

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA No. 373/2022

IN THE MATTER OF:

Sumit Saini

Applicant

Versus

Haryana State Pollution Control Board

Respondents

**Action taken report on behalf of Regional Officer, Haryana State Pollution
Control Board, Yamuna Nagar, in compliance of order dated 18.04.2024**

INDEX

Sr. No.	Particulars	Page
1.	Status report / action taken report of M/s Haryana Joinery Mills, Village Damla, Yamuna Nagar in compliance of order dated 18.04.2024	1-3
2.	The Regional officer, Yamuna Nagar region Letter No. HSPCB/YR/2024/483 dated 10.06.2024. Annexure-R1	4-10
3.	The Regional officer, Yamuna Nagar region Letter No HSPCB/YR/2024/826 dated 10.07.2024. Annexure-R2	11-13
4.	Head Office Letter No. I/254648/2024 dated 23.07.2024. Annexure-R3	14
5.	The Regional officer, Yamuna Nagar region Letter No. HSPCB/YR/2024/611 dated 28.06.2024. Annexure-R4	15-22

FILED BY: -


**Regional Officer,
Yamuna Nagar Region.**

Place: Yamuna Nagar

Dated: 20.08.2024

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA No. 373/2022

IN THE MATTER OF:

Sumit Saini

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Haryana State Pollution Control Board

Respondents

Action taken report on behalf of Regional Officer, Haryana State Pollution Control Board, Yamuna Nagar, in compliance of order dated 18.04.2024.

MOST RESPECTFULLY SHOWETH

- The Hon'ble NGT vide orders dated 18.04.2024 passed the following directions:-

HSPCB is directed to inspect all the 28 Plywood industries and to verify factual position regarding their compliance status qua all relevant aspects including the following:-

- i) Sources from which the raw material is procured by each of the plywood industries;*
- ii) Nature and quantity of fuel used, quantum of fly ash generated and management and disposal of fly ash generated by each of the plywood industries;*
- iii) Nature and adequacy of plantation carried out/required to be carried out in the premises/on the periphery/boundaries of each of the plywood industrial;*
- iv) Nature, number and adequacy of devices for prevention and control of water and air pollution installed/required to be installed by each of the plywood industries;*
- v) Whether there is any bore well and ground water is being extracted*

- vi) *Whether permission for the same has been obtained from State Ground Water Authority by each of the plywood industries;*
- vii) *Whether there is any provision for rain water harvesting in any of the plywood industries;*
- viii) *Whether there is discharge of any effluent from any of the plywood industries*
- ix) *Whether any of the plywood industries is connected to any drain.*
- The Regional Officer, Yamunanagar Region has written a letter to the Head Office, requesting the deputation of team of officers for the inspection of 28 nos. of Plywood industries vide no. HSPCB/YR/2024/483 dated 10.06.2024 and HSPCB/YR/2024/826 dated 10.07.2024, is attached as **Annexure-R/1&Annexure-R/2**.
- That the head office HSPCB vide letter dated 22.07.2024 has constituted a team of officers to inspect 28 nos. of Plywood industries in Yamuna Nagar copy of letter is attached as **Annexure-R/3**.
- **Detailed report of Plywood Industry:-**
M/s Haryana Joinery Mills, Village Damla, Yamuna Nagar:-The said unit is a plywood industry and engaged in the manufacturing of ply boards. The said unit was inspected by Sh V.S. Punia, Regional Officer, Yamunanagar Region on 25.07.2024 and found that the unit is not operational and lying closed at its own.
- The Regional Officer, Yamunanagar Region has requested the Head Office to prepare guidelines for the safe disposal of fly ash for plywood industries, in accordance with the Hon'ble NGT's orders dated 18.04.2024 in case O.A. No.

373/2022. The relevant communication, vide no. HSPCB/YR/2024/611 dated 28.06.2024, is attached as **Annexure-R/4**.

This status report is being submitted for kind consideration please. It is undertaken to comply with the directions passed by the Hon'ble Tribunal.



**Regional Officer,
Yamuna Nagar Region.**

Place: Yamuna Nagar

Dated: 20.08.2024

**Regional Office,
Haryana State Pollution Control Board**
S.C.O. No- 131, Sector -17, HUDA, Jagadhri, Yamuna Nagar
hspcbroyr@gmail.com

No. HSPCB/YR/2024/ 483

Dated: 10 /06/2024

To

The Chairman
Haryana State Pollution Control Board,
Panchkula.

Kind attention SEE (Coordination CELL)

Subject: In the matter of Sumit Saini Vs HSPCB in OA No. 373 of 2022.

Ref:- Hon'ble NGT orders dated 18.04.2024 in O.A. No. 373/2022 titled as Sumit Saini Vs HSPCB & Ors.

In this Connection it is intimated that the Hon'ble NGT vide orders dated 18.04.2024 in O.A. No. 373/2022 has directed as follows:

Further interim directions

27. The HSPCB is directed to inspect all the 5 brick kilns and submit its report with reference to the following material points:- (i) location of the brick kilns in question as to whether the same are established at appropriate distance from habitation, fruit orchards, water bodies etc. and appropriate distance from other brick kilns; (ii) whether location of the same involves any violation of the environmental norms; (iii) the technology adopted, requirement of switching over to use of PNG as fuel instead of coal, mining of soil to meet the requirements of raw material and management and disposal of fly ash generated by the brick kilns; (iv) whether the brick kilns are required to obtain any fly ash from nearby thermal power plant or other industries using coal as fuel for use in making of bricks; (v) compliance by the brick kilns with the Environment Protection Rules 1986, as amended vide MoEF&CC notification dated 22.02.2022; (vi) whether the vehicles used for transportation of raw material/bricks are appropriately covered; and (vii) Whether any condition has been imposed/is proposed to be imposed on the brick kilns regarding carrying out of any plantation, paving and strengthening of the approach roads etc. for protection against air pollution caused by smoke and fugitive dust emission. Separate five reports in respect of each of the brick kilns be filed by HSPCB by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF at least one week before 07.08.2024 which is fixed as the next date of hearing of OAs registered in respect of the Brick Kilns

Re: Municipal Corporation Yamuna Nagar

(i) The HSPCB is directed to audit the status of compliance by Municipal Corporation Yamuna Nagar-Jagadhri with Solid Waste Management Rules, 2016 and the Water (Prevention And Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 in respect of solid waste and sewage management as well as preventing discharge of untreated sewage/industrial effluent in river Yamuna

through the drain in question in compliance of directions issued by this Tribunal in O.A. No. 606/2018 and also to initiate proceedings for imposition of the environmental compensation on respondent no. 6- Municipal Corporation Yamuna Nagar-Jagadhri for the past violations in accordance with law and submit its report by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF at least one week before 01.08.2024 which is fixed as the next date of hearing of OA registered in respect of the Municipal Corporation.

Re: Plywood Industries

(iv) We have gone through the report dated 17.05.2023 in respect of all the 28 plywood industries and we find that the approach adopted by HSPCB for verification of the factual position in respect thereof to be complacent and materially deficient. While granting consent to operate to the project proponents, no specific conditions were imposed by HSPCB on the project proponents regarding plantation in the premises/on the periphery/boundaries, and devices for control of air and water pollution were not specified. At the time of inspection, the factual position regarding such plantation, if any carried out, and installation of devices for prevention of air and water pollution was not verified. The report has been prepared on the basis of collection of documents. No photographs of the concerned units have been attached with the report. The aspects as to nature and quantity of fuel used, quantum of fly ash generated and management and disposal of fly ash have not been looked into for verification of the factual position regarding the same.

(v) HSPCB is directed to inspect all the 28 Plywood industries and to verify the factual position regarding their compliance status qua all relevant aspects including the following:

- i) sources from which the raw material is procured by each of the plywood industries;
- ii) nature and quantity of fuel used, quantum of fly ash generated and management and disposal of fly ash generated by each of the plywood industries;
- iii) nature and adequacy of plantation carried out/required to be carried out in the premises/on the periphery/boundaries of each of the plywood industries;
- iv) nature, number and adequacy of devices for prevention and control of water and air pollution installed/required to be installed by each of the plywood industries;
- v) whether there is any bore well and ground water is being extracted;
- vi) whether permission for the same has been obtained from State Ground Water Authority by each of the plywood industries;
- vii) whether there is any provision for rain water harvesting in any of the plywood industries;
- viii) whether there is discharge of any effluent from any of the plywood industries; and
- ix) whether any of the plywood industries is connected to any drain.

31. In compliance thereof, Affidavit dated 15.01.2024 of Mr. Sanjeev Kumar Singh, Member Secretary UPPCB was filed by Chief Environmental Officer, Circle-3, UPPCB vide email dated 16.01.2024. The draft mechanism for proper

utilization of fly ash generated by coal based industry was enclosed with the affidavit as Annexure-II which reads as under:

"Draft Mechanism for proper utilization of fly ash generated by coal based industries in compliance to directions issued by Hon'ble NGT in OA No. 369/2022 Sachin Tomar Vs State of U.P.

Issues relating to disposal of fly ash from coal based industries in State of U.P.

I. It has been a general practice by several industries using coal as fuel in boilers, to dispose the fly ash by filling in low lying areas. However, as a general practice adopted by the industries, collection and disposal of the fly ash from the industries is carried out through local contractors.

II. Industries/Contractors sometimes execute an agreement with the owners of lands for disposal of the fly ash. However, instead of usage of fly ash for filling up the low lying areas, the land is used as an open storage/dumping site for fly ash.

III. The lands, being an open area with no adequate cover at the boundaries and water sprinkling systems, the dispersion of fly ash causes air pollution in the nearby areas.

IV. Further, there are possibilities of degradation of top soil by storage/dumping of coal based fly ash on lands.

V. Hon'ble NGT has also considered the disposal of fly ash in low lying areas as an unscientific mechanism and have passed directions for proper disposal of the fly ash. In the matter of O.A. No. 744/2022 with OA No. 277/2021 Moharram Ali Vs State of UP and Liyakat Ali Vs State of UP, Hon'ble NGT has issued directions dated 22.03.2023 as below:

'.....7. It is established that plastic waste and fly ash are being unscientifically stored and disposed of in violation of Rules and to the detriment of environment. Such storage and use of landfill through contractor is not legally permissible. Stand that waste is being used for cement plants does not appear to be factually correct as no name of cement plant has been given and needs to be verified by manifest system. Compensation determined does not take into account financial capacity of the units to determine the deterrent element nor the value of the extent of damage and the cost of restoration

Draft Mechanism for proper disposal of Fly ash by Large air polluting industries:-

Practice of disposal of fly ash through contractors at nearby low lying areas is not an effective and environment friendly mechanism for disposal of fly ash because generally it is observed that the fly ash is usually being dumped on the agriculture land without having sprinklers and covering the agriculture land boundary by green covers for arresting the fly ash from traversing in nearby residential areas.

1. With respect to effective disposal of fly ash, MoEF&CC vide notification dated 31.12.2021 has issued guidelines for utilization of fly ash

generated in coal based Thermal Plants. Similar directions/mechanisms can also be adopted by other coal based industries. Further, CPCB has issued OM dated 06.03.2023 authorizing auditors from recognized institutions for regular auditing of disposal of fly ash as per the guidelines. Hence, taking into consideration the general on-site mechanism adopted by coal based industries, the following mechanisms can be adopted by other industries in line with the notifications issued by MoEF&CC and OM issued by CPCB for coal based Thermal Plants, to ensure that industries are disposing all the fly ash generated by environmental friendly mechanism:

i) There should be no involvement of a third party/contractor for collection and disposal of fly ash generated by the industries to ensure proper disposal of the fly ash being done by industries as per the agreements. Instead of disposing/dumping the fly ash on land at several agriculture land/low lying areas on day to day basis, every coal based large unit may install dedicated silos for storage of dry fly ash silos for at least sixteen hours of ash based on installed capacity and it shall be reported upon to the UPPCB from time to time.

ii) Proper agreements / MOU needs to be signed between industries directly with the Cement industry/brick kilns/fly ash manufacturing units etc. The industry shall also submit the total quantity of fly ash being sent to users which shall then be verified by U.P. Pollution Control Board cross verifying the quantity utilized by the users.

iii) As per CPCB OM dated 6 March 2023, CPCB has authorized auditors from various technical and recognized institutions for carrying out fly ash audits and submission of reports to CPCB and UPPCB. Industries may involve the authorized auditors for carrying out fly ash audit and submit the audit report to CPCB and UPPCB on a regular basis (Quarterly/Half yearly/Yearly). Scope of Work to carry out the audit may contain the following important mechanism:-

a. Verification of ash generation data pertaining to the financial year based on inspection of records of coal receipt/consumption and average ash content in coal and comparison of this data with the information provided by the industries.

b. Verification of fly ash and bottom ash utilization data pertaining to the financial year based on inspection of records of ash supplied to the user agencies covered under permitted uses/avenues, and comparison of this data with the information provided by the industries.

c. The compliance audit for ash disposal by the industry and the user agency shall be conducted by auditors, authorized by Central Pollution Control Board (CPCB) and audit report shall be submitted to Central Pollution Control Board (CPCB) and UPPCB on a regular basis. UPPCB shall initiate action against non-compliant industries within fifteen days of receipt of audit report.

iv) UPPCB after scrutiny of auditor's reports may, if required, re-verify the quantity of fly ash being generated by the generators and quantity being utilized by the users under agreement with the generators.

v) The filling of low lying areas with ash shall be carried out only on the construction sites, Road Laying etc. (Govt, Semi Govt, Private) which have been approved by UPPCB, CPCB or other authorized departments.

vi) Non-compliant industries shall be imposed with an environmental compensation on per ton basis on unutilized ash during the end of the financial year based on the annual reports submitted.

vii) Major responsibilities of industries to dispose fly ash and bottom ash.-

The ash generated from coal shall be utilized only for the following eco-friendly purposes, namely:-

- a) Fly ash based products viz. bricks, blocks, tiles, fibre cement sheets, pipes, boards, panels;
- b) Cement manufacturing, ready mix concrete;
- c) Construction of road and fly over embankment, Ash and Geo-polymer based construction material;
- d) Construction of dam;
- e) Filling up of low lying area on the construction sites, Road Laying etc. (Govt, Semi Govt, Private) after the approval by UPPCB, CPCB or other authorized departments;
- f) Filling of mine voids;
- g) Manufacturing of sintered or cold bonded ash aggregate;
- h) Agriculture in a controlled manner based on soil testing;
- i) Export of ash to other countries.

viii) The compliance audit for ash disposal by industries and the user agency shall be conducted by auditors, authorized by Central Pollution Control Board (CPCB) and audit report shall be submitted to Central Pollution Control Board (CPCB) and UPPCB on regular intervals. Central Pollution Control Board (CPCB) and UPPCB shall initiate action against non-compliant industries within fifteen days of receipt of audit report.

(ix) The above mechanism shall be uploaded on the website of UPPCB seeking responses from the stakeholders, after which the mechanism shall be finalized and directions shall be issued to all coal based industries in the State of U.P. Specific conditions shall be included in the CTO issued by UPPCB.

The above draft report is put up for perusal and necessary action please."

32. In that case, UPPCB was directed to finalize the mechanism for proper disposal of Fly ash by all air polluting industries within six months and thereafter ensure compliance by the industries with the same.

33. These aspects have to be looked into and the monitoring mechanism needs to be evolved to ensure proper disposal of fly-ash by HSPCB also.

34. Accordingly, HSPCB is directed to (i) prepare and implement SOP and evolve a mechanism for verifying proper disposal of fly-ash by the project proponents in accordance with environmental norms/directions by Hon'ble Supreme Court and this Tribunal and the EC/consent conditions and (ii) to verify the facts regarding disposal of fly ash by the plywood industries in low lying areas and compliance of the conditions regarding storage and transportation of fly ash in accordance with environmental norms/directions by Hon'ble Supreme Court and this Tribunal.

35. Separate 28 Action Taken Reports be filed by HSPCB in each of 28 cases preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF at least one week before 21.08.2024 which is fixed as the next date of hearing of OAs registered in respect of Plywood Industries.

43. O.A. No. 373/2022 be listed for hearing on 22.07.2024, OA registered against Municipal Corporation, Yamuna Nagar be listed for hearing on 01.08.2024. OAs registered against 05 Brick Kilns be listed for hearing on 07.08.2024 and OAs registered against 28 Plywood industries be listed for hearing on 21.08.2024.

Therefore HSPCB is directed to prepare the audit report of compliance made by Municipal Corporation Yamuna Nagar-Jagadhri in the Solid Waste Management Rules, 2016, the Water (Prevention And Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 along with the preparation of SOPs/guidelines for safe disposal of fly ash for plywood industries and brick kilns, inspection of 28 No of Ply wood industries and 5 No. Of Brick Kilns in compliance of the directions of Hon'ble NGT. Performa for inspection of plywood industries and brick kiln prepared by this office as per the directions of the hon'ble NGT is **attached herewith** for your ready reference.

Whereas the next date of hearing with respect to Municipal Corporation Yamuna Nagar-Jagadhri is on 01.08.2024, next date of hearing with respect to 05 No. of Brick Kilns is 07.08.2024 and next date of hearing with respect to 28 No. Of plywood industries is 21.08.2024. Therefore this office requires inspection reports and audit report before 10.07.2024 so that appropriate reply after discussion with the advocate could be filed before hon'ble NGT well within time.

Whereas there are 9 no of pending NGT cases along with the other official routine work such as cases of consent management, CM window complaints & other complaints, Head office references, DC office references, DC office meetings, Mandatory Inspections and other daily routine work for which there are only two no of field officers presently posted at Yamunanagar region.

Therefore following requests are made:-

1. Preparation of SOPs/Guidelines for safe disposal of fly ash, preparation of plantation plan for plywood industries at head quarter level.
2. Preparation of SOPs/Guidelines for safe disposal of fly ash, preparation of plantation plan for brick kilns at head quarter level.
3. To depute team of officers from head quarter level for inspection of 28 Nos. of Plywood industries

4. To depute officers from head quarter level for inspection of 05 Nos. of Brick kilns.
5. To depute officers from head quarter level along with a senior officer for preparation of audit report with respect to the compliances made by Municipal Corporation Yamuna Nagar-Jagadhri.

DA: As Above

**VIRENDER
SINGH PUNIA**
**Regional officer
Yamuna Nagar Region**

Digitally signed by
VIRENDER SINGH PUNIA
Date: 2024.06.07 11:16:29
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Annexure-R2**Regional Office,
Haryana State Pollution Control Board**

S.C.O. No- 131, Sector -17, HUDA, Jagadhri, Yamuna Nagar hspcbroyr@gmail.com

No. HSPCB/YR/2024/ 826

Dated: 18 /07/2024

To

The Chairman
Haryana State Pollution Control Board,
Panchkula.

Kind attention SEE (Coordination CELL)

Subject: In the matter of Sumit Saini Vs HSPCB in OA No. 373 of 2022.

Ref:- Hon'ble NGT orders dated 18.04.2024 in O.A. No. 373/2022 titled as Sumit Saini Vs HSPCB & Ors, this office letter No 483 Dated 10.06.2024

In this Connection it is intimated that the Hon'ble NGT vide orders dated 18.04.2024 in O.A. No. 373/2022 has directed as follows:

Further interim directions

27. The HSPCB is directed to inspect all the 5 brick kilns and submit its report with reference to the following material points:- (i) location of the brick kilns in question as to whether the same are established at appropriate distance from habitation, fruit orchards, water bodies etc. and appropriate distance from other brick kilns; (ii) whether location of the same involves any violation of the environmental norms; (iii) the technology adopted, requirement of switching over to use of PNG as fuel instead of coal, mining of soil to meet the requirements of raw material and management and disposal of fly ash generated by the brick kilns; (iv) whether the brick kilns are required to obtain any fly ash from nearby thermal power plant or other industries using coal as fuel for use in making of bricks; (v) compliance by the brick kilns with the Environment Protection Rules 1986, as amended vide MoEF&CC notification dated 22.02.2022; (vi) whether the vehicles used for transportation of raw material/bricks are appropriately covered; and (vii) Whether any condition has been imposed/is proposed to be imposed on the brick kilns regarding carrying out of any plantation, paving and strengthening of the approach roads etc. for protection against air pollution caused by smoke and fugitive dust emission. Separate five reports in respect of each of the brick kilns be filed by HSPCB by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF at least one week before 07.08.2024 which is fixed as the next date of hearing of OAs registered in respect of the Brick Kilns

Re: Plywood Industries

(iv) We have gone through the report dated 17.05.2023 in respect of all the 28 plywood industries and we find that the approach adopted by HSPCB for verification

of the factual position in respect thereof to be complacent and materially deficient. While granting consent to operate to the project proponents, no specific conditions were imposed by HSPCB on the project proponents regarding plantation in the premises/on the periphery/boundaries, and devices for control of air and water pollution were not specified. At the time of inspection, the factual position regarding such plantation, if any carried out, and installation of devices for prevention of air and water pollution was not verified. The report has been prepared on the basis of collection of documents. No photographs of the concerned units have been attached with the report. The aspects as to nature and quantity of fuel used, quantum of fly ash generated and management and disposal of fly ash have not been looked into for verification of the factual position regarding the same.

(v) HSPCB is directed to inspect all the 28 Plywood industries and to verify the factual position regarding their compliance status qua all relevant aspects including the following:

- i) sources from which the raw material is procured by each of the plywood industries;
- ii) nature and quantity of fuel used, quantum of fly ash generated and management and disposal of fly ash generated by each of the plywood industries;
- iii) nature and adequacy of plantation carried out/required to be carried out in the premises/on the periphery/boundaries of each of the plywood industries;
- iv) nature, number and adequacy of devices for prevention and control of water and air pollution installed/required to be installed by each of the plywood industries;
- v) whether there is any bore well and ground water is being extracted;
- vi) whether permission for the same has been obtained from State Ground Water Authority by each of the plywood industries;
- vii) whether there is any provision for rain water harvesting in any of the plywood industries;
- viii) whether there is discharge of any effluent from any of the plywood industries; and
- ix) whether any of the plywood industries is connected to any drain.

32. In that case, UPPCB was directed to finalize the mechanism for proper disposal of Fly ash by all air polluting industries within six months and thereafter ensure compliance by the industries with the same.

33. These aspects have to be looked into and the monitoring mechanism needs to be evolved to ensure proper disposal of fly-ash by HSPCB also.

34. Accordingly, HSPCB is directed to (i) prepare and implement SOP and evolve a mechanism for verifying proper disposal of fly-ash by the project proponents in accordance with environmental norms/directions by Hon'ble Supreme Court and this Tribunal and the EC/consent conditions and (ii) to verify the facts regarding disposal of fly ash by the plywood industries in low lying areas and compliance of

the conditions regarding storage and transportation of fly ash in accordance with environmental norms/directions by Hon'ble Supreme Court and this Tribunal.

35. Separate 28 Action Taken Reports be filed by HSPCB in each of 28 cases preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF at least one week before 21.08.2024 which is fixed as the next date of hearing of OAs registered in respect of Plywood Industries.

43. O.A. No. 373/2022 be listed for hearing on 22.07.2024, OA registered against Municipal Corporation, Yamuna Nagar be listed for hearing on 01.08.2024. OAs registered against 05 Brick Kilns be listed for hearing on 07.08.2024 and OAs registered against 28 Plywood industries be listed for hearing on 21.08.2024.

Therefore HSPCB is directed to inspect 28 No of Ply wood industries and 5 No. of Brick Kilns in compliance of the directions of Hon'ble NGT. Performa for inspection of plywood industries and brick kiln prepared by this office as per the directions of the hon'ble NGT is **attached herewith** for your ready reference.

Whereas the next date of hearing with respect to 05 No. of Brick Kilns is 07.08.2024 & report is required to be submitted till 01.08.2024 and next date of hearing with respect to 28 No. Of plywood industries is 21.08.2024 & report is required to be submitted till 14.08.2024. Therefore this office requires inspection reports before 20.07.2024 so that appropriate reply after discussion with the advocate could be filed before hon'ble NGT well within time.

Whereas there are 9 no of pending NGT cases along with the other official routine work such as cases of consent management, CM window complaints & other complaints, Head office references, DC office references, DC office meetings, Mandatory Inspections and other daily routine work for which there are only two no of field officers presently posted at Yamunanagar region.

Therefore it is requested to depute team of officers from head quarter level for inspection of 28 Nos. of Plywood industries(**List attached**) and 05 Nos. of Brick kilns(**List attached**) so that the report in this regard could be submitted to Hon'ble NGT well within time.

DA: As Above


**Regional officer
Yamuna Nagar Region**

HARYANA STATE POLLUTION CONTROL BOARD**C-11, SECTOR-6, PANCHKULA***Ph- 0172 -2577870-73 Fax No. 2581201***E-mail: hspcbseecoordination@gmail.com****Office****Order**

A team consisting of the following officers' is hereby deputed to inspect 28 numbers plywood industries (**Annexure-I**) and 5 numbers Brick Kilns (**Annexure-II**) of Yamuna Nagar in reference to orders dated 18.04.2024 passed by Hon'ble NGT in the matter of O.A. No. 373/2022 titled as Sumit Saini Vs Haryana State Pollution Control Board:-

1. Sh. Virender Singh Punia, Regional Officer, Yamuna Nagar.
2. Sh. Nitin Mehta, Regional Officer, Kurukshetra.
3. Sh. Shailender Arora, Regional Officer, Karnal.
4. Sh. Ajay Singh, Regional Officer, Ambala.
5. Sh. Sudhir Mohan, Regional Officer, Panchkula.

Regional Officer, Yamuna Nagar will make arrangements for stay, hospitality, inspection, vehicle and sampling requirements, if any. He will coordinate with deputed Regional Officers for timely inspection and responsible for timely submission of ATR before Hon'ble NGT.

Dated 22nd July, 2024
Panchkula**Pardeep Kumar, IAS**
Member Secretary**Dated:-23-07-2024**

A copy of the above is forwarded to the following for information and further necessary action:-

1. Sh. Virender Singh Punia, Regional Officer, Yamuna Nagar w.r.t. letter No. HSPCB/YR/2024/826 dated 10.07.2024.
2. Sh. Nitin Mehta, Regional Officer, Kurukshetra.
3. Sh. Shailender Arora, Regional Officer, Karnal.
4. Sh. Ajay Singh, Regional Officer, Ambala.
5. Sh. Sudhir Mohan, Regional Officer, Panchkula.

Signed by**Neha Saharan**
Environmental Engineer (Coordination)
Date: 23-07-2024 12:36:44
For Member Secretary

Regional Office,

Haryana State Pollution Control Board

S.C.O. No- 131, Sector -17, HUDA, Jagadhri, Yamuna Nagar hspcbroyr@gmail.com

No. HSPCB/YR/2024/ 611

Dated: 28 /06/2024

To

The Planning Cell
Haryana State Pollution Control Board,
Panchkula.

Subject: In the matter of Sumit Saini Vs HSPCB in OA No. 373 of 2022.

Ref:- Hon'ble NGT orders dated 18.04.2024 in O.A. No. 373/2022 titled as Sumit Saini Vs HSPCB & Ors.

In this Connection it is intimated that the Hon'ble NGT vide orders dated 18.04.2024 in O.A. No. 373/2022 has directed as follows:

Further interim directions

2. In compliance thereof the report has been filed by HSPCB vide email dated 17.04.2023. In its report the Joint Committee has mentioned that the brick kilns have obtained CTO from HSPCB and licenses from Mines and Geology Department, District Town and Country Planning Department and District Food, Civil Supplies and Consumer Affairs Controller Department. The Joint Committee has also mentioned that samples of air emission collected were found to be within prescribed limits.

3. However, we find that the Joint Committee has not looked into the following material aspects.

(i) location of the brick kilns in question as to whether the same are established at appropriate distance from habitation, fruit orchards, water bodies etc. and appropriate distance from other brick kilns;

(ii) whether location of the same involves any violation of the environmental norms;

(iii) the technology adopted, requirement of switching over to use of PNG as fuel instead of coal, mining of soil to meet the requirements of raw material and use of fly ash generated by the brick kilns in making of the bricks;

(iv) whether the brick kilns are required to obtain any fly ash from nearby thermal power plant or other industries using coal as fuel;

(v) compliance by the brick kilns with the Environment Protection Rules 1986 as amended vide MoEF&CC notification dated 22.02.2022; and

(vi) whether the vehicles used for transportation of raw material/bricks are appropriately covered.

4. In the present case all the 5 brick kilns have been granted CTE/CTO by HSPCB. Detailed reports in tabular format regarding compliance with consent conditions have been attached with the report of the Joint Committee. We have gone through the reports and we find that HSPCB has not imposed any condition on the brick kilns regarding carrying out of any plantation, paving and strengthening of the approach roads etc. for protection against air pollution caused by smoke and fugitive dust emission. In this regard it will not be inappropriate to refer to

16
conditions imposed by Rule 6 of the Uttar Pradesh Brick Kilns (Siting Criteria For Establishment) Rules, 2012 on brick kilns which is reproduced as under: 23

"6.1 Multi layer and multi storey green belt of 10 meters width shall be constructed along the periphery of brick kiln leaving two 10 meters wide gaps in the boundary for entry and exit of material and vehicles. A wall of 3 meters height shall be constructed on the sides where land is not available for green belt development to prevent fugitive dust emission. For installation of brick Kiln with green belt development, the minimum area required is 2.0 acre.

2. Lighting arrestor as per the PWD norms or any other standard desing shall be installed for brick Kiln to avoid the damage to stacks/chimney caused due to lighting attack.

3. In Brick Kiln besides the above Good House keeping practices including disposal of coal, ash, provision of double wall around the Kiln, proper layout Brick lining of passage use of properly grades coal, proper firing practices, protection from noise pollution and other measures should be followed by all Brick Kiln Owners.

4. While digging the earth for making bricks in the area ear marked for the same, the straight cutting of earth should be avoided; instead the cutting should be done in a slanted manner in the proportion of 1:3, so that there should be minimum soil erosion of the agricultural land."

5. These environmental aspects need to be considered by the HSPCB at the time of grant of CTE/CTO to the brick kilns. HSPCB may also consider desirability of revision of consent conditions imposed on the brick kilns on the present case regarding these environmental aspects for ensuring protection and improvement of environment and abatement of air and water pollution and soil degradation.

10. HSPCB is also directed to file additional report as to whether any additional measures are required to be taken and any additional conditions are required to be incorporated by revision of the consent conditions imposed on all the five brick kilns in the present case and also on M/s SPS Bio Chem Pvt. for carrying out plantation or taking other remedial measures for protection and improvement of environment. Additional report in this regard be also filed on or before 02.05.2023 by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF

27. The HSPCB is directed to inspect all the 5 brick kilns and submit its report with reference to the following material points:- (i) location of the brick kilns in question as to whether the same are established at appropriate distance from habitation, fruit orchards, water bodies etc. and appropriate distance from other brick kilns; (ii) whether location of the same involves any violation of the environmental norms; (iii) the technology adopted, requirement of switching over to use of PNG as fuel instead of coal, mining of soil to meet the requirements of raw material and management and disposal of fly ash generated by the brick kilns; (iv) whether the brick kilns are required to obtain any fly ash from nearby thermal power plant or other industries using coal as fuel for use in making of bricks; (v) compliance by the brick kilns with the Environment Protection Rules 1986, as amended vide MoEF&CC notification dated 22.02.2022; (vi) whether the vehicles used for transportation of raw material/bricks are appropriately covered; and (vii) Whether any condition has been imposed/is proposed to be imposed on the brick kilns regarding carrying out

24 of any plantation, paving and strengthening of the approach roads etc. for protection against air pollution caused by smoke and fugitive dust emission. Separate five reports in respect of each of the brick kilns be filed by HSPCB by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF at least one week before 07.08.2024 which is fixed as the next date of hearing of OAs registered in respect of the Brick Kilns

Re: Plywood Industries

(iv) We have gone through the report dated 17.05.2023 in respect of all the 28 plywood industries and we find that the approach adopted by HSPCB for verification of the factual position in respect thereof to be complacent and materially deficient. While granting consent to operate to the project proponents, no specific conditions were imposed by HSPCB on the project proponents regarding plantation in the premises/on the periphery/boundaries, and devices for control of air and water pollution were not specified. At the time of inspection, the factual position regarding such plantation, if any carried out, and installation of devices for prevention of air and water pollution was not verified. The report has been prepared on the basis of collection of documents. No photographs of the concerned units have been attached with the report. The aspects as to nature and quantity of fuel used, quantum of fly ash generated and management and disposal of fly ash have not been looked into for verification of the factual position regarding the same.

(v) HSPCB is directed to inspect all the 28 Plywood industries and to verify the factual position regarding their compliance status qua all relevant aspects including the following:

- i) sources from which the raw material is procured by each of the plywood industries;
- ii) nature and quantity of fuel used, quantum of fly ash generated and management and disposal of fly ash generated by each of the plywood industries;
- iii) nature and adequacy of plantation carried out/required to be carried out in the premises/on the periphery/boundaries of each of the plywood industries;
- iv) nature, number and adequacy of devices for prevention and control of water and air pollution installed/required to be installed by each of the plywood industries;
- v) whether there is any bore well and ground water is being extracted;
- vi) whether permission for the same has been obtained from State Ground Water Authority by each of the plywood industries;
- vii) whether there is any provision for rain water harvesting in any of the plywood industries;
- viii) whether there is discharge of any effluent from any of the plywood industries; and
- ix) whether any of the plywood industries is connected to any drain.

31. In compliance thereof, Affidavit dated 15.01.2024 of Mr. Sanjeev Kumar Singh, Member Secretary UPPCB was filed by Chief Environmental Officer, Circle-3, UPPCB vide email dated 16.01.2024. The draft mechanism for proper utilization of fly ash

generated by coal based industry was enclosed with the affidavit as Annexure-II which reads as under:

"Draft Mechanism for proper utilization of fly ash generated by coal based industries in compliance to directions issued by Hon'ble NGT in OA No. 369/2022 Sachin Tomar Vs State of U.P.

Issues relating to disposal of fly ash from coal based industries in State of U.P.

I. It has been a general practice by several industries using coal as fuel in boilers, to dispose the fly ash by filling in low lying areas. However, as a general practice adopted by the industries, collection and disposal of the fly ash from the industries is carried out through local contractors.

II. Industries/Contractors sometimes execute an agreement with the owners of lands for disposal of the fly ash. However, instead of usage of fly ash for filling up the low lying areas, the land is used as an open storage/dumping site for fly ash.

III. The lands, being an open area with no adequate cover at the boundaries and water sprinkling systems, the dispersion of fly ash causes air pollution in the nearby areas.

IV. Further, there are possibilities of degradation of top soil by storage/dumping of coal based fly ash on lands.

V. Hon'ble NGT has also considered the disposal of fly ash in low lying areas as an unscientific mechanism and have passed directions for proper disposal of the fly ash. In the matter of O.A. No. 744/2022 with OA No. 277/2021 Moharram Ali Vs State of UP and Liyakat Ali Vs State of UP, Hon'ble NGT has issued directions dated 22.03.2023 as below:

'.....7. It is established that plastic waste and fly ash are being unscientifically stored and disposed of in violation of Rules and to the detriment of environment. Such storage and use of landfill through contractor is not legally permissible. Stand that waste is being used for cement plants does not appear to be factually correct as no name of cement plant has been given and needs to be verified by manifest system. Compensation determined does not take into account financial capacity of the units to determine the deterrent element nor the value of the extent of damage and the cost of restoration

Draft Mechanism for proper disposal of Fly ash by Large air polluting industries:-

Practice of disposal of fly ash through contractors at nearby low lying areas is not an effective and environment friendly mechanism for disposal of fly ash because generally it is observed that the fly ash is usually being dumped on the agriculture land without having sprinklers and covering the

agriculture land boundary by green covers for arresting the fly ash from traversing in nearby residential areas.

1. With respect to effective disposal of fly ash, MoEF&CC vide notification dated 31.12.2021 has issued guidelines for utilization of fly ash generated in coal based Thermal Plants. Similar directions/mechanisms can also be adopted by other coal based industries. Further, CPCB has issued OM dated 06.03.2023 authorizing auditors from recognized institutions for regular auditing of disposal of fly ash as per the guidelines. Hence, taking into consideration the general on-site mechanism adopted by coal based industries, the following mechanisms can be adopted by other industries in line with the notifications issued by MoEF&CC and OM issued by CPCB for coal based Thermal Plants, to ensure that industries are disposing all the fly ash generated by environmental friendly mechanism:

i) There should be no involvement of a third party/contractor for collection and disposal of fly ash generated by the industries to ensure proper disposal of the fly ash being done by industries as per the agreements. Instead of disposing/dumping the fly ash on land at several agriculture land/low lying areas on day to day basis, every coal based large unit may install dedicated silos for storage of dry fly ash silos for at least sixteen hours of ash based on installed capacity and it shall be reported upon to the UPPCB from time to time.

ii) Proper agreements / MOU needs to be signed between industries directly with the Cement industry/brick kilns/fly ash manufacturing units etc. The industry shall also submit the total quantity of fly ash being sent to users which shall then be verified by U.P. Pollution Control Board cross verifying the quantity utilized by the users.

iii) As per CPCB OM dated 6 March 2023, CPCB has authorized auditors from various technical and recognized institutions for carrying out fly ash audits and submission of reports to CPCB and UPPCB. Industries may involve the authorized auditors for carrying out fly ash audit and submit the audit report to CPCB and UPPCB on a regular basis (Quarterly/Half yearly/Yearly). Scope of Work to carry out the audit may contain the following important mechanism:-

a. Verification of ash generation data pertaining to the financial year based on inspection of records of coal receipt/consumption and average ash content in coal and comparison of this data with the information provided by the industries.

b. Verification of fly ash and bottom ash utilization data pertaining to the financial year based on inspection of records of ash supplied to the user

agencies covered under permitted uses/avenues, and comparison of this data with the information provided by the industries.

c. The compliance audit for ash disposal by the industry and the user agency shall be conducted by auditors, authorized by Central Pollution Control Board (CPCB) and audit report shall be submitted to Central Pollution Control Board (CPCB) and UPPCB on a regular basis. UPPCB shall initiate action against non-compliant industries within fifteen days of receipt of audit report.

iv) UPPCB after scrutiny of auditor's reports may, if required, re-verify the quantity of fly ash being generated by the generators and quantity being utilized by the users under agreement with the generators.

v) The filling of low lying areas with ash shall be carried out only on the construction sites, Road Laying etc. (Govt, Semi Govt, Private) which have been approved by UPPCB, CPCB or other authorized departments.

vi) Non-compliant industries shall be imposed with an environmental compensation on per ton basis on unutilized ash during the end of the financial year based on the annual reports submitted.

vii) Major responsibilities of industries to dispose fly ash and bottom ash.- The ash generated from coal shall be utilized only for the following eco-friendly purposes, namely:-

- a) Fly ash based products viz. bricks, blocks, tiles, fibre cement sheets, pipes, boards, panels;
- b) Cement manufacturing, ready mix concrete;
- c) Construction of road and fly over embankment, Ash and Geo-polymer based construction material;
- d) Construction of dam;
- e) Filling up of low lying area on the construction sites, Road Laying etc. (Govt, Semi Govt, Private) after the approval by UPPCB, CPCB or other authorized departments;
- f) Filling of mine voids;
- g) Manufacturing of sintered or cold bonded ash aggregate;
- h) Agriculture in a controlled manner based on soil testing;
- i) Export of ash to other countries.

viii) The compliance audit for ash disposal by industries and the user agency shall be conducted by auditors, authorized by Central Pollution Control Board (CPCB) and audit report shall be submitted to Central Pollution Control Board (CPCB) and UPPCB on regular intervals. Central Pollution Control Board (CPCB) and UPPCB shall initiate action against non-compliant industries within fifteen days of receipt of audit report.

(ix) *The above mechanism shall be uploaded on the website of UPPCB seeking responses from the stakeholders, after which the mechanism shall be finalized and directions shall be issued to all coal based industries in the State of U.P. Specific conditions shall be included in the CTO issued by UPPCB.*

The above draft report is put up for perusal and necessary action please."

32. *In that case, UPPCB was directed to finalize the mechanism for proper disposal of Fly ash by all air polluting industries within six months and thereafter ensure compliance by the industries with the same.*

33. *These aspects have to be looked into and the monitoring mechanism needs to be evolved to ensure proper disposal of fly-ash by HSPCB also.*

34. *Accordingly, HSPCB is directed to (i) prepare and implement SOP and evolve a mechanism for verifying proper disposal of fly-ash by the project proponents in accordance with environmental norms/directions by Hon'ble Supreme Court and this Tribunal and the EC/consent conditions and (ii) to verify the facts regarding disposal of fly ash by the plywood industries in low lying areas and compliance of the conditions regarding storage and transportation of fly ash in accordance with environmental norms/directions by Hon'ble Supreme Court and this Tribunal.*

35. *Separate 28 Action Taken Reports be filed by HSPCB in each of 28 cases preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF at least one week before 21.08.2024 which is fixed as the next date of hearing of OAs registered in respect of Plywood Industries.*

43. *O.A. No. 373/2022 be listed for hearing on 22.07.2024, OAs registered against 05 Brick Kilns be listed for hearing on 07.08.2024 and OAs registered against 28 Plywood industries be listed for hearing on 21.08.2024.*

Therefore HSPCB is directed to prepare the SOPs/guidelines for safe disposal of fly ash for plywood industries and brick kilns, inspection of 28 No of Ply wood industries and 5 No. Of Brick Kilns in compliance of the directions of Hon'ble NGT. Performa for inspection of plywood industries and brick kiln prepared by this office as per the directions of the hon'ble NGT is **attached herewith** for your ready reference,

Whereas the next date of hearing with respect to 05 No. of Brick Kilns is 07.08.2024 and next date of hearing with respect to 28 No. Of plywood industries is 21.08.2024. Therefore this office requires inspection reports and audit report before 10.07.2024 so that appropriate reply after discussion with the advocate could be filed before hon'ble NGT well within time.

Whereas there are 8 no. of pending NGT cases along with the other official routine work such as cases of consent management, CM window complaints & other complaints, Head office references, DC office references, DC office meetings, Mandatory Inspections and other daily routine work for which there are only two no.s of field officers presently posted at Yamunanagar region.

Therefore following requests are made:-

1. Preparation of SOPs/Guidelines for safe disposal of fly ash, preparation of plantation plan for plywood industries at head quarter level.
2. Preparation of SOPs/Guidelines for safe disposal of fly ash, preparation of plantation plan for brick kilns at head quarter level.
3. Revised consent to operate of these five brick kilns are required to be issued along with the appropriate conditions for plantation as per the directions of Hon'ble NGT vide orders dated 18.04.2023 along with taking reference of conditions imposed by Rule 6 of the Uttar Pradesh Brick Kilns (Siting Criteria For Establishment) Rules, 2012. Therefore, permission may be granted to the undersigned for issuing the Revised Consent to Operate to these five brick kilns, as per the directions of Hon'ble NGT vide orders dated 18.04.2023 mentioned above. The matter may be taken up by the Miscellaneous/Planning Branch for drafting the policy on consent conditions for all the brick kilns in Haryana, if required.


Regional officer
Yamuna Nagar Region

HSPCB/YR/2024/ 612

Dated: 28 /06/2024

A copy of the above is forwarded to the Senior Environmental Engineer, Air Cell, HSPCB, Panchkula for information & further necessary action, please.


Regional officer
Yamuna Nagar Region