

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A. NO. 537 OF 2022**

IN THE MATTER OF:

Mukesh Kumar Chauhan

...Applicant

VERSUS

State of U.P. & Ors.

...Respondents

INDEX

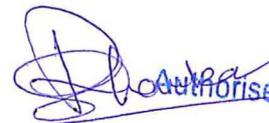
S. No.	Particulars	Page No.
1.	ACTION TAKEN REPORT ON BEHALF OF RESPONDENT NO. 5 IN COMPLIANCE WITH ORDER DATED 20.02.2023, IN O.A. NO. 537 OF 2022 PASSED BY THIS HON'BLE TRIBUNAL.	1-27
2.	ANNEXURE 1 Photographs showing 2 smog guns in operation	28
3.	ANNEXURE 2 Photographs showing Green clothes fixed at railway siding.	29
4.	ANNEXURE 3 Photographs showing green area nearby clinker siding.	30
5.	ANNEXURE 4 Photographs showing clinker loading in truck, dust generation, and dust suppression by smog guns.	31
6.	ANNEXURE 5 Photographs showing opposite direction of the loading area during clinker loading.	32
7.	ANNEXURE 6: Test Report dated 23 rd Dec, 2022	33-34
8.	ANNEXURE 7 Test Report dated May 8, 2023	35-37

8.	ANNEXURE 8 Photographs showing plant operation site.	38-39
9.	<u>ANNEXURE 9 (Colly):</u> Letter of Railway dated 28.04.2023 and Response of Respondent No.5 dated 11.05.2023.	40-42
10	<u>Annexure 10:</u> Railway's letter no 2015/EnHM/15/01 dated 16.04.2018	43-50

Place: New Delhi

Date: 22/05/2023

For J.K. CEMENT LTD.


Authorised Signatory

RESPONDENT No. 5 THOROUGH



SHLOK CHANDRA

ADVOCATE FOR THE PETITIONERS

A-22, GROUND FLOOR,

DEFENCE COLONY,

NEW DELHI-110024

EMAIL: shlokchandra@chandralawchambers.com

PHONE: +91 9999670588

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.A. NO. 537 OF 2022

IN THE MATTER OF:

Mukesh Kumar Chauhan

...Applicant

VERSUS

State of U.P. & Ors.

...Respondents

ACTION TAKEN REPORT ON BEHALF OF RESPONDENT NO. 5 IN COMPLIANCE WITH ORDER DATED 20.02.2023, IN O.A. NO. 537 OF 2022 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL ALONG WITH SUPPORTING AFFIDAVIT.

MOST RESPECTFULLY SHOWETH

1. This Action Taken Report is filed on behalf of the Respondent No. 5, Project Proponent i.e. JK Cement Ltd in furtherance of the order dated 20.02.2023 of the Hon'ble National Green Tribunal in the matter O.A. No. 537 of 2022.

2. Hon'ble National Green Tribunal in para 11 of the order dated 20.02.2023 observed that vide order dated 05.09.2022, the Joint Committee was directed to send copy of its report to the concerned Project Proponents and in compliance of above-said order, copies of the reports of the Joint Committee were sent to all the Project Proponent and copy of report was served on the Railways through Station Superintendent, Harduaganj Railway Station, Harduaganj, District Aligarh, Uttar Pradesh. No objections to the reports of the Joint Committee were filed on behalf of the Project Proponent, particularly, the DRM, North-Central Railway Zone, Prayagraj Division, Uttar Pradesh.
3. In view of the above, the Hon'ble National Green Tribunal vide its order dated 20.02.2023 directed the Project Proponents, including the DRM, North-Central Railway Zone, Prayagraj Division, Uttar Pradesh to take appropriate steps for implementation of the recommendations made by the Joint Committee and file their respective Action Taken Reports within three months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

4. In compliance with the Hon'ble National Green Tribunal's order dated 20.02.2023 following actions have been taken taken by Respondent No.5 JK Cement Ltd against the observation/recommendation of the Joint Committee:

S. No.	Observation/ Recommendation in letter dated 14.12.2022	Compliance Status as on 18.05.2023
1.	The clinker was unloaded manually from wagons at 650-meter-long line no. 14 of Harduaganj railway station which is further on trucks through JCB and transported to (02) cement plant namely M/s. JK Cement Limited and M/s. Mangalam Cement Limited located at approx. 1.5 km and approx. 6 km from the Harduaganj railway station respectively.	The railway siding is owned and operated by the Indian Railways. Clinker unloading and its transportation to our Plant are performed by M/s. Vision Next Road Lines (VNRL). However, our clinker handling agency has taken all the precautions and implemented the best measures to control the fugitive dust emission which are as follows:

		<p>a) Water sprinkling on railway siding and approach roads is being carried out regularly.</p> <p>b) Two Mist/anti-smoke guns are provided and operated as required to suppress dust particles. One anti-smog gun which was found inoperative during the last visit has been repaired and now both the Mist/anti-smoke guns are in perfect running condition. Photographs of 2 smog guns are attached as Annexure – 1.</p>
--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<p>c) As mentioned earlier Greenbelt (around 800 trees) has been developed all along the railway siding and is being maintained.</p> <p>d) Brand new green cloth curtain has been provided on both sides of the sidings to trap the flying particles generated during the process. The worn out curtain has been replaced. Photographs showing the same are attached as Annexure-2 along with this report.</p>
2.	During visit, applicant was connected telephonically to	N/A

	associate with joint committee at railway site but applicant had not appeared at railway site.	
3.	The processing capacity of cement plant M/s. JK Cement Limited and M/s. Mangalam Cement Limited are 1.5 million ton per year and 1.2 million ton per years respectively.	The concerned observation is a statement of fact.
4.	During visit, the platform near line no. 14 was found unpaved, which is also cause of fugitive emission during transportation.	The railway siding is owned and operated by Indian Railways and the same is in operation since long, even before setting up of our plant. Pavement, of the same therefore can be done only by Railways. However, our clinker handling agency has deployed water tanker to

		maintain wet drive area so as to control the dust generation.
5.	Fugitive emission was observed while unloading and loading of clinker at station.	<p>During the site visit we were also present at the railway siding and saw the level of dust generation while handling of any such mineral or material in open or closed system.</p> <p>For control of such dust generation, the best available measures have been implemented as mentioned at Point no. 1, so that the dust should not go out of the handling area and contribute in the air quality of the area.</p> <p>The photographs of the nearby area of handling area clearly indicate the</p>

		<p>effectiveness of the control measures implemented by the M/s. Vision Next Road Lines (VNRL).</p> <p>Geotech photographs of nearby area of railway siding are attached as Annexure-3,4 & 5</p>
6.	No worker was found using Proper Protective Equipment (PPEs) while loading and unloading activity.	All employees have been provided the PPEs and they use them as required. This handling site is fully mechanized and all working persons sit in AC cabin of HEMM while handling.
7.	During visit, it is observed that one antismog gun is available for dust suppression which was found non- operational.	One anti smog gun which was not functioning at the time of joint inspection is now in operational condition. Therefore, 2 anti smog guns

		are working currently at the railway siding.
8.	During visit, a water tanker was found operational for sprinkling of water on road of railway siding. Water was extracted through a pumping set from the bore well. No flowmeter was installed at bore well and no permission was obtained for extraction of groundwater.	One borewell has been installed on the Railway land since years and water was being taken from there for dust suppression and plantation. Tanker capacity was 3 KL and three tankers were daily used for spray, hence maximum 9 KL water was used daily from Borewell. Borewell has now been closed by Railways since 14/05/2023 and M/s. Vision Next Road Lines (VNRL) has made alternate arrangement for supply of water to be used for dust suppression.

		Response has been issued by Respondent No.5 vide letter dated 11.05.2023 to Railway letter dated 28.04.2023 in this behalf. Letter of Railway and Response of Respondent No.5 are attached as Annexure 9 (colly) .
9.	During visit, it is observed that covering of green colour cloths of height approx. 20 feet and length approx. 300 meter was placed at one side of station as temporary arrangement for control of dust emission. Covering of green colour cloths for other side of station was under progress.	Brand new green curtain has been provided on both sides. Regular maintenance and replacement of green clothes is being/will be done. Photographs enclosed as Annexure-2 .
10.	No permanent system for dust suppression was observed at	It may be noted that as a user of railway services at

<p>railway station. Existing system for fugitive emission under control is observed to be inadequate and improper.</p>	<p>Railway siding, Respondent No.5 cannot make permanent changes at the Railway land. However, a dedicated water tanker with sprinkle nozzles to make fine water mist has been deployed to make material sufficient moist and handling area as well. Moreover, two antismog guns are provided to suppress the dust generated during the handling and green cover on both sides of railway sidings to check the dust particles do not go away by the wind. The system is working perfectly and PM 10 levels were within permissible limits both on inspection carried out</p>
------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		in December 2022 and May 2023.
11.	As per specific condition no. 15 of consent issued to M/s. JK Cement Limited under section 21/22 of Air (Prevention and control of Pollution) Act, 1981, "Industry shall focus on the different un-assessed ENEN 24 pollution in bagging plant and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/ railway wagons. Copy of consent is issued to both the Cement plant.	It is submitted that the consent under section 21/22 of the Air (Prevention and control of Pollution) Act, 1981 issued to Respondent No. 5 was w.r.t emission of pollution from JK Cement's Plant and is not relevant for the purpose of pollution at Railway siding. However, as a responsible organization, even at the railway siding all best available measures have been implemented by the clinker handling agency. Moreover, the land belongs to railway and is operated/maintained by the railway.

		<p>At our plant site, all roads are cemented, all unloading hoppers are covered, all conveyor belts are covered and dust control devices are installed as such we are complying with all measures under the Consent to Operate issued to JK Cement Ltd.</p> <p>Photographs of Plant are enclosed showing neat and clean operation are marked as Annexure-8.</p>
12.	<p>Ambient air quality stations have been Installed at two (02) locations near station and Satha village as per availability of power connection. Sample is analyzed by UPPCB test result is as below:</p>	<p>High dust observed during the visit is due to other local sources and therefore emission should be measured with and without the clinker handling operation to know the contribution of handling.</p>

Location – 1 Village Satha, Tehsil Koli, District - Aligarh			<p>Moreover, In the nearby area of farmland, the last year and this year farm produce should be checked with Govt record for establishing the reason of crop loss, if any.</p> <p>As the best available measures have been taken and we measured the PM10 levels with and without the siding operation 23rd Dec., 2022 and on 8th May, 2023 and found the following results. Monitoring was carried out by NABL Accredited Lab and Approved by the CPCB, M/s Enviro Tech Services Ghaziabad UP.</p> <p>Emission results measured on 23rd Dec, 2022 are as follows:</p>
Parameters	24 Hours average value (ug/m3)	Prescribed	
PM10	165.99	100	
S02	19.3	80	
NO2	26.8	80	
Location – 2 Near Harduaganj Railway Station, Tehsil Koli, District, Aligarh			
Parameters	24 Hours average value (ug/m3)	Prescribed	
PM10	194.21	100	

SO2	19.3	80	Test Report is marked as Annexure-6
NO2	26.3	80	
			Location: Railway Siding
Unit Ug/mt 3	During material Loading	Without Loading	PM10 98 91 Std 100 ug/m3
			Emission results measured on 8th May, 2023 are as follows: Test Report is marked as Annexure-7. Location: Railway Siding
Unit Ug/mt 3	During material Unloading	Without unloading	

		<table border="1"> <tr> <td>PM10</td> <td>91.2</td> <td>82.5</td> </tr> <tr> <td>Std</td> <td></td> <td></td> </tr> <tr> <td>100</td> <td></td> <td></td> </tr> <tr> <td>ug/m3</td> <td></td> <td></td> </tr> </table>	PM10	91.2	82.5	Std			100			ug/m3								
PM10	91.2	82.5																		
Std																				
100																				
ug/m3																				
		<p>Location: Village Santha</p> <table border="1"> <thead> <tr> <th>Unit</th> <th>During material Unloading</th> <th>Without Unloading</th> </tr> </thead> <tbody> <tr> <td>Ug/mt 3</td> <td></td> <td></td> </tr> <tr> <td>PM10</td> <td>88.6</td> <td>79.9</td> </tr> <tr> <td>Std</td> <td></td> <td></td> </tr> <tr> <td>100</td> <td></td> <td></td> </tr> <tr> <td>ug/m3</td> <td></td> <td></td> </tr> </tbody> </table> <p>On both the dates emission level of PM 10 was found within the prescribed limits.</p>	Unit	During material Unloading	Without Unloading	Ug/mt 3			PM10	88.6	79.9	Std			100			ug/m3		
Unit	During material Unloading	Without Unloading																		
Ug/mt 3																				
PM10	88.6	79.9																		
Std																				
100																				
ug/m3																				
13.	It is evident from the above result PM10 is not meeting with	Reason of high dust level in the area has been mentioned at Point no. 12 which is due to																		

	prescribed limit of ambient air quality in both the locations.	local activities and transcription as well. Despite, that no cost has been spared on taking actions mitigating measures.
Recommendations		
1.	Railway authority in cooperation with concerned cement Industry must develop proper and permanent facility to control and suppress the fugitive dust emission generation while loading, unloading and transportation of clinker at line no. 14 of Harduaganj railway station. An action plan should be submitted in this regard to SPCB.	The railway siding is owned and operated by the Indian Railway, Clinker unloading and its transportation to our Plant is performed by M/s. Vision Next Road Lines (VNRL). However, our clinker handling agency has taken all the precautions and implemented the best measures to control the fugitive dust emission which are as follows:

		<p>a) Water sprinkling on railway siding and approach road as & when required.</p> <p>b) Mist/ smoke guns are provided and operated as required to suppress dust. particles.</p> <p>c) Greenbelt (800 trees) has been developed all along the railway siding.</p> <p>d) Brand new green cloth shed has been provided on both sides of sidings to trap the flying particles generated during the process.</p>
--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<p>Photographs showing the same are attached as stated herein above.</p> <p>However, as the railway siding is owned by Railways, permanent measures can only be taken by railways.</p>
2.	The platform area near the line no. 14 should be paved to avoid fugitive emission while movement of trucks.	<p>The railway siding is owned and operated by Indian Railways and the same is in operation since long, even before setting up of our plant.</p> <p>However regular water is sprayed to maintain the movement area sufficient wet to avoid any dust generation.</p>
3.	Regular water sparkling should be done on the roads and platform area to suppress road dust.	Regular water is being sprayed.

4.	Industries/railway authority should carry out monthly ambient air quality monitoring near station area and submit compliance report to UPPCB	We are in agreement with this recommendation.
5.	Industries should comply specific condition No. 15 of consent under section 21/ 22 of Air (Prevention and Control of Pollution) Act, 1981, i.e 'Industry shall focus on the different un-assessed source of air pollution in bagging plant and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/railway wagons.	The Consent to Operate (COE) being referred to here is COE for Company's plant/unit at Aligarh and not for railway siding. Conditions mentioned therein are therefore applicable within our plant and not at railway siding. Railways is required to take COE for railway siding as per Ministry of Railway's letter no 2015/EnHM/15/01 dated 16.04.2018 annexed as Annexure -10 . We reiterate that we are complying with all

		<p>the conditions mentioned in COE including “making a pucca arrangement to control cement dust generating from loading of trucks/railway wagons” <i>within our plant/unit</i>. Company has implemented all the best available measures to control measures to control the dust from loading and unloading which are given as below:</p> <ul style="list-style-type: none">• Enclosure are being provided for unloading of raw material.• Raw materials are being unloaded in the covered areas to avoid the generation of fugitive dust.
--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<ul style="list-style-type: none">• Bag house/Bag filters are installed inside the plant premises.• Transfer point locations are fully enclosed.• Floors are regularly swept.• Air borne dust is being controlled by water sprinkling.• The raw materials/ end products are stored in closed premises.• Collected dust is being recycled back into the process.• Travel paths of the pay loaders are paved and swept frequently by vacuum sweeping m/c.
--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<ul style="list-style-type: none">• Photographs showing the same are attached as Annexure - 8 along with this ATR. <p>We at JK Cement Ltd are already working at its manufacturing facilities in accordance with COE and committed to sustainable working to protect the environment and any other suggestions/ requirement to further reduce the impacts on environment will be implemented by the company in its true perspective.</p> <p>Dehors, even at Railway Siding, our contractor M/s. Vision Next Road Lines (VNRL) is taking all measures</p>
--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		(mentioned in response to point 1 above) to control pollution during unloading of clinker and its transportation to our Plant.
6.	Assessment of environmental compensation due to loading and unloading of clinker at railway station should be carried out by SPCB and accordingly environmental compensation should be imposed.	The railway siding is owned and operated by the Indian Railway. It is therefore responsibility of Railways to permanent measures to tackle pollution. Clinker unloading and its transportation to our Plant is performed by M/s. Vision Next Road Lines (VNRL). Our clinker handing agency as a responsible organisation has taken all the precautions and implemented the best measures to control the fugitive dust emission.

		<p>High dust observed during the visit is due to other local sources and therefore emission should be measured with and without the clinker handling operation to know the contribution of handling.</p> <p>Moreover, in the nearby area of farmland within 500 mtr radius, the last year and this year farm produce should be checked for establishing the reason of crop loss or environment compensation.</p> <p>Best available measures have been taken and we measured the PM10 levels with and without the siding operation on 23rd Dec.,2022 and on 8th May, 23 and found PM 10</p>
--	--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<p>levels within permissible limits.</p> <p>Applicant has also submitted a representation for withdrawal of complaint, hence applicable environmental compensation doesn't apply in this case.</p>
7.	<p>Permission from CGWA for extraction of ground water should be taken as per rule.</p>	<p>One borewell has been installed on the Railway land since years, ie much before Respondent No.5 started using the said railway siding and water was being taken from that for dust suppression and plantation. Moreover, Tanker capacity is 3 KL and three tankers are daily used for spray hence maximum 9 KL water is used daily.</p>

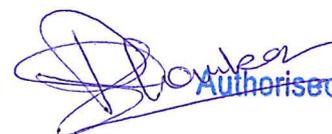
		Railways has now closed the said bore well.
--	--	---------------------------------------------

5. To summarize, earlier there were only 1 functional anti-smog guns and now there are 2 functional anti-smog guns. Further, new green curtains have been installed since the older curtains were worn out due to weather/natural wear and tear. Further, PPE kits have been made available as recommended.
6. Additionally, it may be noted that if any commercially viable new technology is introduced or is available, Respondent No. 5 will endeavour to use it in the best possible way to control the air pollution caused by the transportation of clinker.

For J.K. CEMENT LTD.

Place: New Delhi

Date: 22/05/2023


Authorized Signatory

RESPONDENT No. 5 THOROUGH



SHLOK CHANDRA

ADVOCATE FOR THE PETITIONERS

A-22, GROUND FLOOR,

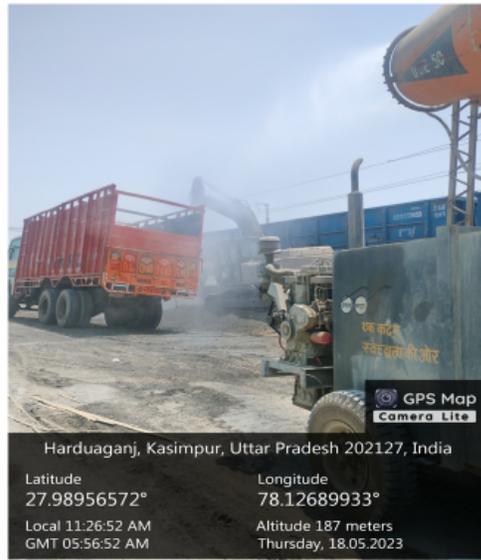
DEFENCE COLONY,

NEW DELHI-110024

EMAIL: shlokchandra@chandralawchambers.com

PHONE: +91 9999670588

JKC 2-Nos Smog Gun in Operation- Annexure-1



 Green clothes/Curtains fixed at railway siding- Annexure-2

View towards Clinker Siding Area

View towards Agricultural Land





Green Area nearby Clinker Siding



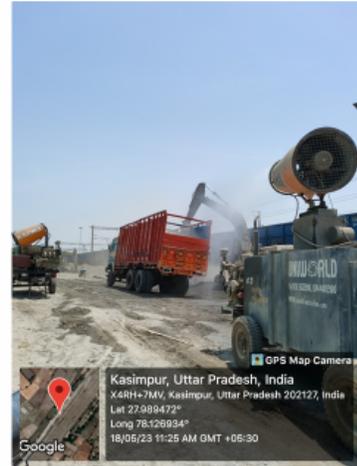
Clinker Loading in truck



Dust Generation



Dust Suppression by Smog Gun



Opposite direction of loading area during clinker loading



Annexure – 6



ETS-LAB

ENVIRO-TECH SERVICES

An Analytical Laboratory

(A GOVERNMENT APPROVED LAB)

Plot No. 1/32, S.S. of G.T. Road Industrial Area, Ghaziabad (U.P.) - 201001

email : etslab2012@gmail.com | Website : www.etslab.in | Ph.: 9911516076, 9811736063



TC-8771

TEST REPORT

TEST REPORT NO.: ETS/1365-1/12/2022 URLNO.TC877122000013651F DATE OF REPORT: 26.12.2022

AMBIENT AIR MONITORING AND ANALYSIS REPORT

Name And Address of Customer : M/s, J.K. CEMENT LTD.
ALIGARH-KASIMPUR ROAD, VILLAGE-SANTHA, PARGANA
MORTHAL, TEHSIL- KOIL, DISTRICT-ALIGARH, U.P.

Date of Monitoring : 23.12.2022

Analysis Start Date : 24.12.2022

Analysis End Date : 26.12.2022

Duration Of Monitoring : 23.12.2022 To 23.12.2022

Time Of Monitoring : 04.00 PM To 08.00 PM

Sample ID No : 1365-1

Sampling Done By : ETS STAFF

Sampling Location : HARDUAGANJ RAILWAY SIDING-LOADING

Sampling Method : ETS/STP/AIR-01

Sampling Machine Placed At Height : 1.5 METER FROM GROUND LEVEL

Weather Condition : CLEAR Ambient Temperature: 22.0 °C

Wind Direction : E To W

Equipment Used : Respirable Dust Sampler (PM₁₀)

S. No.	Test Parameter	Unit	Result	Specification/Limit (As per CPCB)	Test Method
1	Particulate Matters,(PM ₁₀)	µg/m ³	98.0	For 24 Hrs.=100	IS 5182 (Part-23)

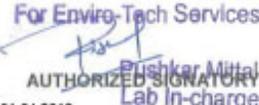
*****End of Test Report*****



CHECKED BY
SHRADDHA GUPTA

Page 1 of 1

For Enviro-Tech Services



AUTHORIZED SIGNATORY
Pushkar Mittal
Lab In-charge

Form No ETS-ABC-01 Issue No. 05 Date 01.04.2019, Revd. No. 06 Date 01.04.2019



ENVIRO-TECH SERVICES

An Analytical Laboratory

(A GOVERNMENT APPROVED LAB)

Plot No. 1/32, S.S. of G.T. Road Industrial Area, Ghaziabad (U.P.) - 201001

email : etslab2012@gmail.com | Website : www.etslab.in | Ph.: 9911516076, 9811736063



TC-8771

TEST REPORT

TEST REPORT NO.: ETS/1365-2/12/2022 URL/NO.TC877122000013652F DATE OF REPORT: 26.12.2022

AMBIENT AIR MONITORING AND ANALYSIS REPORT

Name And Address of Customer : M/s, J.K. CEMENT LTD.
ALIGARH-KASIMPUR ROAD, VILLAGE-SANTHA, PARGANA
MORTHAL, TEHSIL- KOIL, DISTRICT-ALIGARH, U.P.

Date of Monitoring : 23.12.2022

Analysis Start Date : 24.12.2022

Analysis End Date : 26.12.2022

Duration Of Monitoring : 23.12.2022 To 23.12.2022

Time Of Monitoring : 04.00 PM To 08.00 PM

Sample ID No : 1365-2

Sampling Done By : ETS STAFF

Sampling Location : HARDUAGANJ RAILWAY SIDING-WITHOUT LOADING

Sampling Method : ETS/STP/AIR-01

Sampling Machine Placed At Height : 1.5 METER FROM GROUND LEVEL

Weather Condition : CLEAR Ambient Temperature: 22.0 °C

Wind Direction : E To W

Equipment Used : Respirable Dust Sampler (PM₁₀)

S. No.	Test Parameter	Unit	Result	Specification/Limit (As per CPCB)	Test Method
1	Particulate Matters,(PM ₁₀)	µg/m ³	91.0	For 24 Hrs.=100	IS 5182 (Part-23)

*****End of Test Report*****

Annexure-7



ENVIRO-TECH SERVICES

An Analytical Laboratory

(A GOVERNMENT APPROVED LAB)

Plot No. 1/32, S.S. of G.T. Road Industrial Area, Ghaziabad (U.P.) - 201001

email : etslab2012@gmail.com | Website : www.etslab.in | Ph.: 9911516076, 9811736063



TC-8771

TEST REPORT

TEST REPORT NO.: ETS/1011/05/2023 URL: TC87712309001011F DATE OF REPORT: 10.05.2023

AMBIENT AIR MONITORING AND ANALYSIS REPORT

Name And Address of Customer : M/s. J.K. CEMENT LTD.
ALIGARH-KASIMPUR ROAD, VILLAGE-SANTHA, PARGANA
MORTHAL, TEHSIL- KOIL, DISTRICT-ALIGARH, U.P.

Date of Monitoring : 08.05.2023

Analysis Start Date : 09.05.2023

Analysis End Date : 10.05.2023

Duration Of Monitoring : 08.05.2023 To 08.05.2023

Time Of Monitoring : 12.05 PM To 08.05 PM

Sample ID No : 1011

Sampling Done By : ETS STAFF

Sampling Location : VILLAGE-SATHA UNLOADING

Sampling Method : ETS/STP/AIR-01

Sampling Machine Placed At Height : 1.5 METER FROM GROUND LEVEL

Weather Condition : CLEAR Ambient Temperature: 32.0 °C

Wind Direction : E To W

Equipment Used : Respirable Dust Sampler (PM₁₀)

S. No.	Test Parameter	Unit	Result	Specification/Limit (As per CPCB)	Test Method
1	Particulate Matters.(PM ₁₀)	µg/m ³	88.6	For 24 Hrs.=100	IS 5182 (Part-23)

*****End of Test Report*****



Page 1 of 1

For ENVIRO-TECH SERVICES

AUTHORIZED SIGNATORY
Quality Manager

Format No ETS/LAB/TR-01, Issue No. 05, Date 01.04.2019, Amd. No. 04 Date 01.04.2019



ENVIRO-TECH SERVICES

An Analytical Laboratory

(A GOVERNMENT APPROVED LAB)

Plot No. 1/32, S.S. of G.T. Road Industrial Area, Ghaziabad (U.P.) - 201001

email : etslab2012@gmail.com | Website : www.etslab.in | Ph.: 9911516076, 9811736063



TC-8771

TEST REPORT

TEST REPORT NO.: ETS/1012/05/2023 URL NO. TC877123000001012F DATE OF REPORT: 10.05.2023

AMBIENT AIR MONITORING AND ANALYSIS REPORT

Name And Address of Customer : M/s, J.K. CEMENT LTD.
ALIGARH-KASIMPUR ROAD, VILLAGE-SANTHA, PARGANA
MORTHAL, TEHSIL- KOIL, DISTRICT-ALIGARH, U.P.

Date of Monitoring : 08.05.2023
Analysis Start Date : 09.05.2023
Analysis End Date : 10.05.2023
Duration Of Monitoring : 08.05.2023 To 08.05.2023
Time Of Monitoring : 12.00 AM To 08.00 AM
Sample ID No : 1012
Sampling Done By : ETS STAFF
Sampling Location : VILLAGE-SANTHA WITHOUT LOADING
Sampling Method : ETS/STP/AIR-01
Sampling Machine Placed At Height : 1.5 METER FROM GROUND LEVEL
Weather Condition : CLEAR Ambient Temperature: 32.0 °C
Wind Direction : E To W
Equipment Used : Respirable Dust Sampler (PM₁₀)

S. No.	Test Parameter	Unit	Result	Specification/Limit (As per CPCB)	Test Method
1	Particulate Matters,(PM ₁₀)	µg/m ³	79.9	For 24 Hrs.=100	IS 5182 (Part-23)

*****End of Test Report*****



Page 1 of 1

For ENVIRO-TECH SERVICES

AUTHORIZED SIGNATORY
Quality Manager

Format No ETS/LAB/TR-01, Issue No. 05, Date 01.04.2019, Amd. No. 04 Date 01.04.2019



ENVIRO-TECH SERVICES

An Analytical Laboratory

(A GOVERNMENT APPROVED LAB)

Plot No. 1/32, S.S. of G.T. Road Industrial Area, Ghaziabad (U.P.) - 201001

email : etslab2012@gmail.com | Website : www.etslab.in | Ph.: 9911516076, 9811736063



TC-8771

TEST REPORT

TEST REPORT NO.: ETS/1013/05/2023 URL NO. TC877123000001013F DATE OF REPORT: 10.05.2023

AMBIENT AIR MONITORING AND ANALYSIS REPORT

Name And Address of Customer : M/s, J.K. CEMENT LTD.
ALIGARH-KASIMPUR ROAD, VILLAGE-SANTHA, PARGANA
MORTHAL, TEHSIL- KOIL, DISTRICT-ALIGARH, U.P.

Date of Monitoring : 08.05.2023
Analysis Start Date : 09.05.2023
Analysis End Date : 10.05.2023
Duration Of Monitoring : 08.05.2023 To 08.05.2023
Time Of Monitoring : 12.30 PM To 08.30 PM
Sample ID No : 1013
Sampling Done By : ETS STAFF
Sampling Location : RAILWAY SIDING-UNLOADING
Sampling Method : ETS/STP/AIR-01
Sampling Machine Placed At Height : 1.5 METER FROM GROUND LEVEL
Weather Condition : CLEAR Ambient Temperature: 32.0 °C
Wind Direction : E To W
Equipment Used : Respirable Dust Sampler (PM₁₀)

S. No.	Test Parameter	Unit	Result	Specification/Limit (As per CPCB)	Test Method
1	Particulate Matters,(PM ₁₀)	µg/m ³	91.2	For 24 Hrs.=100	IS 5182 (Part-23)

*****End of Test Report*****



For ENVIRO-TECH SERVICES



ENVIRO-TECH SERVICES

An Analytical Laboratory

(A GOVERNMENT APPROVED LAB)

Plot No. 1/32, S.S. of G.T. Road Industrial Area, Ghaziabad (U.P.) - 201001

email : etslab2012@gmail.com | Website : www.etslab.in | Ph.: 9911516076, 9811736063



TC-8771



TEST REPORT

TEST REPORT NO.: ETS/1014/05/2023 URLNO.TC877123090001014F DATE OF REPORT: 10.05.2023

AMBIENT AIR MONITORING AND ANALYSIS REPORT

Name And Address of Customer : M/s, J.K. CEMENT LTD.
ALIGARH-KASIMPUR ROAD, VILLAGE-SANTHA, PARGANA
MORTHAL, TEHSIL- KOIL, DISTRICT-ALIGARH, U.P.

Date of Monitoring : 08.05.2023
Analysis Start Date : 09.05.2023
Analysis End Date : 10.05.2023
Duration Of Monitoring : 08.05.2023 To 08.05.2023
Time Of Monitoring : 12.20 AM To 08.20 AM
Sample ID No : 1014
Sampling Done By : ETS STAFF
Sampling Location : RAILWAY SIDING-WITHOUT LOADING
Sampling Method : ETS/STP/AIR-01
Sampling Machine Placed At Height : 1.5 METER FROM GROUND LEVEL
Weather Condition : CLEAR **Ambient Temperature:** 32.0 °C
Wind Direction : E To W
Equipment Used : Respirable Dust Sampler (PM₁₀)

S. No.	Test Parameter	Unit	Result	Specification/Limit (As per CPCB)	Test Method
1	Particulate Matters,(PM ₁₀)	µg/m ³	82.5	For 24 Hrs.=100	IS 5182 (Part-23)

*****End of Test Report*****



Annexure-8

 Plant Operation Site Photo



 Plant Operation Site Photo



JKC Plant Operation Site Photo



X4J8+V45, Uttar Pradesh 202122, India
Latitude 27.98261001° Longitude 78.11456348°
Local 03:30:41 PM Altitude 186 meters
GMT 10:00:41 AM Monday, 15.05.2023

X4J8+V45, Uttar Pradesh 202122, India
Latitude 27.98217767° Longitude 78.11465602°
Local 03:46:25 PM Altitude 187 meters
GMT 10:16:25 AM Monday, 15.05.2023



संयुक्त राष्ट्र संघ
ONE EARTH - ONE FAMILY - ONE FUTURE



311
NORTH CENTRAL RAILWAY
उत्तर मध्य रेलवे
ALIGARH SUBDIVISION

40

कार्यालय

सहायक मण्डल अभियन्ता अलीगढ़

Mob. 9794837221

Email - denaljn@gmail.com

पत्र संख्या : एल-12/जनरल/2023

दिनांक : 28.04.2023

ANNEXURE-9

Plant Manager

M/S J.K Cement Works

Vill-Satha, Tehsil-Koil, Dist.-Aligarh

विषय - हरदुआगंज रेलवे साइडिंग स्थित clinker unloading स्थान पर पानी का पम्प लगाने के लिए जिला स्तरीय भूगर्भ जल प्राधिकरण, अलीगढ़ द्वारा NOC जारी करने के संदर्भ में।

संदर्भ : 1. order of NGT,Court 2 दिनांक : 20.02.2023 (Attached)

2. वरि मण्डल अभियन्ता (चतुर्थ) प्रयागराज का पत्र संख्या : 46-W/Misc./Sr. DEN/IV dated 27.04.2023

उपरोक्त विषय एवं संदर्भित पत्रों के आलोक में आपको सूचित किया जाता है, कि हरदुआगंज रेलवे साइडिंग में आपके द्वारा लगाए गए पानी के पम्प की बोरिंग करने हेतु जिला स्तरीय भूगर्भ जल प्राधिकरण, अलीगढ़ से क्या " अन्नापति प्रमाण पत्र (NOC) प्राप्त कर लिया गया था, यदि हाँ, तो अतिशीघ्र NOC की प्रति इस कार्यालय को उपलब्ध करवायें। और यदि नहीं प्राप्त किया था तो अविलंब NOC हेतु आवेदन करें। जिससे माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली के उपरोक्त निरीक्षण नोट संख्या 07 का अक्षरसः पालन किया जा सके। और तदनुसार इस संबंध में मण्डल कार्यालय को भी सूचित किया जा सके।

संलग्नक - उपरोक्त आदेश की प्रति एक पेज (01)।


28/04/2023

सहायक मण्डल अभियन्ता
सहायक मण्डल अभियन्ता

Assistant Divisional Engineer

उत्तर मध्य रेलवे, अलीगढ़

North Central Railway, Aligarh

प्रतिलिपि :- (i) वरिष्ठ मण्डल इंजीनियर / चतुर्थ / उत्तर मध्य रेलवे , प्रयागराज को सादर सूचनार्थ हेतु ।

मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन आ.ए. संख्या-537/2022 मुकेश कुमार चौहान बनाम रु
ऑफ यू.पी. में पारित आदेश दिनांक 05.09.2022 के अनुपालन में गठित संयुक्त कमेटी द्वारा शिकायती स्थल
निरीक्षण दिनांक 10.11.2022 को किया गया। निरीक्षणोपरान्त प्राप्त प्रतिउत्तर के सन्दर्भ में निरीक्षण आख्या।

कृपया उपरोक्त विषयक के सम्बन्ध में मै० जे०के० सीमेन्ट लि०, ग्राम-साथा, कारिमपुर रोड, तहसील-कोल
जनपद-अलीगढ़, मै० मंगलग सीमेन्ट, सी०डी०एफ० कॉम्प्लेक्स, छेरत, अनूपशहर रोड, तहसील-कोल
जनपद-अलीगढ़, मै० विजन नेक्स्ट रोड लाइन, ग्राम-साथा, कारिमपुर रोड, तहसील-कोल, जनपद-अलीगढ़ ए
मै० पी एण्ड पी एक्विजिग प्रा०लि०, सूतगिल चौराहा, जनपद-अलीगढ़ को इस कार्यालय के पत्र संख्या-225
दिनांक 14.12.2022 के माध्यम से संयुक्त निरीक्षण आख्या दिनांक 10.11.2022 को पत्र के साथ संलग्न कर प्रेषित
की गयी थी। मै० जे०के० सीमेन्ट लि०, ग्राम-साथा, कारिमपुर रोड, तहसील-कोल, जनपद-अलीगढ़ एवं मै०
विजन नेक्स्ट रोड लाइन, ग्राम-साथा, कारिमपुर रोड, तहसील-कोल, जनपद-अलीगढ़ द्वारा अपना प्रतिउत्तर
कार्यालय में दिनांक 27.12.2022 एवं दिनांक 05.01.2023 को प्राप्त कराया गया है। प्राप्त प्रतिउत्तर के सन्दर्भ में
सन्दर्भित स्थल का निरीक्षण इस कार्यालय द्वारा दिनांक 09.01.2023 को किया गया। निरीक्षण के समय मै० विजन
नेक्स्ट रोड लाइन, ग्राम-साथा, कारिमपुर रोड, तहसील-कोल, जनपद-अलीगढ़ में प्रतिनिधि के रूप में श्री उपेन्द्र
कुमार, डायरेक्टर उपस्थित मिले। विस्तृत निरीक्षण आख्या निम्नवत् है-

1. निरीक्षण के समय रेलवे स्टेशन, हरदुआगंज रेलवे साइडिंग के लाइन नं०-14 के किनारे स्थित
लोडिंग/अनलोडिंग एरिया में 02नग टैंकर के माध्यम से वाटर स्प्रेकलिंग का कार्य होता हुआ पाया गया।
2. निरीक्षण के समय लोडिंग/अनलोडिंग साइट पर 02नग पोर्टेबल एन्टी स्मोगन स्थित पाये गये एवं दोनों
एन्टी स्मोगन से जल छिडकाव होता हुआ पाया गया। निरीक्षण के समय उपस्थित प्रतिनिधि मै० विजन
नेक्स्ट रोड लाइन द्वारा अवगत कराया गया कि एन्टी स्मोगन मशीन फर्म द्वारा क्रय किया गया है। टैक्स
इन्वाइस की छायाप्रति संलग्न है।
3. निरीक्षण के समय उपस्थित प्रतिनिधि मै० विजन नेक्स्ट रोड लाइन द्वारा मै० इन्वायर्स टैंक सर्विसेस, प्लॉट
संख्या-132, एस.एस. ऑफ जी०टी० रोड, औद्योगिक क्षेत्र, गाजियाबाद द्वारा हरदुआगंज रेलवे स्टेशन एवं
ग्राम-साथा का परिवेशीय वायु गुणता का अनुश्रवण लोडिंग एवं अनलोडिंग दोनों स्थितियों में कराया गया
है। छायाप्रति संलग्न है।
4. निरीक्षण के समय रेलवे स्टेशन हरदुआगंज के रेलवे साइडिंग एवं वाहनों के आवागमन हेतु मार्ग कच्चा होने
के कारण डस्ट/धूल उड़ना स्वभाविक है। निरीक्षण के समय उपस्थित प्रतिनिधि मै० विजन नेक्स्ट रोड
लाइन द्वारा अवगत कराया गया कि उक्त रास्ता एवं रेलवे साइडिंग को पक्का बनाने हेतु रेलवे द्वारा कार्य
किया जाना है।
5. निरीक्षण के समय हरदुआगंज रेलवे साइडिंग पर वाहनों के आवागमन एवं लोडिंग/अनलोडिंग से जनित
फिजियुटिव डस्ट के नियंत्रण हेतु रेलवे स्टेशन की पूरव एवं पश्चिम दिशा साइट से लगभग-20 फीट ऊँची
600 मीटर दोनों तरफ लम्बी अस्थाई ग्रीन नेट से बाउण्ड्री से कवर्ड किया गया (फोटोग्राफ संलग्न है)।
6. निरीक्षण के समय मालगाडी/रैक मौजूद न होने के कारण अनलोडिंग का कार्य होता हुआ नहीं पाया
गया। किन्तु लोडिंग कार्य हो रहा था। निरीक्षण के समय लोडिंग के दौरान वर्कर द्वारा उपयुक्त पी०पी०ई०
का प्रयोग होता हुआ नहीं पाया गया।
7. निरीक्षण के समय रेलवे साइडिंग पर स्थित बोरेवेल पर पम्प रोट स्थापित पायी गयी। उक्त बोरेवेल से
पानी दोहन की अनुमति जिला स्तरीय भूगर्भ जल प्राधिकरण अलीगढ़ से प्राप्त किया गया है अथवा नहीं के
सम्बन्ध में कोई अभिलेख प्रस्तुत नहीं किया गया है।
8. निरीक्षण के समय उपस्थित मै० विजन नेक्स्ट रोड लाइन द्वारा अवगत कराया गया कि रेलवे साइडिंग
हरदुआगंज पर स्थित उक्त बोरेवेल रेलवे का है। जल दोहन की अनुमति रेलवे को प्राप्त करनी है एवं
हमारे द्वारा पानी के छिडकाव हेतु मै० जे०के० सीमेन्ट उद्योग से पानी के टैंकर भरकर लाया जाता है।
आख्या आपके-अवलोकनाथ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित।

(उपेन्द्र प्रसाद)
अवर अभियन्ता

(अजय कुमार)
साह०पर्या०अभि०

(डॉ० जे०पी० सिंह)
क्षेत्रीय अधिकारी (प्र०)
(डॉ० जे०पी० सिंह)
क्षेत्रीय अधिकारी (प्र०)

JKC/AGU/HGU/NGT/2023

11.05.2023

Assistant Divisional Engineer
North Central Railway, Aligarh
Railway Station Building, Aligarh-202001Email: denaljn@gmail.com

Ref: Your letter dated 28.04.2023 bearing no. L-12/General/2023 addressed to Plant Manager, JK Cement Works Aligarh (Letter dated 28.04.2023).

Sub: Reply to your captioned letter referred above.

Dear Sir,

1. We are in receipt of your letter dated 28.04.2023. At the outset we wish to point out your letter makes a reference to letter dated 27.04.2023 bearing no. 46-W/Misc/Sr. DEN/IV of senior Divisional Engineer (4th) Prayagraj, a copy of which has not been provided to us.
2. Infact a copy of Joint Inspection report dated 10.11.2022 by Joint Committee constituted vide order dated 05.09.2022 of Hon'ble National Green Tribunal (NGT) has been attached to your letter. The said report at point 7 mentions that at the inspection site, of Railway siding, a borewell was existing but no information was available wrt permission to extract ground water from District Level Ground Water Authority, Aligarh.
3. Vide your letter dated 28.04.2023, you have stated that JK Cement Ltd has installed the said borewell and sought information from us if JK Cement Ltd has obtained any NOC from District Level Ground Water Authority, Aligarh. JK Cement Ltd has further been directed to without delay apply for NOC if no NOC has been taken earlier.
4. In this regard, we would like to point out that JK Cement Ltd started using the railway siding at Aligarh from (March-2021). The borewell was existing at the site prior to JK Cement Ltd's using the said railway siding. Borewell was not installed by JK Cement Ltd nor is it located on JK Cement Ltd's property. As such JK Cement Ltd did not nor was it required to apply for any NOC from any authority concerned.
5. Borewell as well as the land on which the same is located being railway property, it is therefore for railways to take appropriate action as it may be advised. JK Cement Ltd was using railway services for transportation of its goods and paying railways for the same. It cannot be made liable to perform obligations of railways in relation to its property.

Trust this clarifies.

We are available for any clarifications or information you may require in this behalf.

Thanking you
Yours's faithfully
For J K Cement Works, Aligarh
(A unit of JK Cement Limited)Hemant Dave
(Unit Head & Authorized Signatory)*Sheeraj*
11/5/23

CC: Sr. Divisional Engineer (IV), Divisional Railway Manager Office, Nawab Yusuf Road, Prayagraj.

Corporate Office

- Padam Tower, 19, DDA Community Centre, Okhla, Phase - 1, New Delhi - 110020, India
- +011-49220000
- admin.padamtower@jkcement.com
- www.jkcement.com

JK SUPER
CEMENT
BUILD SAFEJK CEMENT
WallMax X
White Cement Wall Putty

Manufacturing Units at :

- Nimbahera, Mangrol, Gotan (Rajasthan) | Muddapur (Karnataka)
- Jharli (Haryana) | Katni (M.P.) | Aligarh (U.P.) | Balasinor (Gujarat)



GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

ANNEXURE -10

No. 2015/EnHM/15/01

New Delhi, dated 16.04.2018

**General Managers,
All Zonal Railways**

SUB: Pollution at Railway Sidings and Goods Sheds

A Committee of ED/EnHM/ME/RB and CCM/Catering/NR was nominated vide Railway Board's Order No. ERB-I/2016/23/19, dated 08.04.2016 and 16.01.2017/08.08.2017 to Study and submit Report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and actions to be taken.

Based on recommendations of the Committee accepted by Board (MRS & MT) following directions are issued :

1. **Keeping in view the statutory / legislative provisions**
 - a) **Wherever new siding/goods shed/Private freight Terminal/ any loading / unloading point is being developed / constructed, 'Consent to Establish' should be taken from State Pollution Control Board by the owner or the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorisation of Industrial Sectors.**
 - b) **Wherever the sidings are existing, 'Consent to Operate' / 'Consent for Operation' should be obtained from State Pollution Control Board by either owner or by the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorisation of Industrial Sectors.**
 - c) **Zonal Railways must be aware of Air Pollution Control Areas notified by respective SPCBs and ensure compliance to applicable environmental legislations. Necessary clause may be incorporated in agreements of sidings. For railway owned sidings and goods sheds, the responsibility lies directly with the Railways.**
 - d) **In addition to air pollution, water pollution and noise pollution should also be taken care of depending upon the extent of pollution and environmental impact for specific commodities and locations.**

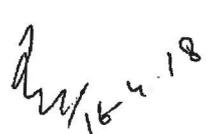
G1/F

2. Some protective measures to be taken at loading/unloading points by the owner or railways as the case may be, are
- a) Paved approach roads with adequate traffic carrying capacity should be provided at each loading /unloading point. The existing roads which are in bad condition should be repaired and maintained.
 - b) To control dust pollution, water sprinkling system through mechanised system or tankers should be provided as per requirement. Proper waste water/drainage system shall be provided at loading/unloading points as per requirement.
 - c) Appropriate green belt cover to be provided at the loading/unloading point to mitigate pollution.
 - d) Where necessary, the heavy loading and unloading traffic handling points to be provided with dust screen walls along periphery of the premises with adequate height.

Copy of the report of the Committee No. 2015/EnHM/15/01 dated 16.08.2017 in six pages is enclosed for necessary action by all Zonal Railways.

A Report on *Inventorisation of Railway Sidings and Guidelines for their Environment Management* submitted to Central Pollution Control Board by RITES in March 2015, which is available on the website of CPCB cpcb.nic.in under New Reports, may also be seen for guidance.

Encl: Report of the Committee
in six pages.


(Shivendra Mohan)
Executive Director
EnHM / ME

Copy to PCCMs,
All Zonal Railways

No. 2015/EnHM/15/01

Report of the Committee to Study the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and action to be taken.

1.0 Background

Ministry of Railways (Railway Board), vide Order No. ERB-I/2016/23/19, dated 08.04.2016 and 16.01.2017, constituted a Committee to study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and actions to be taken. Accordingly, following officers were nominated by Board-

- (i) Shri Shivendra Mohan, ED/EnHM/ME/Railway Board as Convenor
- (ii) Smt. Archana Srivastava, CCM/Ctg/NR as Member

Terms of Reference given to the Committee are as follows -

- To study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and action to be taken.
- The Committee can take assistance of an expert Consultant for arriving at their final recommendation. Expert consultant will be engaged by EnHM Directorate through a Railway PSU.

2.0 Methodology

The Committee on the basis of terms of reference held discussion with officials of RITES who had studied and prepared a report on *Inventorisation of Railway Sidings and Guidelines for their Environment Management*. Besides, Committee held discussions with number of Zonal Railways and former Member Secretary of CPCB. Committee also went through a number of documents available on the subject. The main documents are listed below-

- (i) Legislation on the subject- "*The Air (Prevention and Control of Pollution) Act, 1981*" and its amendment issued in 1987.
- (ii) Directives/Circulars on the subject issued by the Ministry of Railways.

- (iii) Report on *Inventorisation of railway sidings and guidelines for their environment management* submitted to Central Pollution Control Board by RITES in March 2015. This report is available on the website of CPCB cpcb.nic.in under New Reports.
- (iv) Final document on Revised Classification of Industrial Sectors under Red, Orange, Green and White Categories (February, 2016) published by CPCB.
- (v) Reports from various Zonal Railways on sidings/goods shed etc.

3.0 Observations

- 3.1 During the preliminary meetings held by the Committee it was decided to collect data from Zonal Railways so that field position can be assessed. Further, Committee also went through report on *Inventorisation of railway sidings and guidelines for their environment management* in detail and decided that since complete study has been done by RITES prior to finalization of the report therefore, it was felt that there is no need to engage any consultant for further studies.
- 3.2 Committee on the basis of discussions and data collected from Zonal Railways noted that on some of the Zonal Railways for some of the commodities, consent from State Pollution Control Board either is taken prior to opening of siding or of the existing siding. This is mainly subjective and largely dependent on the fact that wherever there has been issues raised by the local public or a case filed by the local public with State Pollution Control Board, the railways have gone ahead and taken permission.
- 3.3 Further, it was observed by the Committee from the Report on *Inventorisation of railway sidings and guidelines for their environment management* that mostly the sidings have some or other kind of pollution control mechanism already in place wherever there is manual loading/unloading. For example-water sprinkler, covering of material by plastic sheets, plantation etc. However, it is felt that in some cases these measures are either not sufficient or are not covering the Pollution Control Board's guidelines as such there is need to upgrade the same.
- 3.4 The committee also observed that different kind of measures are required for managing pollution of different kind from different type of commodities.

[Handwritten signature]
16.8.17

[Handwritten signature]
16.8.17

(i) **Coal and mineral handling points**

Generally, dust pollution in such sidings is much more as compared to rest of the commodities. Hence the sidings involving these commodities need more protective measures to minimise the generation of dust pollution from various activities involved at sidings. It is felt by the committee that-

- As far as possible loading /unloading of such commodities should be kept away from the residential area, school/colleges, Historical Monuments, Religious Places, Ecological sensitive areas as well as forests areas.
- The sidings should preferably have mechanized loading/unloading system from rolling stock.
- Efforts should be made to minimise/ reduce drop heights so as to control spreading of dust during loading and unloading operations.
- The stockpile should have adequate dimensions so that wind erosion from the stockpile will be minimum. The loading/unloading at stockpile should preferably be done by mechanised means.
- Sidings should have paved approach roads with adequate traffic carrying capacity. The existing haul roads which are in bad condition should be repaired and maintained. The roads should have proper camber to avoid the water logging on the roads.
- The heavy loading and unloading traffic siding should preferably have dust screen walls all along periphery of the premises with adequate height.
- Water sprinkling system should be used at loading /unloading point and along the haul roads either mechanised or through water tankers.
- Proper waste water/drainage system shall be provided at sprinkling area of loading, unloading and storage so that water drained is collected at a common tank and can be reused.
- The loading/unloading points should be provided with thick rows of plantation having tall growing trees all along the periphery, inside and outside of the premises and along the road.

(ii) **POL handling points**

The Committee feels that in case of POL unloading/loading points following is required-

- All components of POL loading /unloading depot should be designed and maintained as per specified standards of oil companies fulfilling safety provisions (OISD standards).

- The loading/unloading operation shall be carried out under close supervision of authorised person.
- Network of drainage system along the rail track to collect drained oil from various equipment and other places of likely oil spillage. The drainage shall lead to oil water separator (OWS) / effluent treatment plant (ETP).
- Loading points to have quick shut-off valves to avoid leakages.
- Waste water and storm water collection and disposal system.
- Roads should be provided to serve all areas requiring access for the operation, maintenance and fire fighting.

(iii) Other loading/unloading points

It has been noted by the Committee that the major dust pollution is generated through haul roads at food grain, fertilizer, other common commodity handling points. Haul roads at many sidings of this category are in bad condition and need immediate repair.

- Sidings should have paved approach roads.
- Water sprinkling system through mechanised system or tankers should be provided as per requirement.
- These siding shall ensure regular sweeping of dust from road and also ensure that there is adequate space for free movement of vehicles.
- Proper waste water/drainage system shall be provided at sidings/goods sheds.
- The waste water should be collected at a common tank and can be reused after screening or providing effective treatment.
- The siding area should have thick green belt cover to control the air and noise pollution.

3.5 In **C & AG** report no. 21 of 2012-13 (Railways) Para 2.3.1 it is noted that Railway Board had stipulated (June' 2009) that before issue of Railway Receipt for booking of freight (Iron ore, steel and cement) Railway Administration should ensure one time submission of consent for operation (CFO) to the Sr. DCM of the Division in which the loading takes place. Test check by Audit revealed that CFO was obtained only for 55 % (19 out of 34) sidings. It is also noted that some Railways are interpreting Railway Board's instructions of June' 2009 as though obtaining of CFO was not required for sidings with only unloading facilities.

3.6 Third report of **Public Accounts Committee** (2014-15, 16th Lok Sabha) - Environment Management in Indian Railways, Stations, Trains & Tracks have stated that consent for operation from State Pollution Control Board was obtained in only 55% of

the sidings test checked. Specific guidelines have not been issued to Zonal Railways for obtaining consent for operation (CFO) under Air (Prevention and Control of Pollution) Act 1981 from the SPCB concerned. This has resulted in inconsistency and variable understanding of issue by various Zonal Railways.

- 3.7 In the Revised Classification of Industrial Sectors under Red, Orange, Green and White Categories (February, 2016) published by CPCB, Industrial Sectors have been categorised under Red, Orange, Green and White Categories. 'Mineral stack yard / Railway sidings' have been included in Green Category. 'Facility of handling, storage and transportation of food grains in bulk' is also included in Green Category. State Pollution Control Boards can do additions to this list. Obtaining 'Consent to Operate' is not necessary only for White Category of Industries.

4.0 Statutory Provisions

From the Air (Prevention and Control of Pollution) Act, it is noted that -

- (a) As per provision in Sec. 21 (1) & (2), no person can establish or operate any industrial plant without the previous consent of State Pollution Control Board. Every application for consent shall be made in Form I and shall be accompanied by prescribed fee.
- (b) U/S 22, 22(A) operating any industrial plant so as to cause emission of any air pollutant in excess of standard laid down by State Board is liable for litigation by the Board.
- (c) U/S 19 of the Act, the State Govt. in consultation with SPCB is vested with power to declare Air Pollution Control Area in which provisions of the Act shall be applicable.

5.0 Recommendations

5.1 Keeping in view the statutory / legislative provisions it is recommended that-

- a) Wherever new siding/good shed/Private freight Terminal/ any loading unloading point is being developed / constructed, 'Consent to Establish' should be taken from State Pollution Control Board by the owner or the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the

notified areas / air pollution control areas and categorisation of Industrial Sectors.

- b) Wherever the sidings are existing, 'Consent to Operate' / 'Consent for Operation' should be obtained from State Pollution Control Board by either owner or by the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorisation of Industrial Sectors.
- c) Zonal Railways must be aware of Air Pollution Control Areas notified by respective SPCBs and ensure compliance to applicable environmental legislations. Necessary clause may be incorporated in agreements of sidings. For railway owned sidings and goods sheds, the responsibility lies directly with the Railways.
- d) In addition to air pollution, water pollution and noise pollution should also be taken care of depending upon the extent of pollution and environmental impact for specific commodities and locations.

5.2 Committee also recommends some protective measures to minimise air pollution at loading/unloading points by the owner or railways as the case may be and are listed below-

- a) Paved approach roads with adequate traffic carrying capacity should be provided at each loading /unloading point. The existing haul roads which are in bad condition should be repaired and maintained.
- b) Water sprinkling system through mechanised system or tankers should be provided as per requirement. Proper waste water/drainage system shall be provided at loading/unloading points.
- c) The loading/unloading point should have adequate green belt cover to control pollution.
- d) Where necessary, the heavy loading and unloading traffic handling points to be provided with dust screen walls along periphery of the premises with adequate height.

16/11.8.17
(Shivendra Mohan)
ED/EnHM/ME/RB
Convenor
16.08.2017

16.8.17
(Archana Srivastava)
CCM/Catering/NR
Member
16.08.2017