BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH KOLKATA

OA NO. 86/2024/EZ

IN THE MATTER OF:

PRADEEP SINGH SHEKHAWAT **...APPLICANT**

VERSUS

UNION OF INDIA & ORS. **...RESPONDENTS**

INDEX

Filed through

Mr. Surendra Kumar
Advocate

Dated: ___ July, 2024
Place: KOLKATA

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COUNTER AFFIDAVIT ON BEHALF OF POLLUTION CONTROL BOARD, ASSAM i.e. RESPONDENT NO. 04

I, Shri Gukul Bhuyan, aged about 59 years, working as Addl. Chief Environmental Engineer and Nodal Officer (Legal), having its office at Bamunimaidam, Guwahati-781021, Assam do hereby as deponent solemnly affirm and state as under:

1. That I am the Addl. Chief Environmental Engineer and Nodal Officer (Legal) in the Pollution Control Board, Assam and I am fully conversant with the facts and circumstances of the present case and I am duly authorized to affirm and swear this affidavit on behalf of the Pollution Control Board, Assam.

2. That the Answering respondent herein would like to state that the application filed by the applicant relates to minor mineral mining (river sand and river bed mining) and stone crushing units operating in the State of Assam and non-fulfilment of conditions related to the operation of the Stone Crushing Units in the state of Assam.

3. Save and except what have been specifically admitted by me, save and except what are matters of record, I have been advised to deal with only those contentions of the said application which are material for proper adjudication of the said application and barring what has been specifically admitted by me

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hereunder, all other contentions of the said application shall be deemed to have been denied by me and transversed in seriatim.

4. With reference to the paragraph no. 1 and 2 of O.A., save and except what are matters of record, the respondent denies and disputes each and every allegation and/or statement and/or contentions as contained therein. The said paragraphs have self-declarations submitted by the applicant, are matters of record and do not warrant any replies from the respondent.

5. With reference to the paragraph no. 3 to 4 of the O.A. save and except what are matters of record, the respondent denies and disputes each and every allegation and/or statement and/or contentions as contained therein. The said paragraphs, are matters of record and do not warrant any replies from the respondent and shall make submissions at the time of hearing, if required.

6. With reference to the paragraph no. 5.1 to 5.6 of the O.A. save and except what are matters of record, the respondent denies and disputes each and every allegation and/or statement and/or contentions as contained therein. The said paragraphs is a matter of record and does not need any reply from the respondent and shall make submissions at the time of hearing, if required.

7. With reference to the paragraph no. 6(a) to 6(e) of the O.A., save and except what are matters of record, the respondent denies and disputes each and every allegation and/or statement and/or contentions as contained therein. The said paragraphs are matters of record and do not need warrant any comment from the respondent and shall make submissions, if any, at the time of hearing.

8. With reference to the paragraph no. 7.1 of the O.A., save and except what are matters of record, the respondent denies and disputes each and every allegation and/or statement and/or contentions as contained therein. The said paragraph are matters of record and do not need warrant any comment from the respondent and shall make submissions, if any at the time of hearing.

9. With reference to the paragraph no. 7.2 to 7.7 of O.A. save and except what are matters of record, the respondent submits that the contentions as made by the

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Applicant in the instant O.A are agreed and the Respondent craves leave to make submissions at the time of hearing, if required.

10. With reference to the paragraph no. 7.8 of O.A., save and except what are matters of record, the respondent denies and disputes each and every allegation and/or statement and/or contentions as contained therein. It is submitted that the respondent does not warrant for any reply from the respondent and shall make submissions at the time of hearing, if required.

11. With reference to the paragraph no. 7.9 of the O.A., save and except what are matters of record, the respondent submits that the contentions as made by the Applicant in the instant O.A. are agreed upon and the Respondent craves leave to make submissions at the time of hearing, if required.

12. With reference to the paragraph no. 7.10 to 7.11 of the O.A, save and except what are matters of record, the respondent denies and disputes each and every allegation and/or statement and/or contentions as contained therein. It is submitted that the same have been dealt in the paragraphs stated above and need no further comments from PCB, Assam. However, PCB, Assam reserves its right to deal with the said paragraphs properly at the time of hearing of this Original Application.

13. With reference to the paragraph no. 7.12 to 7.15 of the O.A., save and except what are matters of record, the respondent submits that the contentions as made by the Applicant in the instant O.A. are agreed and the Respondent craves leave to make submissions at the time of hearing, if required.

14. With reference to the paragraph no. 7.16 to 7.18 of the O.A. save and except what are matters of record, the respondent denies and disputes each and every allegation and/or statement and/or contentions as contained therein. It is submitted that the said paragraphs as stated above need no further comments from PCBA. However, PCB, Assam reserves its right to deal with the said paragraphs properly at the time of hearing of this Original Application.

15. With reference to the paragraph no. 7.19 of the Original Application, the Answering Respondent states that the Pollution Control Board, Assam (PCBA)

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grants Consent to Establish (CTE) and Consent to Operate (CTO) to the Stone Crushing Units operating in Assam as per the Environmental Guidelines for Stone Crushing Units published by Central Pollution control Board in July 2023.

Further, in compliance of the Hon'ble Tribunal directions in OA 176/2023, the Central Pollution Control Board (CPCB) vide its letter no. CPCB/IPC-VI/ROGW/5583-5626 dated 27/10/23 has directed SPCBs and PCCs to adopt and implement the categorisation of sand/riverbed mineral mining from the riverbed and its floodplains. In this regard the PCBA has issued Public Notice vide no. PCBA/LGL-196/2023/NGT/10/2151 dated 06/12/2023 through paper media whereby directed all the minor mineral mining (river sand and river bed mining) operator to apply for obtaining CTE/CTO from the Board.

Copy of the said guidelines issued by the CPCB dated July, 2023 and the Public Notice dated 06/12/2023are annexed hereto and marked as **Annexure A and B.**

16. That the respondent no. 6 would like to humbly submit that the Central Pollution Control Board (CPCB) vide its guidelines dated July, 2023, issued various guidelines related to the operation of the Stone crushing and made it mandatory for the states to adhere to the same while granting Consent to Establish and Consent to Operate to the various Stone Crushing Units operating in the concerned states.

17. That the Answering Respondent state that the guidelines issued by the Central Pollution Control Board with regards to the operation of the Stone Crushing Units are comprehensive and are followed by the Answering Respondent to the fullest extent possible.

18. With reference to the paragraph no. 7.20 to 7.23 of the O.A, save and except what are matters of record, the respondent denies and disputes each and every allegation and/or statement and/or contentions as contained therein. It is submitted that the said paragraphs as stated above need no further comments from PCB, Assam. However, PCB, Assam reserves its right to deal with the

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said paragraphs properly at the time of hearing of this Original Application, if required.

19. With reference to the paragraph no. 8.1 to 8.11 of the O.A, save and except what are matters of record, the respondent denies and disputes each and every allegation and/or statement and/or contentions as contained therein. It is submitted that the said paragraphs as stated above need no further comments from PCB, Assam. However, PCB, Assam reserves its right to deal with the said paragraphs properly at the time of hearing of this Original Application, if required.

20. With reference to the paragraph no. 9 of the O.A, save and except what are matters of record, the respondent denies and disputes each and every allegation and/or statement and/or contentions as contained therein. It is submitted that the said paragraphs as stated above need no further comments from PCB, Assam. However, PCB, Assam reserves its right to deal with the said paragraphs properly at the time of hearing of this Original Application, if required.

21. With reference to the paragraph no. 10 (a) to 10 (f) of the O.A, save and except what are matters of record, the respondent denies and disputes each and every allegation and/or statement and/or contentions as contained therein. It is submitted that the said paragraphs as stated above need no further comments from PCB, Assam. However, PCB, Assam reserves its right to deal with the said paragraphs properly at the time of hearing of this Original Application, if required.

22. That the respondent no. 6 craves leave of this Hon'ble Court to file further reply/supplementary affidavit as and when required in the facts and circumstances of this case.

23. That the Answering Respondent/Respondent no. 4 is also making active consultations with the other Answering respondents to find out more ways for adherence to the guidelines issued by the CPCB for the operation of the Stone Crushing Units.

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24. In view of the above facts indicated in earlier paras, it is respectfully prayed that this Respondent No. 06 shall abide by any order or direction, passed by this Hon'ble Court.

25. That the statements made in the foregoing paragraphs are true to my knowledge.

Gokul Bhuyan.

DEPONENT

VERIFICATION

I, the deponent herein above, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief, that no part of it is false and nothing material has been concealed there from.

Verified at Guwahati on this the 11th day of July, 2024.

Identified by

Gokul Bhuyan.

DEPONENT

Advocate's Clerk

Sl No. 12399

11/7/24

Banti Baishya
NOTARY, GOVT. OF ASSAM
KAMRUP (Metro) Guwahati
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NOTARY PUBLIC : OATH COMMISSIONER
Solemnly affirmed before me this day, I certify that I read over and Explained the contents to the declarant and that the declarant seemed perfectly to understand them.

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Annexure A

Environmental Guidelines

for

Stone Crushing Units

Central Pollution Control Board

Ministry of Environment, Forest and Climate Change

Parivesh Bhawan, East Arjun Nagar

Delhi-110032

(July, 2023)

1.0 Introduction

Stone crushing sector is an important industrial sector engaged in producing crushed stone of various sizes (40 mm.20 mm.10 mm. crushed sand, stone dust etc) depending upon the requirement which acts as raw material for various construction activities.

Stone crushing operation releases a substantial amount of fugitive dust, which not only pollute the environment, but also pose a health hazards to the workers and the surrounding population. The growth in infrastructure is leading to increase in demand of raw materials, thereby resulting in the need to set up new stone crushing units or increase production from existing units. This poses a challenge to maintain the ambient air quality, which is possible if environmental guidelines predetermined by the industry concerned are followed.

Inventory and information about stone crushing units gathered from 27 SPCBs/PCCs (Arunachal Pradesh, Andaman & Nicobar island, Assam, Bihar, Chandigarh, Chhattisgarh, Daman, Dadra & Nagar Haveli, Goa, Gujarat, Haryana, Himanchal Pradesh, Jharkhand, J&K, Karnataka, Kerala, Madhya Pradesh Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Sikkim, Tripura, Uttarakhand), and the data received indicates that there are about 16,931 stone crushing units with capacity ranges between 0.1 TPH to 1,400 TPH.

2.0 Classification of Stone Crushing Units

Based on the information received from SPCBs/PCCs, stone crushers may be classified into small, medium and large-scale in terms of production capacity.

S.No.	Category	Production capacity (TPH)
1.	Small Scale	Up to 25
2.	Medium Scale	26 to 100
3.	Large Scale	100 above

3.0 Stone Crushing Process

The stone crushing process can be broadly divided in following stages:

3.1 Transportation of raw material: Stones extracted from various sources are transported to stone-crushing units by means of trucks, trailers or automatic dumpers.

3.2 Primary crushing: Mined stones are fed directly into the primary crusher through stone feeders. The primary crusher breaks large stones and boulders into 100-140 mm size stones. Crushed stones are sent to secondary crusher for further reduction into smaller sizes. Various types of crushers are used in stone crushing industry. Jaw crushers are widely used as primary crushers.

3.3 Secondary crushing: After primary crushing, crushed stones are fed to secondary crushers through conveyor belts. In this stage, stones are further crushed to a size of 40-60 mm to 10 mm or even smaller. Stone crushing units use different types of crushers for secondary crushing. Granulator or cone crusher is usually used for secondary crushing.

3.4 Screening: From secondary crusher, crushed stones are transferred for screening through a conveyor belt. Screening is the process for segregating products of various sizes. Different mesh size screens are aligned one below the other and each screen is connected to a separate conveyor belt for discharging different size products. Mass that remains on the screen is called ‘oversize’ and material that passes through screen is called ‘under size’. Oversize is returned to secondary crushers for further crushing and then again to screen. Under size is discharged through a ‘telescopic chute’ and screened products of various sizes are conveyed to stockpiles by belt conveyors. Different types of screens are used such as; grizzly-type screen, vibrating screen and rotary screen. Vibrating screens are most commonly used.

3.5 Tertiary crushing: Tertiary crushing is carried out in units that produce stone dust as their primary product. Dust is usually a by-product of stone crushing process. Units that produce dust, install a separate machine, usually roller crushers. Stones of size 10-20 mm are sent to roller crushers for grinding into fine dust.

3.6 Product storage and loading: After crushing and screening, final product is transferred to a conveyor belt which distributes the product into different stockpiles, depending on size of the product. The product/fines are either stored as stockpiles or directly loaded into trucks & dumpers and transported.

4.0 Environmental issues associated with Stone Crushing Units

The major environmental issue due to operation of a stone crushing unit is fugitive dust emissions which is contributed by the following processes:

- **Primary crushing**: Primary crushers breaks large boulders into smaller sizes. Crushing process as well as unloading of stones generate a substantial amount of fugitive dust. Mechanism for water sprinkling is provided to reduce fugitive dust. Some primary crushing areas are partially or completely covered with a shed as a measure to further prevent the fugitive dust emissions to surroundings, however at some places partial coverings provided which do not appear to be sufficient to such emissions.

- **Secondary crushing:** Compared to primary crushing, fugitive dust emitted at secondary crushing is relatively higher. Generally, insufficient covered shed provided in the process results in fugitive emissions.

- **Screening:** Screening process is also a source of fugitive dust emissions. As the material is conveyed to screen from secondary crusher, screen vibrates and thus, separates the material of different sizes resulting into huge amount of fugitive dust emissions. Generally, units provide covered shed and water sprinklers to combat

dust emissions however, improper design and operation of sprinklers and improper covering is an issue.

- **Tertiary crushing:** Fugitive emissions are generated during grinding of stones into fine dust.

- **Conveyor Belt:** Conveyor belts are primary means of transferring raw materials and products from one end to the other. Movement of products on the conveyor belts is a potential source of fugitive dust emissions. To reduce dust emissions, water sprinkling arrangement is provided on each belt. Some units cover conveyor belts either with sheets or thick cloth to reduce dust emissions.

- **Product release and storage**: Fugitive emissions generated during transfer of material through telescopic chutes is lower than that generating during direct disposal of product on stockpile. Material, such as stone dust, stored in open areas is are also a potential source of fugitive dust emissions.

- Although no process waste water is generated from stone crushing units, however, water is used for sprinkling, conveyed to settling tanks of appropriate size which is recycled and reused in process.

5.0 Environmental Guidelines for Stone Crushing Units

The stone crushing units should adopt following environmental guidelines to prevent/suppress fugitive dust emissions from their operation:

Source of emission	Measures to be Taken
Unloading of raw material for storage	Water sprinkling with adequately designed nozzle which produce tiny droplets of water should be provided during raw materials unloading .
Unloading of raw material into hopper	• Three sides and top should be covered and one side may be kept open for vehicular movement. • Water sprinklers should be provided on approach roads.

Primary Crushing/ Jaw Crusher	• Crusher should be completely enclosed by GI/MS sheets on top and at least three sides completely from the ground level. One side should have provision of movable sheet/door for movement/maintenance. • Primary crushers/jaw crushers should be covered with tarpaulin/cotton cloth/suitable materials to contain fugitive dust emissions (**Figure-1**) • Water sprinkler system with adequately designed nozzle which produce tiny droplets of water should be provided at primary crusher/jaw crusher so that fugitive emissions are contained and amount of water sprayed should be optimized.
Secondary Crushing	• Crusher should be completely enclosed by GI/MS sheets on top and at least three sides completely from the ground level. One side should have provision of movable sheet/door for movement/ maintenance. • Dry extraction cum bag filter followed by cyclone to be provided for control of emissions.
Screening	• Crusher should be completely enclosed by GI/MS sheets on top and at least three sides completely from the ground level. One side should have provision of movable sheet/door for movement/ maintenance. Door to be kept closed during operation. • Flexible covers where conveyors pass through the screen house should be installed at entries and exits of conveyors to screen house. • Dust extraction system connected with bag filter to be provided. • Provision of water mist sprinkling systems with adequately designed nozzle which produce tiny droplets of water should be made at inlet/outlet of screens.
Tertiary Crushing	• Crusher should be completely enclosed by GI/MS sheets on top and at least three sides completely from the ground level. One side should have provision of movable sheet/door for movement/ maintenance. Dust extraction system connected with bag filter to be provided. • Provision of water mist sprinkling system should be made with adequately designed nozzle which produce tiny droplets of water.

Conveyor Belts	Conveyor belts should be properly covered from node to node with a thick sheet of suitable material along with water sprinkling system with adequately designed nozzle which produce tiny droplets of water.
Discharge points	Flexible Telescopic chute from top of discharge point to the ground level should be provided (**Figure-2 & Figure-2(a)**).
Product storage	• Properly designed telescopic chute of adequate length of suitable material should be provided at ends of conveyor so that dust generated from this section is contained at source. • All open stockpiles for aggregates of size above 5 mm should be kept sufficiently wet by water spraying. • Stockpiles of aggregates of 5 mm size or less should be covered to ensure that same is not carried away (or whipped out) by wind.

5.1 General Measures

i. Wind breaking wall: GI/MS/brick wall should be provided along the periphery of crusher. Height of the wall should be 3-ft more than the highest node of the crusher.

ii. Roads: Metaled/concrete roads should be provided within the premises. Ramps and the entire ground area inside the premises should also be metaled.

iii. Housekeeping: To curb the air pollution in the crusher premises, arrangement of rotating water sprinkling system/fogger/Anti-smog gun should be provided. Water sprinklers should have adequately designed nozzle which produce tiny droplets of water, as such system is more effective in dust control with significant reduction in consumption of water**.** Fine dust accumulated and bag filters in the crushing area should be cleaned at regular intervals and the collected dust should be stored in sacks for further sale or disposal.

iv. Plantation: 2-3 rows of tall trees should be planted around the periphery of crusher.

v. Housing should be open for movement of mechanical drivers, conveyor belts, etc. should be sealed properly with flexible rubber flaps.

vi. Name of the unit, contact details of the owner and address of the unit, plant capacity and date of issue of CTE/CTO from SPCBs/PCCs should be displayed on the display board at the entrance.

vii. Transportation: Vehicles carrying any kind of material should be completely covered.

viii. Regular wetting of roads should be done to suppress dust within the premises to control dust emission re-suspension.

ix. Water consumption and handling: Unit should provide settling tanks of appropriate size and recycle & reuse of the water in process. Crusher should provide a water storage tank with adequate capacity. In case of use of groundwater, stone crushing unit should obtain permission to extract groundwater from the Central Ground Water Authority (CGWA)/Ground Water Department (GWD) of the State/UT. Unit should maintain proper log book of consumption of fresh water. Depending on availability, efforts may be made to use STP treated water instead groundwater to control emissions from process activities.

6.0 Regulatory/Monitoring Mechanism for Stone Crushing Unit

i. Stone crushing unit should obtain Consent to Establish (CTE) and Consent to Operate (CTO) from the concerned SPCBs/PCCs.

ii. Unit while applying for CTO/renewal of consent, should upload the duly filled checklist attached at **Annexure-1** along with digitally tagged photographs and videos of the crushing unit to ensure compliance of the conditions mentioned in the guidelines. SPCBs/PCCs should digitally verify the said conditions before issuance of CTE/CTO/renewal of consent.

iii. CCTV/PTZ cameras should be installed at the entrance and all corners of the premises of the unit covering entire area with minimum of 30 days data storage.

iii. Stone crushing unit shall comply with emission norms prescribed under the Environment (Protection) Rules, 1986 and conditions laid down in CTO by concerned SPCB/PCC.

v. Online/manual ambient air monitoring systems to be installed in crusher zone as per CPCB/SPCB guidelines – in upwind and downwind directions.

vi. Stone crushing unit should develop green belt as per the plan approved by concerned Department of the State/UT.

vii. Local authorities should associate with stone crusher associations for the construction of metalled road in the entire crusher zone.

viii. A District Level Committee should be constituted under chairmanship of District Magistrate/Deputy Commissioner so that surprise inspections for surveillance of stone crushing units located under their jurisdiction can be carried out on regular basis.

ix. Health survey of workers should be carried out by the stone crusher on half-yearly basis**.**

x. New Crushers should be allowed to operate only in dedicated crusher zones as per the siting policies of SPCBs/PCCs.

xi. Stone crusher unit should be operated only during day time (i.e. 6.00 AM to 10.00 PM) to avoid inconvenience to the nearby residents due to ambient noise.

Figure-1: Covering of Primary/Jaw crusher

Figure-2: Chute from top of discharge point

Figure-2(a): Chute from top of discharge point

Annexure-1

Format/Checklist for SPCBs/PCCs before issuance of CTE & CTO

S. No.	Fugitive Emission Source Locations	Checklist for compliance of conditions of Environmental guidelines	Yes/No
1.	Unloading area of raw material, primary crusher, Screener, conveyors belts and transfer points	Water sprinklers installed with adequate designed nozzles (Upload photo/videos).	
2.	Primary crushers, Secondary crushers, Screeners and tertiary crushers	Enclosures by GI/MS sheets on top and at least three sides completely from the ground level (Upload photo/videos).	
3.	Secondary, Tertiary crushers and Screener	Dry extraction cum bag filter followed by cyclone. (Upload photo).	
4.	Covering of Conveyor belts from node to node with a thick sheet of suitable material	Covering of Conveyor belts (Upload photo).	
4	At discharge points	Flexible Telescopic chute from top of discharge point to the ground level (Upload photo).	
5	GI/MS/brick wind breaking wall of 3-ft more than the highest node of the crusher along the periphery of crusher	Wind breaking wall (Upload photo)	
General			
6.	Wind breaking wall	GI/MS/brick wind breaking wall of 3-ft more than the highest node of the crusher along the periphery of crusher (Upload photo)	
7.	Roads	Metalled/concrete roads within the premises. Ramps and the entire ground area inside the premises should also be metalled	

8.	Suppression of dust within the premises	Arrangement of rotating water sprinkling system/fogger/Anti-smog gun in the premises to suppress dust within the premises to control dust emission re suspension	
9.	Green belt	Plantation of 2-3 rows of tall trees around the periphery of crusher	
9.	Display board	Display board at the entrance, having name of unit, contact details of owner and address of unit, plant capacity and date of issue of CTE/CTO from SPCB/PCC	
10	Covering of vehicles	Covering of vehicles carrying any kind of material .	
11	CCTV/PTZ camera	CCTV/PTZ cameras installed at the entrance and all corners of the premises of the unit covering entire area with minimum of 30 days data storage	
12	Photos/videos	Upload photographs/videos ensuring compliance of all conditions as mentioned in the guidelines while applying CTE/CTO/ Renewal	

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Annexure B

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POLLUTION CONTROL BOARD: ASSAM

BAMUNIMAIDAM : GUWAHATI - 781021

PUBLIC NOTICE

No. PCBA/LGL-196/2023/NGT/10 Dated Guwahati, the 06th December, 2023

Attention all projects of Sand/riverbed material mining.

The Sand/riverbed material mining projects have been classified as Red category (Mining lease area > 5 ha or upto 5 ha which is part of cluster mining) or Orange Category (Standalone Mining lease area upto 5 ha) of industries following the guidelines of Central Pollution Control Board, MoEF&CC, GOI and as such all these projects will have to obtain mandatory Consent to Establishment (CTE) and Consent to Operate (CTO) from Pollution Control Board, Assam.

All the Sand/riverbed material mining projects in Assam are directed to obtain mandatory CTE and CTO from the Board, as per the provisions of the Water Act, 1974 and Air Act, 1981, by submitting application in the Consent Management portal **www.asocmms.nic.in**. The defaulting Units shall be liable to pay Environmental Compensation Fine (ECF) as per the Environmental Compensation regime recommended by National Green Tribunal for assessing ECF.

Sd/-
Member Secretary