



Speed Post

CPCB/IPC-V/NGT_OA 718/Brick Kiln/2019 3380

June 25, 2019

To

The Chairman,
Uttar Pradesh Pollution Control Board
Building. No. TC-12V, Vibhuti Khand,
Gomati Nagar,
Lucknow-226010 (U.P.)

Sub: Directions under Section 18(1)(b) of the Air (Prevention and Control of Pollution) Act, 1981 for providing complete status report in compliance of Hon'ble NGT order dated 22/1/2019 in OA No. 718/2017 in the matter of Anil Kumar Vs. Union of India & Ors regarding Brick Kilns.

WHEREAS, amongst others, under Section 17 of the Air (Prevention and Control of Pollution) Act, 1981, one of the functions of the Pollution Control Boards/Committees is to plan a comprehensive programme for the prevention, control or abatement of air pollution in the concerned State/UT and to secure the execution thereof;

WHEREAS, Chairman, CPCB in exercise of the powers vested under the Air (Prevention and Control of Pollution) Act, 1981 issued the following directions under Section 18(1)(b) of the Air (Prevention and Control of Pollution) Act, 1981 to all SPCBs/PCCs, dated 27/6/2017 for compliance:

1. All the Brick Kilns operating without permission and valid consent, not meeting prescribed norms and siting guidelines be closed down with immediate effect.
2. Provide status on conversion of natural draft to induced draft Brick Kilns (with rectangular kiln shape and zig-zag brick setting).
3. Enforce strictly the siting criteria guideline for Brick Kilns.
4. All the moving area around the main Brick Kiln should be paved with the bricks to minimize the fugitive dust emissions from the Brick Kiln operations. This condition should be incorporated in the Consent conditions while granting the Consent by the UP Pollution Control Board.
5. Ensure that fine dust not to accumulate all around the Brick Kiln.

WHEREAS, in compliance of the afore-said CPCB directions dated 27/6/2017, the Hon'ble NGT passed an order dated 22/1/2019, in OA No. 718/2017 in the matter of Anil Kumar Vs. Union of India & Ors, which is as under:

"...we direct CPCB to call for reports from State of Uttar Pradesh, State of Uttarakhand, State of Haryana and State of Punjab and look into as to whether the aforesaid directions have been complied with. In case of failure of the State Pollution Boards to comply with the directions passed by CPCB, the action against such states be taken, in accordance to law. Such exercise should be done within a period of two month..."

WHEREAS, in compliance of the above Hon'ble NGT order, CPCB issued letter dated 29/1/2019 to the UPPCB to submit the compliance status of CPCB directions dated 27/6/2017. Reminder letters were also issued by CPCB on 18/2/2019 and 14/3/2019; and

WHEREAS, in response to the CPCB letters, the status report received from UPPCB dated 14/5/2019, states that the State Board vide letter dated 7/2/2019 has communicated to all District Magistrates to ensure the compliance of the order of the Hon'ble NGT. The status report does not provide the complete compliance status of all the CPCB Directions issued on 27/6/2017; and

WHEREAS, CPCB again requested UPPCB vide letter dated 27/5/2019 to provide the complete compliance status, however, CPCB has not received the same so far.

NOW THEREFORE, in view of above and in exercise of the powers vested under Section 18(1)(b) of the Air (Prevention and Control of Pollution) Act, 1981, the Uttar Pradesh Pollution Control Board is directed for providing the complete status report of the CPCB Directions issued earlier on 27/6/2017, within 10 days, failing which action shall be taken, in accordance with law, as per the order of the Hon'ble NGT.

(S.P. Singh Parihar)
Chairman, CPCB

Copy to:

1. The Advisor (CP Division) : for information, please
Ministry of Environment, Forest and
Climate Change,
Indira Paryavaran Bhawan, Jorbagh Road, Aliganj
New Delhi-110003
2. The Regional Director (North) : for follow up
Central Pollution Control Board
Ground Floor, PICUP Bhawan, Vibhuti Khand
Gomati Nagar, Lucknow - 226 020
U.P.
3. ✓ Div. Head, IT Division, CPCB, Delhi : for uploading on CPCB
website


(Prashant Gargava)
Member Secretary