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IPC-V(SS1)/Brick Kiln/RA/2018

17353-360

February 13, 2018

To,

The District Collector & District Magistrate,
of 02 NCR Districts of Rajasthan State
As Per List

Sub: Compliance of decisions taken in the meeting held on 31.01.2018 at CPCB regarding operation of Brick Kilns in 02 NCR Districts of Rajasthan.

Sir,

Please find enclosed herewith a copy of the minutes of meeting held on 31.01.2018 under the Chairmanship of Chairman, CPCB on a request of All India Brick & Tiles Manufacturing Federation, New Delhi, to discuss the issues relating to implementation of the CPCB directions dated 24.10.2017 issued to District Collector & District Magistrate of 02 NCR districts of Rajasthan, under section 5 of EPA, 1986. In the meeting following decisions regarding operation of Brick Kilns were taken:

1. Operation of Brick Kilns, not converted to Zig-Zag Technology (Natural/Induced draft with rectangular shape) should be allowed for the period March 01, 2018 to June 30, 2018 subject to the following conditions:
 - i. All Brick Kilns to ensure that they obtain valid consents from the concerned State Pollution Control Boards. If any Brick Kiln is found in operation without valid consent, then immediate criminal action may be initiated against the owner of the Brick Kiln.
 - ii. All Brick Kilns to ensure adequate Stack Monitoring facilities as per CPCB Emission Regulation Part-III before commencing their operation.
2. No Brick Kilns (not converted to Zig-Zag Technology) shall operate beyond June 30, 2018.
3. Considering the Amended Notification, 2009 on fly ash utilisation and the decision of the Hon'ble High Court of Allahabad dated 07.10.2010 that the Clay Brick Manufacturers have been excluded from the purview of the Notification, 1999, therefore, use of 25% fly ash in Brick manufacturing should be excluded.

In view of above, you are requested to ensure compliance of above decisions and inform about the action taken in this regard.


Encl: As above

Yours faithfully,

(A. Sudhakar)
Member Secretary

Copy to:

1. **The Chief Secretary,** : for information please
Govt. of Rajasthan,
Jaipur
2. **The Chairman,** : for necessary action please
Rajasthan Pollution Control Board
A-4, Jalane Dungri Institutional Area,
Jaipur – 302 004
3. **The Advisor (CP Division)** : for information please
Ministry of Environment, Forests & Climate Change
Indira Paryavaran Bhavan, Jorbagh Road
New Delhi - 110 003
4. **The Chairman** : for information please
Environment, Pollution (Prevention & Control)
Authority for NCR (EPCA)
Core VI-A, IIIrd Floor, Indian Habitat Centre
Lodhi Road, New Delhi-03
5. **Regional Director,** : for follow-up please
Central Pollution Control Board
Regional Office (Lucknow)
Ground Floor, PICUP Bhawan
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010
6. **General Secretary,** : for information please
All India Brick & Tiles
Manufacturing Federation,
Zone-VI-A, 3rd Floor, India Habitat Centre,
Lodhi Road, New Delhi-110003
7. **Divisional Head, IT Division, CPCB** : for information please



(A. Sudhakar)
Member Secretary

**CENTRAL POLLUTION CONTROL BOARD
DELHI-110032**

A meeting was convened on 31.01.2018 on a request of All India Brick & Tiles Manufacturing Federation, New Delhi, to discuss the issues relating to implementation of the CPCB directions issued to District Magistrates/ Collectorates of 22 NCR districts of 03 States, dated 24.10.2017 under section 5 of EPA, 1986, regarding Brick Kilns.

In attendance:

1. Sh. S.P.Singh Parihar, Chairman, CPCB
2. Sh. A. Sudhakar, Member Secretary, CPCB
3. Sh. P. Gargava, I/c AQM, CPCB
4. Dr. D. S. Kharat, Scientist E, CPCB
5. Dr. Purnima Sharma, RA, CPCB
6. Sh. Vijay Kumar Goel, General Secretary, AIBTMF
7. Sh. Gulshan Narang, President, Haryana Brick Kiln Owners
8. Sh. Omvir Singh Bhati, President, Gautam Budh Nagar, U.P
9. Sh. Sanjeev Chaudhary, Secretary (L), AIBTMF
10. Sh. Manish Gupta, Treasurer, AIBTMF

The discussions and decisions taken in the meeting are mentioned here:

Sh. Vijay Kumar Goel, General Secretary, AIBTMF informed that Brick Kiln Manufacturers are facing difficulties in implementation of the directions of CPCB in which conversion of FCBTK to Zig-Zag Technology was mandated by 30/09/2017 as the conversion requires major changes and the work requires considerable time, arranging skilled labour etc. It was also pointed out that EPCA has allowed operation of FCBTK Brick Kilns (not converted to Zig-Zag Technology), in respect of units which have submitted affidavit for conversion to Zig-Zag before next season. This operation has been allowed only for the period between March 01, 2018 to June 30, 2018.

Sh. Goel also informed about the direction of CPCB on Fly Ash utilization, requiring Brick Manufacturers to comply with the condition of 25% use of Fly Ash in Bricks. He pointed out that the 1999 Notification was revised in 2009 and that it excluded Brick Manufacturing from use of fly ash. Moreover, the Hon'ble High Court of Allahabad during hearing on 07.10.2010 (in the matter of Writ Petition No. 61434 of 2010 case titled as M/s Zaffar Ent Udyog & Ors vs Union of India & Ors) observed that Clay Brick Manufacturers have been excluded from the purview of the Notification requiring 25% use of fly ash. In this regard, he requested the Chairman, CPCB to consider the following aspects:

1. Allow operation of Brick Kilns not converted to Zig-Zag Technology (Natural/Induced draft with rectangular shape) for the period March 01, 2018 to June 30, 2018. It was informed by the Federation members that the Brick Kilns are not operated during monsoon, from July to September. Therefore, Brick Kilns would ensure conversion during monsoon time i.e. July to September.

2. Review the direction regarding 25% use of fly ash in Brick Manufacturing Industries.

Sh. Goel also handed over a written representation dated 27.01.2018 to the Chairman, CPCB.

CPCB officers pointed out that the directions issued by CPCB required Brick Manufactures to obtain consent from respective SPCBs, to make provisions of monitoring facilities such as port hole, platform and ladder with stack to facilitate emission monitor as per guidelines issued by CPCB for Stack Monitoring. It was also informed to the AIBTMF that guidelines for providing appropriate stack monitoring facilities are available on CPCB website. However, it has been observed during field inspection that such facilities are not available and that in a number of cases even valid Consent from SPCBs are not available. In the absence of appropriate facilities for stack monitoring it has not been possible to ascertain compliance to emission norm by these industries. Therefore, unless the aforesaid conditions are met, the industries should not be allowed to continue their operation.

After detailed discussions the following decisions were taken:

Issue 1: Allow operation of Brick Kilns not converted to Zig-Zag Technology (Natural/Induced draft with rectangular shape) for one last season i.e. March 01, 2018 to June 30, 2018, as EPCA has allowed operation of such units with existing FCBTK system on submission of affidavit for conversion to Zig-Zag technology before next season, for one last time i.e. March 01, 2018 to June 30, 2018.

Decision:

Operation of Brick Kilns, not converted to Zig-Zag Technology (Natural/Induced draft with rectangular shape) may be allowed for the period March 01, 2018 to June 30, 2018 subject to the following conditions:

- i. All Brick Kilns to ensure that they obtain valid consents from the concerned State Pollution Control Boards. If any Brick Kiln is found in operation without valid consent, then immediate criminal action may be initiated by SPCBs/CPCB against the owner of the Brick Kiln.
- ii. All Brick Kilns to ensure adequate Stack Monitoring facilities as per CPCB Emission Regulation Part-III before commencing their operation.
- iii. All necessary dust mitigation measures be adopted and implemented at site.
- iv. Provide adequate personal protective equipment to workers at site.
- v. The brick kilns shall comply with the order dated December 18, 2017 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the matter of Original Application No. 21/2014, Item No. 27-32; Vardhaman

Kaushik and other Vs Union of India and others. The operative part of the order regarding Brick Kilns is given below:

- **Pollution level: Category II (Severe)** – Action and measures to be taken and penalties to be imposed, when PM_{10} values are in the range of 300-700 $\mu\text{g}/\text{m}^3$ and $PM_{2.5}$ in the range of 181-400 $\mu\text{g}/\text{m}^3$ in ambient air of Delhi NCR:
 - All the brick kilns, thermal plants and heavy industries which are causing emissions would be instantaneously stopped and inspected by Pollution Control Board and all other concerned authorities and if their emission are found to be beyond the prescribed standards, such plants shall be directed to be shut down.

- **Pollution level: Category IV (Environmental Emergency)** - The directions and steps directed hereinafter shall be carried out by the State Governments, concerned Departments, Local Authorities and all the stakeholders, when PM_{10} exceeds 1000 $\mu\text{g}/\text{m}^3$ and $PM_{2.5}$ exceeds 600 $\mu\text{g}/\text{m}^3$ in ambient air of Delhi NCR:
 - All the brick kilns functioning in NCR Delhi shall be closed.

Issue 2: Permit time period for conversion of FCBTK to Zig-Zag Brick Kiln.

Decision:

No Brick Kilns (not converted to Zig-Zag Technology) shall operate beyond June 30, 2018 and that conversion of FCBTK to Zig-Zag Brick Kiln should be completed before next upcoming season i.e. October, 2018.

Issue 3: Exclude the condition of using fly ash in Brick manufacturing from directions issued to the Brick Manufacturing Industries.

Decision:

Considering the Amended Notification, 2009 on fly ash utilisation and the decision of the Hon'ble High Court of Allahabad dated 07.10.2010 that the Clay Brick Manufacturers have been excluded from the purview of the Notification, 1999, the direction of CPCB (dated 24.10.2017) requiring use of 25% fly ash in Brick manufacturing may be revised to exclude such a condition.

The meeting ended with a vote of thanks to the Chair.