



BY REGISTERED AD

B-33018/07/IPC-II/ 12508

November 08, 2018

To

The District Magistrate
Gandhi Maidan, Near Bus Stand,
Collectorate, Patna, Bihar 800004
Bihar.

Sub: Directions under Section 5 of Environment (Protection) Act, 29186 regarding compliance of the directions issued for flyash utilisation under section 3, of Environment (protection) Act, 1986 by MoEF & CC vide notification Nos No. 763 (E) dated September 14, 1999, vide notification No.2804 (E) dated November 03, 2009 and S.O. 254(E) dated January 25, 2016.

WHEREAS, the thermal power plants are identified as one of the 17 categories of highly polluting industries in the country and been discharging environmental pollutants directly or indirectly into the ambient water and air, which pose constant threat to cause adverse effect on the water and air quality; and

WHEREAS, in order to protect the environment and conserve top soil, which is extensively used in clay brick manufacturing, and promote utilization of fly ash generated from coal and lignite based thermal power plants, which is still a big challenge for many of the power plants, Central Government has issued a notification under E.P. Act 1986 dated 14th September 1999, as amended by notifications dated 27.8.2003, 3.11.2009, which is further amended by notification dated 25.1.2016.

The notification dated 14.09.199 as amended time to time has following salient directions/provisions:

- 1(1) No person shall within a radius of 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, and
- 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 flyash ash based products for construction, such as cement or concrete, flyash bricks, or tiles or clay flyash bricks or blocks or tiles or cement flash bricks or blocks or similar products or combination or aggregate of them in any construction project.

WHEREAS, the notification entrusts the responsibility of overall monitoring of implementation of provisions of the notification, as well as the specific responsibility of enforcement and monitoring of the provision related to the restrictions on clay brick manufacturing and construction activities, has been entrusted to concerned state government - Para 1(E) & 1(11) and Para 3(7), respectively.

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WHEREAS, it has been brought to the notice that brick kilns located in around Barh area of the district Patna are in violation of the fly ash notification and clay bricks are and continued to be used in construction activities in closed vicinity of thermal power plants, BARAH TPP in particular, where a large number of clay brick kilns are reported to be operational in proximity to the power plant in violation of the fly ash notification.

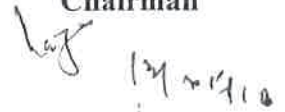
Now, THEREFORE, in exercise of the powers conferred under section 5 of the Environment (Protection) Act, 1986 and after consideration violation of provisions of flyash utilization, following directions are issued:

1. To ensure that clay bricks kilns in District Patna located within 100 kilometers from coal /lignite based thermal power plant shall manufacture bricks by mixing with 25% ash (fly ash, bottom ash or pond ash) of thermal power plants with soil on weight to weight basis
2. To cancel mining lease of all brick kilns located within 100 kilometers from coal /lignite based thermal power plants not using flyash 25% ash (fly ash, bottom ash or pond ash) with soil on weight to weight basis for brick making

The action taken report should be submitted to Central Pollution Control Board within one month from the date of issue of this direction.



(SPS Parihar)
Chairman

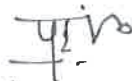


Copy to:

1. The Secretary
Ministry of Environment, Forests & Climate Change
2nd Floor, prathvi wing
Indira Paryavaran Bhawan, Jor Bagh Road
Aliganj, New Delhi 110 003

2. The Incharge, Regional Director
Central Pollution Control Board
Southend Conclave, Block 502, 5th & 6th Floor
1582, Rajdanga Main Road
Kolkata – 700 107

3. Div. Head, IT, CPCB Delhi.



(Prashant Gargava)
Member Secretary

