

BY REGISTERED AD

B-33018/07/IPC-II/ 12509-12542
To

November 8, 2018

The Chairman
SPCBs & PCCs
(As per list enclosed)-1

Sub: Directions under Section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and control of Pollution) Act, 1981 for implementation of provisions of the Notification issued by Central Government under E.P. Act 1986

WHEREAS, amongst others, under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 17 of the Air (Prevention and Control of Pollution) Act, 1981 one of the functions of the State Pollution Control Board is to plan comprehensive programs for prevention, control and abatement of water pollution and air pollution in respective states and to secure the execution thereof; and

WHEREAS, thermal power plants are identified as one of the 17 categories of highly polluting industries and accumulation of ash of coal and lignite based thermal power plants is a major environmental problem; and

WHEREAS, in order to protect the environment, conserve top soil, and promote utilization of ash generated from coal and lignite based thermal power plants, the Central Government issued Notification vide MoEF&CC Notification No. 763(E) dated 14th September 1999 (in short - 'Notification'), as amended vide Notifications dated 27th August 2003, 3rd November 2009 (copy enclosed), further amended vide Notification dated 25th January 2016 (copy enclosed); and

WHEREAS, the Notification contains various directions, including directions regarding - mandatory mixing ash in brick manufacturing, mandatory use of ash based products in construction activities, mandatory use ash in road and fly over projects, mandatory use of ash in low lying land reclamation projects, and mandatory use of ash in stowing and backfilling of mine voids and in mines over burden dumping, within specified distances from thermal power plants. The salient directions of the Notification are presented below:

"1(1): No person shall within a radius of one hundred kilometres from coal or lignite based thermal power plants, manufacture clay bricks or tiles or blocks for use in construction activities without mixing at least 25 per cent of ash (fly ash, bottom ash or pond ash) with soil on weight to weight basis.

1(A): Every construction agency engaged in construction of buildings within a radius of three kilometres from coal or lignite based thermal power plants shall use only fly ash based products for construction, such as cement or concrete, fly ash bricks or tiles or clay fly ash bricks or blocks or tiles or cement fly bricks or blocks or similar products or a combination or aggregate of them in every construction project.

(1B) The provisions of sub-paragraph (1A) shall be applicable to all construction agencies of Central or State or Local Government and private or public sector and it shall be the responsibility of the agencies either undertaking the construction or approving the design or both to ensure compliance of the provisions of sub-paragraph (1A) and to submit annual returns to the concerned State Pollution Control Board or the Pollution Control Committee, as applicable.

1(D): The authority for ensuring the use of specified quantity of ash (minimum fly ash content for building materials or products to qualify as 'fly ash based products') as per sub paragraph

1(C) shall be the concerned Regional Officer of the State Pollution Control Board or the Pollution Control Committee, as the case may be.

1(E): The concerned State Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub paragraph 1(A).

1(5): No agency, person or organisation shall, within a radius of three hundred kilometres from coal or lignite based thermal power plant undertake construction or approve design for construction of roads or flyover embankment with top soil ...

1(7): No agency, person or organisation shall, within a radius of three hundred kilometres from coal or lignite based thermal power plant undertake or approve or allow reclamation and compaction of low lying areas with soil; only fly ash shall be used for compaction and reclamation ...

1(8)(i): No person or agency shall, within fifty kilometres (by road) from coal or lignite based thermal power plant undertake or approve stowing of mines without using at least 25% of fly ash on weight to weight basis, of the total stowing materials used ...

1(8)(ii): No person or agency shall, within fifty kilometres (by road) from coal or lignite based thermal power plant undertake or approve without using at least 25% of flyash on volume to volume basis of the total materials used for external dump of overburden and same percentage in upper benches of backfilling of open cast mines ...

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1(11): The concerned State Government or Union Territory Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub paragraph (8)(i) and (8)(ii) (of paragraph 1).

3(7): For the purpose of monitoring the implementation of the provisions of this notification the State Governments or the Union territory Governments shall constitute a Monitoring Committee under the Chairmanship of Secretary, Department of Environment, with representatives from Department of Power, Department of Mining, Road and Building Construction Department and State Pollution Control Board ...and the Committee will meet at least once in every quarter.”; and

WHEREAS, non-utilization or insufficient utilization of ash generated from coal and lignite based thermal power plants by target users in violation of the Notification is leading to accumulation of ash in large number of power plants causing a major environmental problem.

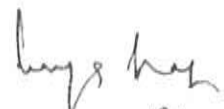

NOW, THEREFORE, in view of the above and in exercise of the powers conferred under Section 18(1)(b) of the Water (Prevention and Control of Pollution) and the Air (Prevention and Control of Pollution) Act, 1981, you are hereby directed as under:

1. To enlist all brick manufacturing units located within radius of one hundred kilometer from coal and lignite based thermal power plants in the state (and keep updating the list every year) and ensure compliance of relevant provisions of the Notification by all such brick manufacturing units, and take action for closure of all non-compliant units.
2. To further direct District Magistrates to consider cancellation of permission to all such brick manufacturing units which are located within radius of one hundred kilometer from coal and lignite based thermal power plants but are not complying with relevant provision of the Notification.
3. To enlist all agencies and authorities either undertaking the construction or approving the design or both within radius of three hundred kilometre from coal and lignite based thermal power plants in the state (and keep updating the list every quarter) and coordinate at state level as well as district level with the designated enforcement authority i.e. State Government, so as to ensure compliance of relevant provisions of the Notification by all such agencies and authorities.
4. To enlist all road and flyover projects within radius of three hundred kilometre from coal or lignite based thermal power plants in the state (and keep updating the list every quarter) and coordinate at state level as well as district level with the State Government, so as to ensure compliance of relevant provisions of the Fly ash Notification by the executing agencies of all such projects.

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5. To enlist all low lying area reclamation projects within radius of three hundred kilometre from coal or lignite based thermal power plants in the state (and keep updating the list every quarter) and coordinate at state level as well as district level with the State Government, so as to ensure compliance of relevant provisions of the Notification by the executing agencies of all such projects.
6. To enlist all mines within radius of fifty kilometre (by road) from coal or lignite based thermal power plants in the state (and keep updating the list every year) and coordinate at state level as well as district level with the designated enforcement authority i.e. State Government, so as to ensure compliance of relevant provisions of the Notification by the mines.
7. To coordinate with State Government so as to ensure that the state level Monitoring Committee meets at least once in every quarter.
8. To submit annual implementation report on Notification to CPCB, necessarily covering - summary of the annual returns submitted by the enlisted agencies/authorities and mines as required under paragraphs 1(B) and 1(9) of the Notification, respectively, compliance status of above directions 1 to 5, and minutes of the meetings of the state level Monitoring Committee, by 30th June every year (for the previous year 1st April to 31st March)


The first compliance report of this direction, including the annual implementation report for year 2017-18, be submitted by 31st December 2018.

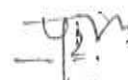


(SPS Parihar) 12/12/18
Chairman


Copy to:

The Secretary, Government of India
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhawan, JorBagh Road
Aliganj, New Delhi 110 003

The Incharges, Regional Directorates
Central Pollution Control Board
(As per list enclosed)-2

 **Div. Head, IT, CPCB**


(Prashant Gargava)
Member Secretary


1), List of SPCBs & PCCs

1. The Member Secretary
Andhra Pradesh Pollution Control Board
D. No. 33-26-14 D/2, Near Sunrise Hospital,
Pushpa Hotel Centre, Chalamalavari Street,
Kasturibaipet, Vijayawada - 520 010
2. The Member Secretary
Arunachal Pradesh State Pollution Control Board
Govt. of Arunachal Pradesh,
Department of Environment & Forests,
Paryavaran Bhawan, Yupia Road, Papu Nalah,
Naharlagun - 791 110
3. The Member Secretary
Pollution Control Board- Assam,
Bamunimaidam,
Guwahati - 781 021,
Assam
4. The Member Secretary
Bihar State Pollution Control Board
Parivesh Bhawan, Plot No. NS-B/2,
Paliputra Industrial Area, Patliputra,
Patna - 800 023 Bihar
5. The Member Secretary
Chhattisgarh State Environment Conservation Board,
Paryavas Bhawan, North Block Sector-19,
Naya Raipur - 492 002, Chhattisgarh
6. The Member Secretary
Chandigarh Pollution Control Committee
Paryavaran Bhawan, Ground Floor,
Sector-19 B, Madhya Marg,
Chandigarh - 160 019
7. The Member Secretary
Pollution Control Committee,
UTs of Daman, Diu and Dadra & Nagar Haveli
Fort Area, Court Compound,
Moti Daman - 396 220
8. The Member Secretary
Goa State Pollution Control Board
1st Floor, Dempo Tower, EDC Patto Plaza,
Panaji - 403 001, Goa

9. The Member Secretary
Gujarat Pollution Control Board
Paryavaran Bhavan, Sector 10-A,
Gandhi Nagar 382 010, Gujarat
10. The Member Secretary
Himachal Pradesh State Pollution Control Board
Him Parivesh, Phase-III,
New Shimla - 171 009
11. The Member Secretary
Haryana State Pollution Control Board
C-11, Sector-6, Panchkula- 134109,
Haryana
12. The Member Secretary
Jharkhand State Pollution Control Board
T.A. Bldg., HEC, P. O.
Dhurwa, Ranchi-834 004 (Jharkhand)
13. The Member Secretary
Karnataka State Pollution Control Board
"Parisara Bhavan", #49,4th & 5th Floor,
Church Street, Bangalore 560 001
14. The Member Secretary
Kerala State Pollution Control Board
Head Office, Pattom. P. O
Thiruvananthapuram - 695 004
Kerala
15. The Member Secretary
Madhya Pradesh Pollution Control Board
Paryavaran Parisar, E-5, Arera Colony
Bhopal 462 016, Madhya Pradesh
16. The Member Secretary
Maharashtra Pollution Control Board,
Kalpataru Points, 3rd & 4th Floor,
Sion Matunga Scheme Road No.6 Opp. Cine Planet,
Sion Circle, Sion (E), Mumbai-400 022
17. The Member Secretary
Manipur Pollution Control Board
Lamphalpat, Imphal - 795 004,
Manipur

18. The Member Secretary
Meghalaya State Pollution Control Board,
"ARDEN", Lumpynggad,
Shillong - 793 014,
Meghalaya
19. The Member Secretary
Mizoram Pollution Control Board
New Secretariat Complex,
Khatla, Aizawl - 796 001,
Mizoram
20. The Member Secretary
Nagaland Pollution Control Board
Signal Point, Dimapur
Nagaland
21. The Member Secretary
Odisha State Pollution Control Board
Paribesh Bhawan, A-118, Nilakantha Nagar
Unit VIII Bhubaneswar - 751 012,
Odisha
22. The Member Secretary
Punjab Pollution Control Board
Vatavaran Bhawan, Nabha Road
Patiala 147 001, Punjab
23. The Member Secretary
Rajasthan Pollution Control Board,
A-4, Institutional Area,
Jalana Dungri, Jaipur 302 004,
Rajasthan
24. The Member Secretary
Sikkim State Pollution Control Board
State Land Use & Environment Cell
Govt. of Sikkim, Deorali
Gangtok - 737 102, Sikkim
25. The Member Secretary
Tamil Nadu Pollution Control Board
No. 76, Mount Salai, Guindy
Chennai- 600 032
Tamilnadu
26. The Member Secretary
Tripura State Pollution Control Board

Parivesh Bhawan, Pandit Nehru Complex
P.O. Kunjaban, Gorkhabasti,
Agartala - 799 006, Tripura

27. The Member Secretary
Uttarakhand Environment Protection & Pollution Control Board
29/20, Nemi Road, Dalanwala,
Dehradun - 248 001, Uttarakhand
28. The Member Secretary
Uttar Pradesh Pollution Control Board
IIIrd Floor PICUP Bhavan
Vibhuthi Khand, Gomti Nagar,
Lucknow - 226 020, UP
29. The Member Secretary
Telangana State Pollution Control Board
Paryavarana Bhavan,
A-III, Industrial Estate, Sanathnagar,
Hyderabad - 500 018
30. The Member Secretary
West Bengal Pollution Control Board
Paribesh Bhavan, 10-A, Block LA,
Sector III, Salt Lake City,
Kolkata-700 091
31. The Member Secretary
Delhi Pollution Control Committee,
Government of N.C.T. Delhi
4th Floor, ISBT Building, Kashmere Gate,
Delhi-110 006
32. The Member Secretary
Puducherry Pollution Control Committee
'B' Block, Ground Floor,
Chief Secretariat,
Puducherry-605 001

2).List of RDs

1. The Regional Director
Central Pollution Control Board
1st & 2nd Floors, Nisarga Bhavan, A-Block,
Thimmaiah Main Road, 7th D Cross,
Shivanagar, Bengaluru -560 079
2. The Regional Director
Central Pollution Control Board
Southend Conclave, Block 502, 5th & 6th Floor
1582, Rajdanga Main Road
Kolkata - 700 107
3. The Regional Director
Central Pollution Control Board
4th Floor, Sahkar Bhawan,
North TT Nagar,
Bhopal - 462 003
4. The Regional Director
Central Pollution Control Board
Parivesh Bhawan, Opp. VMC Ward Office no. 10
Subhanpura, Vadodara - 390 023
5. The Regional Director
Central Pollution Control Board
PICUP Bhawan, Ground Floor
Vibhuti Khand, Gomti Nagar
Lucknow-226010
6. The Regional Director
Central Pollution Control Board
"TUM-SIR", Lower Motinagar
Near Fire Brigade H.Q.,
Shillong - 793 014