

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 408/2023
IN THE MATTER OF:**

Harvinder Singh

... Applicant

Versus

State of Haryana & Ors.

... Respondents

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| 1. | Response on behalf of Central Pollution Control Board (CPCB), Respondent No. 6 in compliance of Hon'ble NGT order dated 10.12.2024. | |
| 2. | ANNEXURE-A A copy of Hon'ble NGT vide order dated 10.12.2024 in Original application No. 408/2023 | |
| 3. | ANNEXURE-B , A Copy of Minutes of Meetings held on 05.04.2019 and 01.10.2019 regarding finalisation of guidelines for siting of petrol pumps | |

**Filed by: Adv. Rajkumar
On behalf of Central Pollution Control Board**

**Place: Delhi
Date: 14.01.2025**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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**RESPONSE ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD
(CPCB) i.e. RESPONDENT NO. 6**

1. That, Hon'ble NGT vide order dated 10.12.2024 (**Annexure – A**) has directed to file copies of all Minutes of Meeting of the Expert Committee and also copies of relevant documents/discussion as the case may be regarding inclusion of Schools and exclusion of Colleges in the siting criteria adopted for finalization of the guidelines dated 07.01.2020. Thereby this response is submitted for kind consideration of Hon'ble Tribunal.
2. It is humbly submitted that the issue of setting up of large number of petrol pumps without any environmental concern was considered by the Hon'ble NGT in OA No. 86 of 2019 titled as *Gyanprakash @ Pappu Singh vs UoI & Others*. Thereby, Hon'ble NGT directed the Ministry of Petroleum and Natural Gas and CPCB to review the matter and issue appropriate guidelines. Accordingly, the guidelines for setting up of new petrol pumps were framed under the guidance of the Expert Committee comprising of officials from

MoPNG, NEERI, IIT-Kanpur, IIP- Dehradun, TERI & CPCB and were subsequently circulated on 07-01-2020 to concerned stakeholders for implementation.

3. That, the minutes of meeting held on 05.04.2019 and 01.10.2019 regarding finalisation of guidelines for siting of petrol pumps in compliance of Hon'ble NGT order dated 18.01.2019 in OA 86/2019 titled "*Gyanprakash @ Pappu Singh Vs UoI & Ors*", as directed by the Hon'ble Tribunal is hereby annexed as **Annexure 'B'** for ready reference. The same indicates that schools have been considered as sensitive receptor by the Expert Committee and not colleges. It is further submitted that the ibid minutes of meeting has also been submitted before Hon'ble NGT in the instant matter vide report of Answering Respondent herein dated 02.02.2024.
4. That, in the light of the above submissions, it is respectfully submitted that this Answering Respondent, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Court in the instant OA.



(Pankaj Agarwal)
Scientist 'F'

Central Pollution Control Board
14.01.2025.

Item No. 02

Court No. 2

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

Original Application No. 408/2023

Harvinder Singh

Applicant

Versus

State of Haryana & Ors.

Respondents

Date of hearing: 10.12.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the applicant.

Respondents: Mr. Rahul Khurana, Advocate for Respondents No. 1, 2 and 5.
Mr. Robin Dutt, Advocate for Respondent No. 4.
Mr. Raj Kumar, Advocate for Respondent no. 6 (through VC).
Mr. Divye Chugh, Mr. Manish Sharma and Mr. Prateek Tanmay,
Advocates for Respondent no. 7.

ORDER

1. Part arguments have been heard today.

2. CPCB guidelines dated 07.01.2020 were framed on directions given by this Tribunal vide order dated 18.01.2019 passed in *O.A. No. 86/2019 titled as Gyanprakash@Pappu Singh Vs. GoI & Ors.* 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 concerned stakeholders which were reviewed and guidelines were finalized and

circulated for implementation by concerned stakeholders with the approval of competent authority.

3. CPCB is directed to file copies of all Minutes of Meeting of the Expert Committee and also copies of relevant documents/discussion as the case may be regarding inclusion of Schools and exclusion of Colleges in the siting criteria adopted for finalization of the guidelines dated 07.01.2020 at least three days before the date of hearing fixed.

4. List on 16.01.2025 for further consideration.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 10th, 2024
O.A. No. 408/2023
AB



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Annexure-B

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

SPEED POST

April 16, 2019

B-13011/1/2019-20/AQM

To,

The list enclosed

Sub.: Minutes of the meeting held on 05.04.2019 at CPCB regarding in compliance of the Hon'ble NGT order dated 18.1.2019 in OA No. 86/2019: Gyanprakash @ Pappu Singh vs Uol & Ors. - reg.

Sir,

Please find attached herewith the minutes of meeting held on 05.04.2019 at CPCB regarding compliance of the Hon'ble NGT order dated 18.1.2019 in OA No. 86/2019: Gyanprakash @ Pappu Singh vs Uol & Ors, for necessary action/ perusal.

Yours faithfully

(V.K. Shukla)

Additional Director
AQM Div.

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

Minutes of the meeting held on 05.04.2019 at CPCB, in compliance of the Hon' ble NGT order dated 18.1.2019 in OA No. 86/2019: Gyanprakash @ Pappu Singh vs UoI & Ors,

Sh. V.K. Shukla, Scientist 'E', AQM Division, CPCB welcomed the Member Secretary, CPCB and the Committee members and briefed about the orders passed by the Hon' ble NGT on 18.01.2019 for preparation of siting and other necessary guidelines in reference to the OA No. 86 of 2019 filed on the issue of setting up of 80,000 petrol pumps in the country. The list of participants is annexed.

Sh. V.K. Shukla further informed that first meeting in the matter was convened between CPCB and MoPNG on 08.02.2019 wherein MoPNG was requested to share detailed information about the proposed petrol pumps and guidelines followed for setting up of petrol pumps including siting criteria and information on clearances obtained from different departments. However, the information is still not received. During the said meeting, it was also decided that a Committee comprising of officials from MoPNG and CPCB, and, experts from NEERI, IIT, Indian Institute of Petroleum, Dehradun and TERI may be constituted for suggesting necessary guidelines and accordingly the present committee has been constituted. The minutes of the said meeting were circulated to the committee members.

Member Secretary, CPCB expressed that the main objective of convening this meeting is to finalize the various environment related issues that needs to be addressed under the proposed guidelines to be finalized by the said Committee.

Committee members discussed the various issues related to environment protection and suggested following aspects should be considered while framing the draft guidelines:

A. Siting of petrol pumps

1. Siting criteria for petrol pumps to be setup in urban, rural areas and on highways considering population and land use pattern.
2. Siting distance from sensitive locations such as schools, hospitals, play grounds and electric substations etc. should be prescribed.

B. Measures for air and ground water protection

1. Containment and treatment of spillages from fuel filling operations at petrol pumps.
2. Check on leakages (Leakage Detection System) from underground storage tanks so as to prevent groundwater contamination. Treatment and disposal of sludge removed from underground tanks during cleaning.
3. Protocol for proper operation and maintenance of Vapor Recovery System, and, to monitor performance and check efficiency of Vapor Recovery System.
4. Requirement of additional pollution control systems (air purification systems) needed to be installed for control of VOCs at petrol pumps located in areas having high population density in order to minimize exposure, if any.
5. Monitoring mechanism (procedure, parameters and frequency) to check air and ground water quality in and around petrol pump depending upon location of petrol pump (Urban, Rural and Highways).

C. Measures for protection of worker's health

Member Secretary, CPCB expressed that MoPNG being the concerned parent ministry may come out with draft guidelines in association with oil marketing companies. International practices being followed in this regard may be referred. The draft guidelines so prepared may be subsequently discussed, reviewed and finalized by this committee. It was agreed that draft guidelines to be prepared in two weeks and these be discussed by the Committee in the next meeting scheduled on April 22, 2019.

Meeting ended with thanks to chair.



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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

E-MAIL

B-13011/1/2018-19/AQM

November 14, 2019

List enclosed


Sub.: Minutes of the meeting held on 01.10.2019 at CPCB regarding finalization of Guidelines for siting of Petrol Pumps - Reg.

Sir,

Please find attached herewith the minutes of meeting held on 01.10.2019 at CPCB regarding finalization of Guidelines for siting of Petrol Pumps for necessary action/ perusal.

Yours faithfully,

(V. K. Shukla)
Additional Director,
AQM Division



List of Committee Members

1. **Sh. K.M. Mahesh, Director (LPG)**
Ministry of Petroleum & Natural Gas
E-mail- mahesh_png@gov.in
2. **Sh. Mritunajay Jha, Deputy Secretary,**
Ministry of Petroleum & Natural Gas
E-mail- mritunajayjha@nic.in
3. **Director**
National Environmental Engineering Research Institute
E-mail- r_kumar@neeri.res.in and nk_labhsetwar@neeri.res.in
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Indian Institute of Petroleum, Dehradun
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6. **Dr. Mukesh Sharma**
Professor, Department of Civil Engineering
Indian Institute of Technology Kanpur Kanpur, India
E-mail: mukesh@iitk.ac.in

Minutes of Expert Committee meeting dated 1.10.2019 on siting guidelines for petrol pumps

Comments received from stakeholders on the guidelines were discussed with the Committee and following decisions were taken:

1. **Groundwater level data available on CGWA website may be limited to a specified area around the monitoring station and that there may be variation in water table within different areas around the monitoring station, hence, requirement of checking online data may be removed.** Expert Committee agreed with the suggestion received and decided that it shall be the responsibility of OMC to properly get measured groundwater level at the site of proposed petrol pump and ensure implementation of adequate protection measures as per guidelines for the sites with groundwater levels less than 04 meters. In case, any deviation is observed in the data reported by OMC, action as per law may be initiated against the OMC.
2. **Ancillary components of storage tanks made of HDPE which is corrosion free may also be permitted in addition to the materials conforming to IS with corrosion protection coatings.** Expert Committee decided that materials approved by PESO shall be considered and that this shall be applicable for underground as well as above ground storage tanks.
3. **In case of leakage/ spillage of lube oil/ fuel in quantity more than 01 barrel, operation of concerned underground storage tank may be stopped instead of the entire petrol pump.** Expert Committee decided that since the release from specific source i.e. tank is required to be controlled; operation of that tank and ancillary components shall be stopped and be not resumed till corrective measures are implemented to the satisfaction of PESO and SPCB. All such incidences be reported to SPCB, PESO, DM within 24 hours of occurrence under intimation to CPCB. Further, EC decided that experience requirement of consultants/ expert agency to be appointed by OMCs for damage assessment due to leakage and its remediation may be reduced to 05 years from 07 years proposed earlier, considering that there may be a limited number of consultants available with an experience of 07 years in this field.
4. **Single plane swivel with breakaway couplings installation at dispensing units may also be permitted as alternative to two plane swivel.** Expert Committee agreed with the suggestion and decided that Single/ double plane swivel with breakaway coupling shall be installed for all the dispensing units for better positioning of nozzle while refuelling so that it does not fall off accidentally.
5. **Automation system approved by EPA shall be allowed to be used for leak detection.** Expert Committee discussed that since PESO is the regulatory authority, automation system to be installed for providing alert on tank leak shall have PESO approved auto gauging system.
6. **Increase the frequency of testing of tank and pipeline leaks from 05 years to 10 years or testing to be done only in cases where the compromise in integrity of the internal monitoring system is observed.** Expert Committee decided that leak tests are needed as preventive measure for protection of environment; however the frequency of testing may be revised to 07 years instead of 05 years considering high design life of these components and very few cases reported in the past with such faults.
7. **VRS installation at petrol pumps to be done within 03 months of achievement of monthly average sale of 100 KL or 300 KL instead of installation by the time petrol pump touches the MS sale of 100 KL or 300 KL.** MoPNG expressed that it is very difficult to procure and install VRS for petrol pumps touching MS sale of 100 since this quantum of sale can be easily achieved by petrol pumps and therefore limited time is available for procurement and installation of VRS. Expert Committee deliberated the issue and decided that time period of 03 months can be given for installation of VRS in case of petrol pumps with sale potential of 100 KL however in case of petrol pumps with sale potential of 300 KL MS per month, VRS shall be made functional by the time of sale of MS touch 300 KL. In case of failure of installation of VRS, Environment Compensation will be levied equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.

8. Stage II VRS nozzle shall be provided with flexible cover flap or other alternate system for proper covering of filling tank and therefore proper recovery of vapors.

9. **Whether, TWA or STEL standards to be considered for Work zone monitoring for Total VOCs.** Expert Committee discussed the matter and decided that TWA standards be applicable being more stringent than STEL standards.

10. Standards for parameters to be analysed during groundwater monitoring be prescribed.

11. 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 and hospitals (10 beds and above) and residential area shall be less than 30 meters designated as per local laws. No high tension line shall pass over the retail outlet.

List of Participants:

1. Dr. Prashant Gargava, Member Secretary, Central Pollution Control Board.
2. Shri Mrityunjay Jha, Deputy Secretary, Ministry of Petroleum and Natural Gas
3. Shri Dr Ajay Kumar Gupta, CSIR- Indian Institute of Petroleum, Dehradun, Uttarakhand
4. Meena Sehgal, Senior Fellow, The Energy and Resources Institute
5. Shri Vivek Kumar Chaudhary, Law Officer, IOCL deputation to Ministry of Petroleum and Natural Gas
6. Shri Sanjeev Agarwal, CGM Engg. RHQ, Mumbai
7. Shri Murali Mohan, DGM, HPCL, Mumbai
8. Shri Subrat Rath, GM, IOCL, Mumbai
9. Shri Mukesh Sharma (through VC), Indian Institute of Technology Kanpur
10. Shri Nitin Labhsetwar (through VC), National Environmental Engineering Research Institute, Nagpur (NEERI), Nagpur
11. Shri V.K Shukla, Head AQM Div., Central Pollution Control Board
12. Shri Ankush Tewani, Sc 'D', Central Pollution Control Board
13. Shri Parul Sahi, Senior Fellow, Central Pollution Control Board