

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONAL BENCH KOLKATA  
IN  
O.A. No. 154/2022/EZ**

**IN THE MATTER OF:**

**Yodh Bdr. Thapa**

**...Applicant**

**Versus**

**Bharat Petroleum Corp. Ltd. & Ors.**

**...Respondent(s)**

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2.	Guidelines for setting up of Petrol Pumps issued by Central Pollution Control Board on 07.01.2020 ( <b>Annexure-I</b> )	



**(Mantu Kumar Choudhury)**

Regional Director & Scientist 'F',  
Central Pollution Control Board,  
Lower Motinagar, Shillong 793014.

Filed Through Counsel

Dated: 14.02.2023

Place: Shillong

क्षेत्रीय निर्देशक / Regional Director  
केन्द्रीय प्रदूषण नियंत्रण बोर्ड/Central Pollution Control Board  
क्षेत्रीय निर्देशालय उत्तर पूर्व शिलांग - ७९३०१४  
Regional Directorate - North East, Shillong - 793014  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
Ministry of Environment, Forest & Climate Change, Govt. of India

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**REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 3,  
CENTRAL POLLUTION CONTROL BOARD**

I, Mantu Kumar Choudhury S/o A. C. Choudhury, aged about 58, by Religion Hindu, by Occupation Service, having office at the Regional Directorate, Central Pollution Control Board, Lower Motinagar, Shillong-793014, do hereby solemnly affirm and declare as under:

1. That I, in the capacity of Regional Director and Scientist 'F', Regional Directorate, Central Pollution Control Board (hereinafter referred to as 'CPCB'), Shillong, and have been authorized to file the present reply affidavit. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present reply affidavit.
2. That the averments made under Para 1 to 4 of the Original Application are matter of record and hence attracts no comment from this Answering Respondent.
3. That in reply to the averments made under Para 5 of the Original Application it is humbly submitted that the Central Pollution Control



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SI/Instrument No 38  
Date 14.2.2023

Board has issued Guidelines on 07.01.2020 for setting up of Petrol Pumps. **(Annexure-I)**

4. That in reply to the averments made under Para 6 of the Original Application, it is humbly submitted that the matter of implementation of siting criteria is to be dealt by the Concerned State Government Agency/SPCBs/PCCs.
5. That the averments made under Para 7 to 11 of the Original Application attracts no comment from this Answering Respondent.
6. That in reply to the averments made under Para 12 of the Original Application it is humbly submitted that the matter of Consent to Establish (CTE) may be replied by the Respondent No. 2 i.e. Sikkim State Pollution Control Board.
7. That in reply to the averments made under Para 13 to 17 of the Original Application it is humbly submitted that the Central Pollution Control Board reiterates the same as mentioned in Para 3 of this Affidavit.
8. That in reply to the averments made under Para 18 to 24 of the Original Application, it is humbly submitted that the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 have defined "Isolated Storage" as storage of a hazardous chemical, other than storage associated with an installation on the same site specified in Schedule 4 (of the said rules) where that storage involves at least the quantities of that chemical set out in Schedule 2 (of the said rules).

Isolated storage of hazardous chemicals (as per Manufacture, Storage and Import of Hazardous Chemical Rules, 1989) are categorized under Red category according to categorization of Central Pollution Control Board. Therefore, isolated storages of hazardous chemicals are required to obtain consent to establish prior to establishment and consent to operate prior to starting of operations





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from their concerned State Pollution Control Boards / Pollution Control Committees.

Petrol is covered under extremely flammable liquids as per criteria for flammable chemicals specified in Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (as amended).

In the context of flash point and boiling point of the flammable chemicals that are planned to be stored at the site under reference, it is required to be verified that under which category of flammable chemicals, these chemicals are covered under Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.

On the basis of planned storage quantities and flammable categories of flammable chemicals that are planned to be stored, it is required to be assessed whether the planned storage site is an isolated storage and whether it requires to take necessary approvals as specified in Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (as amended) in the light of threshold quantities for various flammable chemicals specified under the said rules.

9. That in reply to the averments made under Para 25 of the Original Application attracts no comment from this Answering Respondent.
10. That in reply to the averments made under Para 26 of the Original Application it is humbly submitted that on the basis of planned storage quantities and flammable categories of flammable chemicals that are planned to be stored, it is required to be assessed whether the planned storage site is an isolated storage (as defined in the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 as amended) and whether it requires to take necessary approvals as specified in Manufacture, Storage and Import of Hazardous Chemical



  
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Rules, 1989 (as amended) in the light of threshold quantities for various flammable chemicals specified under the said rules.

11. That in reply to the averments made under Para 27 of the Original Application attracts no comment from this Answering Respondent.
12. That in reply to the averments made under Para 28 and 29 of the Original Application it is humbly submitted that it is regarding Environmental Clearance which is dealt by The Ministry of Environment, Forests & Climate Change and attracts no comment from this Answering Respondent.
13. That in reply to the averments made under Para 30 of the Original Application it is humbly submitted that it is regarding accidents in petroleum depots in India and other countries and attracts no comment from this Answering Respondent.
14. That in reply to the averments made under Para 31 and 32 of the Original Application it is humbly submitted that it is regarding guidelines prepared by Central Pollution Control Board and the Ministry of Environment, Forests and Climate Change in coordination with other concerned authorities as directed by the Hon'ble National Green Tribunal on 11.06.2021 in Original Application 60 of 2021 and attracts no comment from this Answering Respondent.
15. That in reply to the averments made under Para 33 and 34 of the Original Application it is humbly submitted that it is regarding Environment Impact Assessment/Environmental Clearance which is dealt by the Ministry of Environment, Forests & Climate Change and attracts no comment from this Answering Respondent.



  
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16. That in reply to the averments made under Para 35 of the Original Application attracts no comment from this Answering Respondent.
17. That in reply to the averments made under Para 36 of the Original Application it is humbly submitted that it is regarding Standard Operating Procedure prescribed by Gujarat State Pollution Control Board and attracts no comment from this Answering Respondent.
18. That in reply to the averments made under Para 37 to 40 of the Original Application attracts no comment from this Answering Respondent.
19. That in reply to the averments made under Para 41 of the Original Application it is humbly submitted that on the basis of storage quantities of hazardous chemicals that has been planned, it is required to be assessed whether the planned storage site can be considered as isolated storage as defined under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 (as amended). In case the planned storage site is covered under the isolated storage as defined under the said rules, it will require to obtain consent to establish prior to its establishment and consent to operate prior to starting of operations from their concerned State Pollution Control Board.
20. That in reply to the averments made under Para 42 to 46 of the Original Application it is humbly submitted that the averments are about violation of the Noise Pollution (Regulation and Control) Rules, 2000 and corresponding Standards and violation of those by the Respondent No. 1. In this context following are to inform:



  
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Ministry of Environment, Forest and Climate Change has notified the Noise Pollution (Regulation and Control) Rules, 2000 and prescribed ambient standard for noise. These standards need to be complied at all the time. Authorities notified under these Rules are responsible for enforcement of these Rules.

As per Rule 2(c) of the Noise Pollution (Regulation and Control) Rules, 2000 "authority" means and includes any authority or officer authorized by the Central Government, or as the case may be, the State Government in accordance with the laws in force and includes a District Magistrate, Police Commissioner, or any other officer not below the rank of the Deputy Superintendent of Police designated for the maintenance of the ambient air quality standards in respect of noise under any law for the time being in force.

21. That in reply to the averments made under Para 47 and 48 of the Original Application it is humbly submitted that the averments are about violation of the provisions of the Construction and Demolition Waste Management Rules, 2016 by the Respondent No. 1 as Waste generator. In this context, it is to inform that, as per Rule (4) Duties of the waste generator are as follows:

(i) Every waste generator shall prima-facie be responsible for collection, segregation of concrete, soil and others and storage of construction and demolition waste generated, as directed or notified by the concerned local authority in consonance with these rules.

(ii) The generator shall ensure that other waste (such as solid waste) does not get mixed with this waste and is stored and disposed separately.



  
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(iii) Waste generators who generate more than 20 tons or more in one day or 300 tons per project in a month shall segregate the waste into four streams such as concrete, soil, steel, wood and plastics, bricks and mortar and shall submit waste management plan and get appropriate approvals from the local authority before starting construction or demolition or remodelling work and keep the concerned authorities informed regarding the relevant activities from the planning stage to the implementation stage and this should be on project to project basis.

(iv) Every waste generator shall keep the construction and demolition waste within the premise or get the waste deposited at collection centre so made by the local body or handover it to the authorized processing facilities of construction and demolition waste; and ensure that there is no littering or deposition of construction and demolition waste so as to prevent obstruction to the traffic or the public or drains.

(v) Every waste generator shall pay relevant charges for collection, transportation, processing and disposal as notified by the concerned authorities; Waste generators who generate more than 20 tons or more in one day or 300 tons per project in a month shall have to pay for the processing and disposal of construction and demolition waste generated by them, apart from the payment for storage, collection and transportation. The rate shall be fixed by the concerned local authority or any other authority designated by the State Government.

22. That the averments made under Para 49 to 63 of the Original Application attracts no comment from this Answering Respondent.



  
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23. That the averments made under Para A to L of Grounds of the Original Application attracts no comment from this Answering Respondent. However, CPCB reserves its right to deal with the said Grounds properly at the time of hearing of this Original Application.
24. In view of the above facts indicated in earlier Paras it is respectfully prayed that this Answering Respondent No. 3 shall abide by any order or direction passed by this Hon'ble Tribunal.



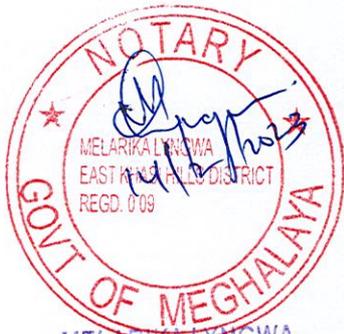
**DEPONENT**

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### VERIFICATION

I, Mantu Kumar Choudhury, the above named deponent do hereby verify that the contents of the above reply affidavit are true and correct to my knowledge based on official records no part of it is false and nothing material has been concealed therefrom.

Signed and verified on this Day of 14<sup>th</sup> February, 2023 at Shillong.



MELARIKA LYNGWA  
NOTARY  
East Khasi Hills District  
Government of Meghalaya



**DEPONENT**

क्षेत्रीय निर्देशक / Regional Director  
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ANNEXURE-I



CENTRAL POLLUTION CONTROL BOARD

DELHI 110 032

January 07, 2020

B-13011/1/2019-20/AQM 10802-10847  
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

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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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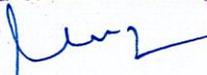


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6. Single/ double plane swivel with breakaway coupling shall be installed for all the dispensing units for better positioning of nozzle while refueling so that it does not fall off accidentally.
  7. In pressurized dispensation, all dispensing units 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.
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.

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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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Regional Directorate - North East, Shillong - 793014  
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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, overflow 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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