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IPC-V(SS1)/Brick Kiln/2017 12504

October 24, 2017

To

Deputy Commissioner,
Mini Secretariat Mahedragarh,
Haryana-123029

Directions under Section 5 of the Environment (Protection) Act, 1986

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; and

WHEREAS, the Ministry of Environment & Forests, Government of India, vide Notifications No. S. O. 157 (E) of 27.02.1996 and S. O. 730 (E) dated 10.07.2002, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 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 emission and effluent standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof; and

WHEREAS, in pursuant to the Hon'ble Supreme Court's order dated December 02, 2016 in the matter of M.C. Mehta vs. Union of India regarding air quality in National Capital Region of Delhi, a Graded Response Action Plan was prepared for implementation under different Air Quality Index (AQI) categories; and

WHEREAS, Ministry of Environment, Forest & Climate Change notified implementation of Graded Response Action Plan through Environment Pollution (Prevention & Control) Authority vide S.O. 118 (E) dated January 12, 2017; and

WHEREAS, during moderate to poor AQI conditions it is required to close or stringently enforce all pollution control regulations in Brick Kilns and industries, which is to be ensured by the Chairpersons, Delhi Pollution Control Committee, State Pollution Control Boards of Haryana, Rajasthan, and Uttar Pradesh; and

WHEREAS, during severe AQI conditions it is required to close down operations of Brick Kilns, which is to be ensured by Chairpersons, Delhi Pollution Control Committee, State Pollution Control Boards of Haryana, Rajasthan, and Uttar Pradesh, Superintendent of Police and Deputy Commissioner of respective districts; and

WHEREAS, Chairman Central Pollution Control Board randomly inspected different types of Brick Kilns in the areas of Baghpat, Uttar Pradesh on 15th June, 2017. During the inspection Chairman Central Pollution Control Board observed that the Brick Kiln workers were working in highly air polluted pathetic conditions due to air borne fine dust in the kiln area, because of movement of the tractors and trucks (Conveyance Systems) on the unpaved area having 4-6 inches fine dust layer all around the Brick Kilns; and

WHEREAS, no provisions were found to control fine dust fugitive emissions, due to this highly air pollution and pathetic conditions prevailing all the time; and

WHEREAS, no significant progress was observed for compliance of conversion of Natural Draft Brick Kiln to Induced Draft Brick Kiln (zig-zag brick setting with rectangular shape of kiln); and

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 NCR states, dated 27th June, 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 incorporate in the Consent condition while granting the consent by the UP Pollution Control Board.
5. Ensure that fine dust not to accumulate all around the Brick Kiln.

WHEREAS, CPCB requested HSPCB to submit the compliance status of the aforesaid directions vide letter no. IPC-V(SS1)/Brick Kiln/2017/10273, dated 08/09/2017, so far Action Taken Report has not received till date; and

WHEREAS, in the EPCA meeting held on 24.05.2017 regarding "Roadmap for Brick Kiln Sector in Delhi-NCR", directed that all Brick Kilns in NCR districts of three states (07 districts of UP, 13 districts of Haryana and 02 districts of Rajasthan) shall covert to zig-zag Brick Kilns with induced/ natural draft (with rectangular kiln shape) by September 30, 2017; and

WHEREAS, on the basis of the data collected by the CPCB during July 2017 from Haryana State Pollution Control Board regarding types and consent status of Brick Kiln operating in the NCR, indicated that there are total 1891 nos of Brick Kiln operated in the 13 NCR Districts of Haryana. Among these 200 nos of Brick Kilns are operating without consent; and

WHEREAS, in Mahendragarh District of NCR, total 104 nos of Brick Kilns are being operated as per list of Brick Kilns enclosed herewith and among these 23 nos of Brick Kilns from S. No. 1 to 23 are operating without consent; and

WHEREAS, the Hon'ble High Court of Judicature, Delhi vide its order dated 25th August, 1999 in CWP No. 2145/99 Centre for Public Interest Litigation, Delhi v/s Union of India directed that the Central Government to publish the final notification in respect of fly ash on or before 26th October, 1999; and



WHEREAS, in exercise of the powers conferred by sub-section (1), read with clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986); and in pursuance of the orders of the Hon'ble High Court, Delhi stated above, the Central Government has issued the following directions vide Notification of Ministry of Environment and Forest dated 14th September, 1999 and as amended upto dated 25th January, 2016 as below:

Utilization of fly ash, bottom ash or pond ash in the manufacture of Clay Bricks:-

- (1) No person shall within a radius of three hundred kilometers 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.
- (2) The authority for ensuring the use of specified quantity of ash as per above shall be the concerned Regional Officer of the State Pollution Control Board or the Pollution Control Committee as the case may be. In case of noncompliance, the said authority, in addition to cancellation of consent order issued to establish the brick kiln, shall move the district administration for cancellation of mining lease. The cancellation of mining lease shall be decided after due hearing. To enable the said authority to verify the actual use of ash, the thermal power plant shall maintain month wise records of ash made available to each brick kiln.
- (3) In case of non-availability of ash from thermal power plant in sufficient quantities as certified by the said power plant, the stipulation under para (1) shall be suitably modified (waived/ relaxed) by the concerned State/Union Territory Government.
- (4) Each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General Manager of the thermal power plant and a representative of All India Brick and Tile Manufacture's Federation (AIBTMF). Such a committee shall ensure unhindered loading and transport of ash without any undue loss of time. Any unresolved dispute shall be dealt with by a State/Union Territory level committee to be set up by State/Union Territory Government comprising Member Secretary of the State Pollution Control Board/Pollution Control Committee, representatives of Ministry of Power in the State/Union Territory Government and a representative of AIBTMF.

NOW THEREFORE, in exercise of the powers delegated to the Chairman, CPCB under section 5 of the Environment (Protection) Act, 1986, the following directions are issued for compliance:

1. Brick Kilns operating without consent in your District shall close down all the processing operations with immediate effect.
2. The Brick Kilns not having stack monitoring facility like Port Hole and Platform as per CPCB Guidelines shall also close down all the processing operations with immediate effect.



3. Brick Kilns not converted to Zig-Zag kilns from fixed chimney Bulls Trench Kiln (BTK) by September 30, 2017 should not be allowed to operate.
4. District Administrations should ensure that all Brick Kilns within a radius of three hundred kilometers from coal or lignite based Thermal Power Plants, manufacture clay bricks or tiles or blocks for use in construction activities by mixing at least 25 per cent of ash (fly ash, bottom ash or pond ash) with soil on weight to weight basis.

In case of default, CPCB will be constrained to initiate appropriate action against the Unit, without giving any further notice, in accordance with provisions of the Environment (Protection) Act, 1986.


(S.P. Singh Parihar)
Chairman

Copy to:

1. **The Chief Secretary,**
Govt. of Haryana,
Chandigarh : for information please
2. **The Chairman,**
Haryana State Pollution Control Board
C-11, Sector-6, Panchkula,
Haryana-134 109 Chandigarh : with request to ensure closure
and submit status report within
15 days
3. **The Advisor (CP Division)**
Ministry of Environment, Forests & Climate Change
Indira Paryavaran Bhavan, Jorbagh Road
New Delhi - 110 003 : for information please
4. **Regional Director,**
Central Pollution Control Board
Regional Office (Lucknow)
Ground Floor, PICUP Bhawan
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010 : for follow-up please
5. **Divisional Head, IT Division, CPCB** : for information please




(A. Sudhakar)
Member Secretary

LIST OF BRICK KILNS OPERATED IN THE MAHENDRAGARH DISTRICT OF HARYANA		
Sr.No	Name & Address of Brick Kilns	Consent Yes/No
1	Sumit Gram Udyog Mandal, Vill-Khaspur, PO-Dublana, Distt-Mahendragarh	No
2	Vaishno Int Bhatta, Vill-Bawania, Distt-Mahendragarh	No
3	Kishori & Co., Vill-Kanti Kheri, Narnaul	No
4	Banwari Lal Bhatta Co., Vill.-Narheri, Narnaul Distt-Mohinedrgarh	No
5	Chandra Gram udyog Mandal, Vill-Dharsoo, Narnaul Distt-Mahendragarh	No
6	Arjunnath Bricks Co. Vill-Jailaf, PO-Doharkalan, Narnaul Distt-Mahendragarh	No
7	Ashok Bricks Co., Vill-Pathera, Narnaul, M/garh	No
8	Balaji Bricks Co.,Vill-Khorma, Narnaul Distt-Mahendragarh	No
9	Bhole Nath Gram Udyog Mandal, VPO-Sirohi Bahali, Narnaul	No
10	Bijender brick Co., VPO-Pathera, Mahendragarh	No
11	Laxmi Bricks Co., Vill- khotal Khurd, Mahendragarh	No
12	Manoj Bricks Co., Vill-Pathera, Distt-Mahendragarh	No
13	Mukdam Bricks Co., Vill-Rambas, Mahendragarh	No
14	Om Bricks Co., VPO Dublana, Narnaul, Distt-Mahendragarh	No
15	Rathi Bricks Udyog, Vill-Banihari, Narnaul	No
16	Satnarain Bricks Co., Vill-Kheri kanti, NarnaulDistt-Mahendragarh	No
17	Shree Balaji Entt Bhatta, VPO- Bhungarka, Narnaul Distt-Mahendragarh	No
18	Shree Krishna Ent Bhatta Co., Vill- Akoda, Mahendragarh	No
19	Shree Ram Bricks Co., Vill-Bachini, Distt-Mahendragarh	No
20	Shri Krishana Bricks, Vill- Banihari,M/Garh	No
21	Sub. Ram singh Bhatta udyog, Vill-Koka, Kanina, Distt-Mahendragarh	No
22	Yaduvanshi Bricks Co., Vill-Sihma, Distt-Mahendragarh	No
23	Yashoda Bricks Co., Vill-Kultajpur, Distt-Narnaul	No
24	Narsingh bricks Co., Vill-Amarpur Jorasi, Narnaul, Distt-Mahendragarh	Yes
25	Shyam Bricks Co., Vill-Banihari, Narnaul, Distt-Mahendragarh	Yes
26	Shri Balaji Bricks Udyog, Vill-Nangal Choudhary, Narnaul Distt-Mahendragarh	Yes
27	Krishan Bricks Co., Vill-Bawania, Distt-Mahendragarh	Yes
28	Rao Bhatta Co., Kanti Kheri, unit-II, Vill-Kheri, Narnaul, Mahendragarh.	Yes
29	J.P. Bricks Co., Vill-Khaspur, Narnaul, Mahendragarh.	Yes
30	Laxmi bricks Co., VPO-Zerpur, Distt-Mahendragarh	Yes
31	Shri Ram Bricks Bhatta VILLAGE KHERI(KANTI) Company	Yes
32	Krishna Int Udyog, Vill-Mandlana, Distt-Mahendragarh	Yes
33	Shree Shyam Bricks, Vill- Deroli Ahir,M/Garh	Yes
34	Partap Int Bhatta, Vill-Pavera, Distt-Mahendragarh	Yes
35	Yadav Bhatta Co., Vill. Simha, Narnaul, Mahendragarh	Yes
36	Baba Dadi Wala Bricks Co., Vill-Sihma, Narnaul Distt-Mahendragarh	Yes
37	Karan bricks Co., Vill-Dharsoon, Narnaul Distt-Mahendragarh	Yes
38	Udai Bricks Company Vill-Mandlana, Narnaul, Distt-Mahendragarh	Yes
39	Yadav Bhatta Co., Gujarwas, Ateli, Mahendragarh	Yes
40	Yadav Int Bhatta, Vill-Gujarwas, Tehsil-Narnaul Distt-Mahendragarh	Yes
41	Laxmi Bricks Udyog, Vill-Sirohi Bahali, Narnaul Distt-Mahendragarh	Yes
42	Komal Bricks Co., Vill-Banihari, Narnaul	Yes
43	Pooja bricks Co., Vill-Akoda. Distt-Mahendragarh	Yes
44	Manoj Int Udyog, Vill-Kultajpur, Narnaul, Mgarh	Yes
45	Bhagwati Brick Kiln Co., Vill-Nangal Chaudhary, Mahendragarh	Yes
46	Jagdamba Brick Kiln Vill-Nangal Chaudhary, Mahendragarh	Yes
47	Ram Prasad bricks udyog, Vill-Kheri, Narnaul, Distt-Mahendragarh	Yes
48	Ram Bricks Co., Vill-Chillro, Nizampur, Narnaul	Yes
49	Balaji Bricks Co., Vill-Khera, PO-Bawania, Mahendragarh	Yes
50	Pahalwan bricks Co., Vill-Nuni (Salooni) Narnaul, Distt-Mahendragarh	Yes
51	Deepak Bricks Co., Vill-Bid Chitlang, M/garh	Yes
52	Rao Bhatta Co., Unit-III, Vill-Kheri Kanti, Narnaul, Distt-Mohinedergarh	Yes
53	Saini Bricks Co., Singhana Road, Narnaul Distt-Mahendragarh	Yes
54	Shree Ganga Ram Bricks Company, Village Kheri, Tehsil-Ateli, Narnaul, Distt-Mahendragarh	Yes
55	Ram Nath Bricks Company, Village Saina District Mahendragarh	Yes
56	Shiv Bhatta Co., Vill-Kheri, Narnaul Distt-Mahendragarh	Yes
57	Raju Bricks Co., Vill-Mandlana, PO- Dharsoon, Narnaul, Distt-Mahendragarh	Yes
58	Shree Shanti Nath Brickc Co., Guwani, PO-Sarai Bahadur, Distt-Mahendragarh	Yes
59	Inder Bricks Co., Vill-Pali, Distt-Mahendragarh	Yes
60	Vishwa Karma Ent Bhatta Co., Vill-Pathera, Distt-Mahendragarh	Yes
61	Kamal Bhatta Co., Vill-Kheri Kanti, Mahendragarh	Yes
62	Kamal Bricks Co., Vill-Kheri Kanti, Mahendragarh	Yes
63	Shri ram Bricks Bhatta Co., Vill-Mandlana, PO-Dharsoon, Narnaul, M/garh	Yes
64	Ankit Bricks Co., Vill-Mandlana, Distt-Mahendragarh	Yes

65	Ganpati bricks udyog, VPO- Sirohi Bahali, Narnaul, Mahendragarh	Yes
66	Shree Krishna Gram Udyog Mandal, Vill-Rambass, PO-Dhanota, Narnaul Distt-Mahendragarh	Yes
67	Hare Madhav,Bhatta company Vill.- Notana,M/Garh	Yes
68	Yadav Brother, Vill-Mandlana, PO-Dharsoo, Distt-Mahendragarh	Yes
69	Baba Bhola Giri Bricks Co., VPO-Kheri Talwana, Distt-Mahendragarh	Yes
70	Bharat bricks Co., Vill-Mandlana, PO-Dharsoo, Narnaul Distt-Mahendragarh	Yes
71	Shree Balaji Int Udyog Village Banihari Narnaul Mahendragarh	Yes
72	Shri Balaji Bricks Industries, Vill-Totaheeri, Narnaul Distt-Mahendragarh	Yes
73	Himat Bricks Co., Vill-Bachini, Distt-Mahendragarh	Yes
74	Mukul Bhatta Co., Vill-Basai, Narnaul, distt-Mahendragarh	Yes
75	Shree Ram Ent Bhatta Co., Vill- Pathera, Mahendragarh	Yes
76	Deepak & co., Vill-Kheri Talawana, Mahendragarh	Yes
77	Maman Chan BKO, Vill-Pali, Mahendragarh	Yes
78	D.R. Enterprises Vill-Chit Lang, Mahendragarh	Yes
79	Maa Durga Bhatta, Vill-Pali, Mahendragarh	Yes
80	Rama Bricks Co., Vill- Mandlana, PO- Dharsu, Mahendragarh	Yes
81	Vikash Enterprises Vill-Koka, Mahendragarh	Yes
82	Chaudhary Bricks Co Vill Basai Distt Mahendragarh MAHENDRAGARH	Yes
83	Rawat Bricks Udyog, Vill-Meghot Halla, Narnaul Distt-Mahendragarh	Yes
84	Chandermani Bricks, Vill-Bhandor Uchi, Distt-Mahendragarh	Yes
85	Annu Bricks Co., Vill-Khaspur, Narnaul Distt-Mahendragarh	Yes
86	Giriraj bricks Co., VPO-Sihma, Narnaul Distt-Mahendragarh	Yes
87	Vishkarma Gram udyog Mandal, Vill-Hudina, Narnaul, Mahendragarh	Yes
88	Friends Bhatta Co., Vill-Bachini, Post-Bawania, Distt-Mahendragarh	Yes
89	Durga Bricks, Khera, M/Garh	Yes
90	Janjariya Bricks Co., Vill-Balaha Kalan, Narnaul, Distt-Mahendragarh	Yes
91	Vinayak Ent Bhatta Co., VPO- Basai, Distt-Mahendragarh	Yes
92	NSN Int Bhatta, Vill-Fatehpur, Distt-Mahendragarh	Yes
93	Girdhari bricks Co., Vill- Kheri, Narnaul	Yes
94	Laxmi bricks Co., VPO-Bawania, Distt-Mahendragarh	Yes
95	Mona Bricks Co., Vill-Kheri kanti, Narnaul Distt-Mahendragarh	Yes
96	Narendra Bricks Co., Vill-Bachini, Mahendragarh	Yes
97	R.K. Enterprises, Vill-Guwani, Narnaul Distt-Mahendragarh	Yes
98	Shree Shyam Bricks Co., Vill- Sareli , Tehsil- Narnaul	Yes
99	Shree Shyam Bricks Co., Vill-Rambass, The-Narnaul	Yes
100	Mahipal bricks Co., Vill-sahlang, M/garh	Yes
101	Sarpanch Int Bhatta, Vill- Berundla, Narnaul, M/garh	Yes
102	Sultania Bricks Co., Vill- Kheri, Narnaul, Mahendragarh	Yes
103	Janki Bricks Co., Vill-Sirohi Bahali, Nangal Chaudhary, Mahendragarh	Yes
104	Nand Ram Brick Co., Vill-Nayapla, Narnaul, Mahendragarh.	Yes
Note 1:	All the Brick Kilns are of Fixed Chimney Brick Kiln (BTK)	
2:	Stack Monitoring Facilities has been not provided like Port Hole and Platforms as per CPCB Guidelines	