairman
M/s. Nayara Energy Limited (Formerly Essar Oil Limited)
5th Floor, Jet Airways Godrej BKC,
Plot No. C-68, G Block
Bandra Kurla Complex, Bandra East
Mumbai- 450 051

Copy to:

1. Regional Director
Regional Directorate, Bhopal
Third Floor Sahkar Bhawan
North T T Nagar
Bhopal 462003
2. Regional Director
Regional Directorate Bengaluru
A-Block, Nisarga Bhavan,
1st and 2nd Floors, 7th D Cross,
Thimmaiah Road, Shivanagar,
Bengaluru-560079
3. Regional Director
Regional Directorate, Chennai
No. 76, Mount Salai,
Guindy, Chennai-600032
4. Regional Director
Regional Directorate Kolkata
South end Conclave Block-502, 5th and 6th Floor,
1582, Razidanga, Main Road,
Kolkata-700107
5. Regional Director
Regional Directorate, Lucknow
PICUP Bhawan
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010
6. Regional Director
Regional Directorate, Shillong
TUM-SIR. Lower Motinagar,
Near Fire Brigade H.Q., Shillong-793014
7. Regional Director
Regional Directorate, Vadodara
Parivesh Bhawan, Opp. Ward No. 10
VMC Office Subhanpura, Vadodara - 390 023
8. Regional Director
Regional Directorate, Pune
Row House No.1, Nisarg Vihar,
Balewadi, Pune -411045

List of SPCBs/ PCCs

1.	The Member Secretary Andhra Pradesh State Pollution Control Board D. No.33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalmvari Street, Kasturibaipet, Vijayavada-520010	2.	The Member Secretary Arunachal Pradesh State Pollution Control Board 'Paryavaran Bhavan', Yupla Road, Pappu Nallah, Naharlagun - 791110 Arunachal Pradesh
3.	The Member Secretary Assam State Pollution Control Board Bamunimaidan, Guwahati - 781021 Assam	4.	The Member Secretary Bihar State Pollution Control Board Parivesh Bhawan, Plot No.N-B/2, Patliputra Industrial Area Patna-800023
5.	The Member Secretary Chhattisgarh Environment Conservation Board Paryavas Bhawan, North Block Sector-19 Naya Raipur - 492 099 Chhattisgarh	6.	The Member Secretary Goa State Pollution Control Board Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao - Bardez Goa - 403511
7.	The Member Secretary Gujarat State Pollution Control Board Sector 10-A, Gandhi Nagar - 382043 Gujarat	8.	The Member Secretary Haryana State Pollution Control Board C-11, Sector 6, Panchkula, Haryana 134109 Haryana
9.	The Member Secretary Himachal Pradesh State Pollution Control Board Paryavaran Bhavan, Phase III, New Shimla - 171009 Himachal Pradesh	10.	The Member Secretary J&K State Pollution Control Board, Parivesh Bhawan, Forest Complex, Gladni, Narwal, transport Nagar, Jammu (J&K)
11.	The Member Secretary Jharkhand State Pollution Control Board T.A Building, HEC Campus, P.O. Dhurwa Ranchi - 834004 Jharkhand	12.	The Member Secretary Karnataka State Pollution Control Board Parisara Bhavan, 4 th & 5 th floors Church Street, Bangalore - 560 001 Karnataka
13.	The Member Secretary Kerala State Pollution Control Board Plamoodu Junction, Pattam Palace P.O. Thiruvananthapuram - 695004 Kerala	14.	The Member Secretary Maharashtra State Pollution Control Board Kalpataru Point, 3 rd & 4 th floors Sion Matunga Scheme Road No. 6 Opp. Cine Planet, Sion Circle, Sion (E), Mumbai 400 022, Maharashtra
15.	The Member Secretary Madhya Pradesh State Pollution Control Board Paryavaran Parisar, E-5 Arera Colony Bhopal - 462016 Madhya Pradesh	16.	The Member Secretary Manipur State Pollution Control Board Lamphelpat, Imphal West D.C. Office Complex - 795004 Manipur
17.	The Member Secretary Meghalaya State Pollution Control Board Arden, Lumpyngngad, Shillong - 793014 Meghalaya	18.	The Member Secretary Mizoram State Pollution Control Board New Secretariat Complex, Khatla, Thlanmual Peng, Aizawl Mizoram 796001
19.	The Member Secretary Nagaland State Pollution Control Board Signal Point, Dimapur, Nagaland - 797112 Nagaland	20.	The Member Secretary Odisha State Pollution Control Board Paribesh Bhawan A-118, Nilakanta Nagar, Unit -VIII, Bhubaneswar - 751012 Odisha
21.	The Member Secretary Punjab State Pollution Control Board Nabha Road, ITI Rd, Adarsh Nagar, Prem Nagar, Patiala - 147001 Punjab	22.	The Member Secretary Rajasthan State Pollution Control Board A-4 Institutional Area, Jhalane Dungri Jaipur - 302004 Rajasthan

23.	The Member Secretary Sikkim State Pollution Control Board State land Use & Environment Cell Govt. of Sikkim, Deorali, Gangtok., Sikkim	24.	The Member Secretary Tamil Nadu State Pollution Control Board No. 76, Mount Salai, Guindy, Chennai – 600032, Tamil Nadu
25.	The Member Secretary Telangana State Pollution Control Board Paryavaran Bhavan A-3, Industrial Estate, Sanath Nagar, Hyderabad – 500 018 Telangana	26.	The Member Secretary Tripura State Pollution Control Board Parivesh Bhawan Pt. Nehru Complex, Gorkhabasti P.O., Kunjaban, Agartala, West Tripura - 799 006 Tripura
27.	The Member Secretary Uttarakhand Environment Protection & Pollution Control Board 29/20, Nemi Road, Dehradun – 248001 Uttarakhand	28.	The Member Secretary Uttar Pradesh State Pollution Control Board 3 rd floor, PICUP Bhavan, Vibhuti Khand, Gomti Nagar, Lucknow – 226010 Uttar Pradesh
29.	The Member Secretary West Bengal State Pollution Control Board Paribesh Bhavan Building, No.10-A, Block –LA, Sector 3, Salt Lake City, Kolkata – 700 091, West Bengal	30.	The Member Secretary Delhi Pollution Control Committee, Government of N.C.T. Delhi 4th Floor, ISBT Building, Kashmere Gate, Delhi-110006
31.	The Member Secretary Andaman & Nicobar Islands Pollution Control Committee, Department of Science & Technology, Dollygunj Van Sadan, Haddo P.O., Port Blair – 744102	32.	The Member Secretary Chandigarh Pollution Control Committee, Paryavaran Bhawan, Ground Floor, Sector 19 B Madhya Marg, Chandigarh
33.	Member Secretary Daman, Diu & Dadra Nagar Haveli Pollution Control Committee, Office of the Deputy Conservator of Forests, Moti Daman, Daman – 396220	34.	Member Secretary Lakshadweep Pollution Control Committee, Department of Science, Technology & Environment, Kavarati-682555
35.	Member Secretary Pondicherry Pollution Control Committee, Housing Board Complex, Anna Nagar, Pondicherry-600 005		