BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 653 of 2024

In the matter of:

Yasser Farooq Khan **Applicant**

Versus

UT of J&K & Ors. **Respondent**

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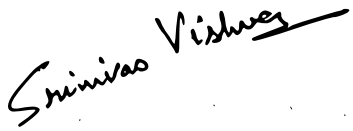

Filed by Adv. Srinivas Vishven
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Place: Delhi
Dated: 13.09.2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 653 of 2024

IN THE MATTER OF: -

Yasser Farooq Khan — Applicant

Versus

Union Territory of Jammu and Kashmir & Ors. — Respondents

REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD (CPCB) i.e. RESPONDENT NO. 3

1. That the Hon'ble National Green Tribunal (hereinafter referred to as "NGT"), vide order dated 31.05.2024 directed Central Pollution Control Board (hereinafter referred to as "CPCB") to file reply in the instant matter. Thereby, the reply is made in succeeding paragraphs.

2. That, at the outset, the Answering Respondent denies all claims, contentions, allegations and averments against it in the above Original Application (hereinafter referred to as "OA") contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the Answering Respondent for want of a specific denial or on the ground of non-traverse, save any averment which has been expressly admitted hereinafter.

3. That CPCB is a statutory Board constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "Water Act, 1974"). It performs the functions under the Water Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "Air Act, 1981") and the Environment (Protection) Act, 1986 (hereinafter referred to as "E(P) Act, 1986").

4. That, the grievance of the applicant in the OA is that respondent nos. 6 to 18 are operating Stone Crushers and Hot Mix plants in District Punj, J&K without complying with the requisite environmental norms and they are operating near the residential area, educational institutions etc., causing pollution and health hazard in the area concerned.

PARAGRAPH WISE REPLY

5. That no comments are offered over the averments made in Paras 3.1 & 3.2 of the OA being introductory in nature.

6. That with regard to the averments made in Para 3.3 of the OA, regarding establishment & operation of Stone Crushers and Hot Mix Plant in violation of environment norms by the respondents nos. 6 to 18, it is humbly submitted that as per the modified directions dated March 07, 2016 issued by CPCB under section 18 (1) (b) of the Water Act, 1974 and the Air Act, 1981, "Stone Crushers" and "Hot Mix Plants" are categorized under 'Orange' Category and required to obtain Consent to Establish (hereinafter referred to as "CTE") and Consent to Operate (hereinafter referred to as "CTO") from the concerned State Pollution Control Board/Pollution Control Committee (hereinafter referred to as "SPCB/PCC"). The Emission Standards for Stone Crushers were notified under the Environment

should operate only after obtaining CTE and CTO from the concerned SPCB/PCC and shall comply with the conditions stipulated therein. The concerned SPCBs/PCCs shall ensure compliance of prescribed siting norms and conditions stipulated under CTE & CTO.

7. That the averments made in Para 3.4 & 3.5 of the OA are about issuance of CTE and CTO. In this regard, it is humbly submitted that for issuance of CTE & CTO, J&K Pollution Control Board is the concerned authority, hence, need no reply from this Answering Respondent.

8. That the averments made in Para 3.6 of the OA are about OA No. 151/2023 in the matter; Hassina Wajid (Sarpanch) Vs. State of Jammu and Kashmir wherein Hon'ble NGT vide order dated 20.03.2023 constituted a Joint Committee to verify the factual position, and based on the Joint Committee report, Hon'ble NGT vide order dated 01.04.2024 directed for sealing of alleged Stone Crushing units. It is a matter of record, and hence need no reply from this Answering Respondent.

9. That the averments made in Para 3.7 & 3.8 of the OA are about not taking any action against the wrongdoers. In this regard, it is humbly submitted that compliance of above Standards/Siting Criteria/Guidelines and conditions/provisions of CTE & CTO shall be ensured by J&K Pollution Control Board.

10. That in reply to the averments made in Paras 4.1 to 4.15 of the Grounds Clause of the instant OA, the submissions made herein above are re-iterated and are not being repeated herein for the sake of brevity.

11. That, the answering respondent herein craves leave of the Hon'ble NGT to file additional reply, in future, if required.

(Protection) Act, 1986 by the Ministry of Environment, Forest & Climate Change (hereinafter referred to as "MoEF&CC") vide Notification no. G.S.R. 742(E) dated 30th August, 1990. A copy of the notifications is annexed as **Annexure-I.** Environmental guidelines for Stone Crushing Units were formulated by CPCB in July, 2023 and circulated to all the SPCBs/PCCs for its implementation. The said guidelines stipulate the general and source specific measures required to be taken by stone crushing units to prevent/suppress dust emissions. Para 6.0 i.e Regulatory/Monitoring Mechanism for Stone Crushing Unit, of the said guidelines stipulate that new Crushers should be allowed to operate only in dedicated crusher zones as per the siting policies of SPCBs/PCCs and Stone crushing 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. A copy of said Environmental Guidelines for Stone Crushing Units is annexed as **Annexure-II**.The Emission Standards and Siting Criteria for Hot Mix Plants were notified under the Environment (Protection) Act, 1986 by "MoEF&CC") vide notification no. G.S.R. 376(E) dated 18th May, 2023. As per said notification, Hot Mix Plant shall be installed; (a) 1 km. from boundary of cities and towns; (b) 0.5 km. from habitation; (c) 0.2 km. from National or State Highways (from Centre Line); (d) 0.5 km. from Schools or Colleges and temples; and (e) 1 km. from Hospital, Court and Tourist spot. In case existing hot mix plants are not able to meet above siting criteria, the unit may be allowed with the condition that minimum 6 metre high compound wall of GI sheets along plot periphery shall be installed. A copy of the notification is annexed as **Annexure-III.** Further, it is humbly submitted that Stone Crushing units and Hot Mix plants

12. That, in view of the submissions made in preceding paragraphs, the answering respondent i.e. CPCB shall abide by the orders/directions passed by the Hon'ble NGT in the instant matter.

(Anamika Sagar)
Scientist-'E'
Central Pollution Control Board

NOTARY PUBLIC
RAJ KUMAR JAIN
Advocate
Regn No. 17827/19
Comm Expiry
22-12-2024
GOVT. OF INDIA

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 653 of 2024

IN THE MATTER OF: -

Yasser Farooq Khan — Applicant

Versus

Union Territory of Jammu and Kashmir & Ors. — Respondents

AFFIDAVIT

I, Anamika Sagar, working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 3 in the above matter, do hereby solemnly affirm, declare on oath and state as under: -

NOTARY PUBLIC RAJ KUMAR JAIN Advocate Regn No. 17827/19 Comm Expiry 22-12-2024 GOVT. OF INDIA

1. That I, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

DEPONENT

अनामिका सागर / Anamika Sagar
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली–110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION:

13 SEP 2024

Verified at New Delhi on this day of _____ 2024 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Anamika Sagar

DEPONENT

NOTARY PUBLIC
RAJ KUMAR JAIN
Advocate
Regn. No. 17827/19
Comm. Expiry
22-12-2024
GOVT. OF INDIA

ATTESTED
13 SEP 2024
NOTARY PUBLIC
GOVT. OF INDIA

अनामिका सागर / Anamika Sagar
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
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Parivesh Bhawan, East Arjun Nagar, Delhi-110032

Sr. No.	**Industry**	Parameter	Standards
1	**2**	3	4
[#1]11.	**STONE CRUSHING UNIT**	Suspended Particulate Matter	The suspended particulate matter measured between 3 metres and 10 metres from any process equipment of a stone crushing unit shall not exceed 600 microgrammes per cubic metre.
[2]12.	**COKE OVENS**		Concentration in the effluents when discharged into inland surface waters not be exceed milligramme per litre (except for pH)
		pH	5.5 – 9.0
		Biochemical Oxygen Demand (27°C for 3 days)	30
		Suspended Solids	100
		Phenolic Compounds (as C_6H_5OH)	5
		Cynides (as CN)	0.2
		Oil & Grease	10
		Ammonical Nitrogen (as N)	50
13.	**SYNTHETIC RUBBER**		Concentration in the effluents when discharged into inland surface waters not be exceed milligramme per litre (except for colour and pH)
		Colour	Absent
		pH	5.5 – 9.0
		Biochemical Oxygen Demand [1][BOD (3 days at 27°C]	50
		Chemical Oxygen Demand	250
		Oil and grease	10.0

1 S.No.11 and entries relating thereto inserted vide SO 443(E)dt.18.4.87 published in the Gazette no. 206 dt. 18.4.87.

Standards notified at Sl. No. 37 may also be referred.

2 S.Nos. 12 to 24 and entries relating thereto inserted vide S.O. 64(E) published in the Gazette No. 42 dt. 18.1.88.

Annexure-II

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	100above

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 a**dequately 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 a**dequately 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 a**dequately 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	

****

रजिस्ट्री सं. डी.एल.- 33004/99 REGD. No. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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No. 304] NEW DELHI, FRIDAY, MAY 19, 2023/VAISAKHA 29, 1945

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 18 मई, 2023

सा.का.नि. 376(अ).—कतिपय प्रारूप नियम अर्थात पर्यावरण (संरक्षण) संशोधन नियम, 2022, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के अधीन यथापेक्षित, भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की अधिसूचना संख्या सा.का.नि. 805 (अ), तारीख 4 नवंबर, 2022 द्वारा भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में प्रकाशित किए गए थे जिसमें उन सभी व्यक्तियों से, जिनका इससे प्रभावित होना संभाव्य है, उस तारीख से, जिसको उक्त अधिसूचना में अंतर्विष्ट राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थी, साठ दिनों के अवसान से पूर्व, आक्षेप और सुझाव आमंत्रित किए गए थे ;

और, पूर्वोक्त अधिसूचना अंतर्विष्ट करने वाली राजपत्र की प्रतियां 7 नवंबर, 2022 को जनता को उपलब्ध करा दी गई थी ;

अत:, अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29), की धारा 6 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण (संरक्षण) नियम, 1986 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम पर्यावरण (संरक्षण) दूसरा संशोधन नियम, 2023 है ।

(2) ये राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से छह माह के अवसान पर प्रवृत्त होंगे ।

2. पर्यावरण (संरक्षण) नियम, 1986 की अनुसूची–1 में,- क्र.सं. 115 और उससे संबंधित प्रविष्टियों के पश्चात निम्नलिखित क्र.सं. और प्रविष्टियां अंतस्थापित की जाएंगी, अर्थात्:-

क्रम सं.	उद्योग	मानदंड	मानक
(1)	(2)	(3)	(4)
"116	हॉट मिक्स संयंत्र	स्टैक उत्सर्जन में विविक्त कण सांद्रता (mg/Nm^3)	
		बैच टाइप हॉट मिक्स संयंत्र	150
		ड्रम टाइप हॉट मिक्स संयंत्र	300

टिप्पणियां :-

(i) हॉट मिक्स संयंत्र के लिए न्यूनतम स्टेक ऊंचाई की गणना इस प्रकार की जाएगी: स्टेक ऊंचाई ($एच_{एस}$)=14 (क्यू)$^{0.3}$, जहां क्यू किलोग्राम/घंटे में $एसओ_2$ उत्सर्जन दर है ।

(ii) केवल राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समितियों द्वारा विनिर्दिष्ट स्वीकृत ईंधन का ही प्रयोग किया जाएगा ।

(iii) माल की संभलाई से होने वाले उत्सर्जन को पानी के छिड़काव अथवा धूल उत्सर्जन के स्थलों को ढककर नियंत्रित किया जाएगा ।

(iv) परिसर के अंदर की सड़कों, कार्य किए जाने वाले प्लेटफार्म, लोडिंग तथा अनलोडिंग क्षेत्रों को पक्का किया जाएगा तथा हमेशा स्वच्छ रखा जाएगा ।

(v) पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन ध्वनि प्रदूषण (विनियमन तथा नियंत्रण) नियम, 2000 का अनुपालन किया जाएगा और श्रमिकों को व्यक्तिगत सुरक्षा उपकरण प्रदान किए जाएंगे ।

(vi) परिधि के किनारे हरित पट्टी विकसित की जाएगी।

(vii) रेडियो में पुनर्चक्रित आसफाल्ट पेवमेंट (आरएसपी)के उपयोग की अनुमति दी जाएगी ।

(viii) किसी भी निरस्त प्रक्रिया की या हॉट मिक्स की बची सामग्री प्रक्रिया में पुनर्चक्रित की जाएगी ।

(ix) प्रचालन चरण के अंत में अर्थात् संयंत्र को हटाने के बाद, कार्य-स्थल को पुन: बहाल किया जाए ।

(x) राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समितियां, उपलब्ध प्रौद्योगिकी और विद्यमान पर्यावरणीय स्थितियों के आधार पर हॉट मिक्स संयंत्रों को अनुमति देने हेतु उनके आकार और क्षमता का विनिश्चय कर सकेंगी।

(xi) हॉट मिक्स संयंत्र को निम्नलिखित स्थान निर्धारण संबंधी मापदंडों से स्थापित किया जाएगा ।

(क) शहरों और कस्बों की सीमा से 1 कि.मी. दूर,

(ख) आवासों से 0.5 कि.मी. दूर,

(ग) राष्ट्रीय या राज्य राजमार्गों (मध्य रेखा से) 0.2 कि.मी. दूर,

(घ) विद्यालयों/कालेजों तथा मंदिरों से 0.5 कि.मी. दूर,

(ड) अस्पताल, न्यायालय तथा पर्यटन स्थल से 1 कि.मी. दूर,

(xii) उपर्युक्त पैरा (xi) स्थल निर्धारण मापदंडों को पूरा न करने वाले विद्यमान हॉट मिक्स संयंत्रों के मामले में, इकाई को प्लाट परिधि पर जीआई शीटों की न्यूनतम 6 मीटर ऊंची दीवार बननी चाहिए ।

(xiii) हॉट मिक्स संयंत्र नीचे उल्लिखित उपयुक्त वायु प्रदूषण नियंत्रण उपकरणों से युक्त होने चाहिए ताकि मानकों को प्राप्त करने के लिए इष्टतम दक्षता सुनिश्चित की जा सके :

क. ड्रम के प्रकार: वेट स्क्रबर सहित साइक्लोन/मल्टी-क्लोन

ख. बैच के प्रकार: बैग फिल्टर्स सहित मल्टी-क्लोन

[फा. सं. क्यू-15017/14/2018-सीपीडब्ल्यू]

नरेश पाल गंगवार, अपर सचिव

टिप्पणी : मूल नियम, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में तारीख 19 नवंबर, 1986 द्वारा प्रकाशित किए गए थे और अधिसूचना संख्या सा.का.नि. 373(अ), 16 मई, 2023 द्वारा अंतिम बार संशोधित किए गए।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 18th May, 2023

G.S.R. 376(E).—Whereas, certain draft rules, namely the Environment (Protection) Amendment Rules, 2022 were published in the Gazette of India, Extraordinary, Part ll, Section 3, Sub-section (i) as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules,1986, *vide* notification of the Government of India, Ministry of Environment, Forest and Climate Change, number G.S.R. 805 (E), dated the 04th November, 2022, inviting objections or suggestions from any person likely to be affected thereby within a period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the Gazette containing the aforesaid notification were made available to the public on the 07th November, 2022;

Now, therefore, in exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely: -

1. **Short title and commencement.-**(1) These rules may be called the Environment (Protection) Second Amendment Rules, 2023.

(2) They shall come into force on expiry of period of six months from the date of publication of this notification in the Official Gazette.

2. In the Environment (Protection) Rules, 1986, in Schedule-I, after serial number 115 and the entries relating thereto, the following serial number and entries shall be inserted, namely: -

Sl. No.	Industry	Parameter	Standards
(1)	(2)	(3)	(4)
"116	**Hot Mix Plant**	Particulate Matter Concentration (mg/Nm^3) in stack emission	
		Batch type Hot Mix Plant	150
		Drum type Hot Mix Plant	300

Notes:

(i) The minimum stack height for Hot Mix Plant shall be calculated as: Stack height (H_s) = $14(Q)^{0.3}$, where, Q is the SO_2 emission rate in kg/hr.

(ii) Only approved fuel as specified by State Pollution Control Boards or Pollution Control Committees shall be used.

(iii) Dust emission from material handling shall be contained with water sprinkling or by covering the points of dust emission.

(iv) The internal roads, working platform, loading and unloading areas in premises should be paved and kept clean all times.

(v) Provisions of the Noise Pollution (Regulation and Control) Rules, 2000 shall be followed and workers shall be provided with personal protective equipments.

(vi) The green belt shall be developed along the periphery.

(vii) Use of Recycled Asphalt Pavement (RSP) shall be allowed in the aggregates.

(viii) Any process rejects or left over of the hot mix shall be recycled in the process.

(ix) The site shall be reinstated at the end of operation phase i.e. after dismantling the plant.

(x) State Pollution Control Boards or Pollution Control Committees may decide the size and capacity to permit hot mix plants based on available technology and prevailing environmental conditions.

(xi) The Hot Mix Plant shall be installed from the following siting criteria, namely:-

(a) 1 km from boundary of cities and towns;

(b) 0.5 km from habitation;

(c) 0.2 km from National or State Highways (from Centre Line);

(d) 0.5 km from Schools or Colleges and temples;

(e) 1 km from Hospital, court and tourist spot.

(xii) In case existing hot mix plants are not able to meet above siting criteria at para (xi) above, the unit may be allowed with the condition that minimum 6 metre high compound wall of GI sheets along plot periphery shall be installed.

(xiii) The hot mix plant shall be equipped with appropriate air pollution control devices as mentioned below so as to ensure optimum efficiency to achieve the standards, namely:-

(a) Drum Type: Cyclone or multi-clones with wet scrubber;

(b) Batch Type: Multi-clones with bag filters.

[F. No. Q-15017/14/2018–CPW]

NARESH PAL GANGWAR, Addl. Secy.

Note : The principle rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number S.O. 844 (E) dated the 19th November 1986 and last amended, *vide* notification number G.S.R. 373(E) dated the 16th May 2023.

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Item No.13 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 653/2024

Yasser Farooq Khan Applicant

Versus

UT of J& K & Ors. Respondent(s)

Date of hearing: 31.05.2024

CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

Applicant: Mr. Sachin Gupta, Adv. for Applicant (Through VC)

ORDER

1. In this original application, complaint of the applicant is that respondent nos. 6 to 18 are operating stone crushers and hot mix plants in District Punj, J&K without complying with the requisite environmental norms and they are operating near the residential area, educational institutions etc., causing health hazard and also causing pollution in the area concerned.

2. Learned Counsel for the applicant has referred to paragraph no. 3. 3 of the original application to show the nature of the violation by private stone crushers/hot mix plants.

3. Original application raises substantial issue relating to compliance of environmental norms.

4. Issue notice to the respondents for filing their reply. Let reply be filed at least one week before the next date of hearing.

5. Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.

6. List on 18.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

May 31, 2024
Original Application No. 653/2024
JG.