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January 10, 2019

No. B-31013/71/2018-2019/UPCD-I / 15154

To,

The Chairman
J & K State Pollution Control Board
Parivesh Bhawan, Forest Complex
Gladni, Narwal, Transport Nagar
Jammu - 180004

Sub: Direction under section 18 (1) (b) of the "Air (Prevention and Control of Pollution) Act, 1981" for ensuring effective control of pollution due to construction activities being undertaken by the Northern Railway and IRCON International Limited at Village Dalwa, District Ramban (Jammu & Kashmir).

Whereas, as per the provisions of the section 17 (1) (a) of the "Air (Prevention and Control of Pollution) Act, 1981", one of the functions of J & K State Pollution Control Board (JKSPCB) is to plan comprehensive programs for prevention, control and abatement of air pollution and to secure the execution thereof; and

Whereas Ministry of Environment Forests and Climate Change (MoEF&CC) has notified "Construction and Demolition Waste Management Rules, 2016" vide GSR 317(E); dated 29th March, 2016 hence forth known as the said rules; and

Whereas, in compliance of Rule 10 sub rule 1(a) of the said rules CPCB has developed and published "Guidelines on Environmental Management of Construction & Demolition (C&D) Wastes" to promote an integrated approach towards reduction of environmental impacts; and

Whereas, in continuation of the said rules CPCB has developed and published "Guidelines of dust mitigation measures in handling construction material and C&D wastes" to address dust arising during handling of construction material and C&D wastes on site and off site; and

Whereas, in exercise of powers vested under section 18 (1) (b) of the "Air (Prevention and Control of Pollution) Act, 1981", CPCB has already directed J&K SPCB on 13.12.2017 to take immediate action on the following

- i) Guidelines and Dust mitigation measures for implementation of the said rules shall be part of consent management; and
- ii) The enclosed template of notice displaying the waste management by contractor/ builder/developer and operators shall be a part of communication issuing consent.
- iii) DPCC shall also direct local authorities granting permission for C&D activities to ensure compliance of the said rules and its guidelines and to ensure that the enclosed template of notice is displayed at construction sites in their jurisdiction.

Whereas, residents of Village Dalwa, Tehsil Gool, District Ramban filed one OWP No. 1636/2018, IA No. 01/2018 in the matter of Balu Ram and others Vs. State of J & K and Ors.) before Hon'ble High Court of Jammu and Kashmir seeking relief from the dust and noise pollution created by a construction material unit and movement of heavy vehicles run by Norther Railway and IRCON International Limited adjacent to the Government Middle School, Dalwa; and

Whereas, Hon'ble High Court of Jammu and Kashmir passed an order on 28/08/2018 directing the respondents to consider the claim of the petitioners by treating this writ petition as representation and take a decision thereon, strictly under rules, on the basis of averments made in the petition and pass consideration order within a period of four weeks;

Whereas, CPCB has already forwarded copy of Hon'ble High Court Order under reference to J&K SPCB on 03.10.2018 for compliance of the same and submission of the Action taken Report, which is still awaited.

Now , therefore, in view of the above and in exercise of powers conferred to CPCB under section 18 (1) (b) of the "Air (Prevention and Control of Pollution) Act, 1981", following directions are hereby issued to J&K SPCB for regulation and control of the pollution from the construction project under question at village Dalwa, Tehsil Gool, Distt. Ramban:

1. J&K SPCB shall ensure that construction project under question shall be undertaken with valid consent from J&K SPCB , if applicable

under the Water (P&C of Pollution) Act, 1974 and Air (P&C of Pollution), Act, 1981 and Orders issued by Hon'ble Courts.

2. J&K SPCB shall ensure compliance of provisions of the "Construction & Demolition Waste Management Rules, 2016 "and its subsequent amendments in letter & spirit for project under question.
3. J&K SPCB shall ensure compliance of the Noise (Regulation and Control) Rules, 2000 and other relevant rules notified under Environment (Protection) Act, 2010 from time to time in letter & spirit.

J&K SPCB shall acknowledge receipt of these directions immediately and shall communicate the action taken report within 15 days of issue of the directions.

14/11/19

[S. P. Singh Parihar]
Chairman

Copy to:

1. The Joint Secretary, CP Division
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan, Jorbagh Road
New Delhi - 110003
For information please.
2. The Regional Director,
Regional Directorate - North,
Central Pollution Control Board,
PICUP Bhawan, Ground Floor, Vibhuti Khand,
Gomti Nagar, Lucknow - 226010
With a request to
ensure compliance
please.
3. The Divisional Head, IT Division , CPCB, Delhi
For information please.

[Prashant Gargava]
Member Secretary