

Speed Post

EQ-11099/20/2021-AQM-HO-CPCB-HO 5359

October/2, 2023

To,

~~The Chairman,~~

~~M/s Nayara Energy Limited,
5th Floor, Jet Airways Godrej BKC, Plot No. C-68,
G Block, Bandra Kurla Complex,
Bandra East, Mumbai - 400 051~~

Sub: Direction under Section 5 of Environment (Protection) Act, 1986 for non-installation of Vapour Recovery Systems in petrol refueling stations and storage terminals-reg.

WHEREAS, clean air is a matter of right and it is necessary to take steps towards improvement of Air Quality and for protecting public health National Ambient Air Quality Standards have been prescribed for 12 pollutants viz. PM_{2.5}, PM₁₀, SO₂, NO₂, CO, Ozone, NH₃, Benzene, Benzo(a)pyrene, Pb, Ni, and As;

WHEREAS, many towns and cities, where ambient air is monitored under National Ambient Monitoring Programme, are not complying with the National Ambient Air Quality Standards, particularly with respect to particulate matter pollution, and NO₂, benzene and Ozone are becoming a matter of concern;

WHEREAS, petrol refueling stations are a major source of emissions of benzene, which is a carcinogenic compound, and the people in the vicinity of these stations including the workers engaged in the dispensing activities may potentially be at risk of benzene exposure;

WHEREAS, petroleum refueling stations are also a source of other volatile organic compounds (VOC), which are emitted from loading/unloading operations, and refueling of individual vehicles and are precursor to tropospheric ozone; therefore, requiring control of VOC emissions from such installations is an important step for improving air quality, particularly in regard to benzene and ozone.

WHEREAS, the Ministry of Environment & Forests, Government of India, vide Notification No. GSR 913 (E) dated 24.10.1989, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and the rules notified under the Environmental (Protection) Rules, 1986 and amendment thereof,

WHEREAS, CPCB on 22.02.2016 issued directions to M/s. Nayara Energy Limited (formerly Essar Oil Limited) to install VRS in existing petrol pumps selling more than 300 KLPM and located in 46 million plus cities and new petrol pumps coming up with capacity more than 300 KLPM;

WHEREAS, Hon'ble National Green Tribunal, Principal Bench vide order dated 28.09.2018 in Original Application No.147/2016: Aditya N. Prasad & Ors. v/s Union of India & Ors., directed oil companies to ensure installation of VRS in petrol pumps located in Delhi selling more than 300 KLPM on or before 31.10.2018 and with regard to remaining on or before 31.12.2018;

WHEREAS, Hon'ble National Green Tribunal vide said order also directed CPCB to issue directions to Oil Marketing Companies (OMCs) and ensure that necessary steps are taken by all the concerned;

WHEREAS, CPCB on 25.10.2018 issued directions to M/s. Nayara Energy Limited for installation of VRS in petrol pumps in Delhi within the timeline prescribed by Hon'ble NGT;

WHEREAS, Hon'ble National Green Tribunal in Original Application No.147/2016: Aditya N. Prasad & Ors. v/s Union of India & Ors., vide further orders dated 01.11.2018 and 22.11.2018 directed OMCs including M/s Nayara for installation of VRS at petrol pumps and storage terminals in NCR by 30.04.2019;

WHEREAS, CPCB on 18.09.2020 further issued directions to M/s. Nayara Energy Limited for installation of Vapour recovery system at petrol pumps selling more than 100 KLPM and located in million plus cities, and, those selling more than 300 KLPM and located in cities with population between 01 Lakh to 01 million, and, the timelines prescribed in the said direction were further extended vide CPCB direction dated 12.07.2021 in view of the issue of COVID - 19 Pandemic;

WHEREAS, the Hon'ble National Green Tribunal, Southern Zone, Chennai, vide order dated 23.12.2021 in Original Application No. 138 of 2020: V.B.R. Menon v/s The Chief Secretary to Government of Tamil Nadu and Ors., directed CPCB to take appropriate action against those petroleum outlets/storage depot which are located in cities having more than 10 Lakh population and are having turnover of more than 300 KL/Month and above, for non-installation of VRS within the time frame fixed by the CPCB in direction dated 12.02.2016 or extended by the Hon'ble Apex Court, by imposing environmental compensation as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad & Ors. Vs. Union of India & Ors.);

WHEREAS, the Hon'ble National Green Tribunal, Southern Zone, Chennai, vide the said order had also directed CPCB to take appropriate action, against those petroleum outlets and depots which failed to install VRS within the extended time fixed by the CPCB in direction dated 18.09.2020 by imposing environmental compensation as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad & Ors. Vs. Union of India & Ors.);

WHEREAS, M/s Nayara Energy Limited filed a Civil Appeal No. 1758 of 2022 in the Hon'ble Supreme Court against the said order and the order of Hon'ble NGT was stayed by the Hon'ble Supreme Court vide order dated 28.01.2022;

WHEREAS, the Hon'ble Supreme Court vide order dated 14.03.2023 directed CPCB to ensure that the directions issued by the NGT as contained in paras above are fully complied with;

WHEREAS, the status submitted by M/s Nayara Energy Limited vide emails dated 13.11.2020 and 03.03.2022 show delay in VRS installation at 02 ROs in Delhi and 270 ROs in NCR (list enclosed), in violation of the timelines prescribed by the Hon'ble National Green Tribunal, and at one site, i.e. M/s Brothers filling Station, Hyderabad, in violation of the timelines prescribed by CPCB;

NOW THEREFORE, in view of above and in exercise of power vested under Section 5 of Environment (Protection) Act, 1986, M/s. Nayara Energy Limited is hereby directed to pay Environmental Compensation of Rs. Two crore for not installing VRS within the timeline prescribed the Hon'ble National Green Tribunal and CPCB.

The Environmental Compensation amount shall be deposited with CPCB within 15 days of receipt of this direction, failing which necessary action will be taken as per law.



(Tanmay Kumar)
Chairman

Copy to:

1. **Joint Secretary,** :for information please
Ministry of Petroleum and Natural Gas,
Shastri Bhawan, New Delhi- 110001

2. **Joint Secretary,** :for information please
CP division
Ministry of Environment, Forests and Climate Change,
Indira Paryavaran Bhawan, Jorbagh road,
New Delhi- 110003

3. **Divisional Head,** : with request to upload on CPCB website
IT division, CPCB


(Bharat Kumar Sharma)
Member Secretary