

GOVERNMENT OF HARYANA
DEPARTMENT OF ENVIRONMENT

ORDER

NO. 16/75/2007-3 Env.

DATED 23-6-2016

Sub: Modalities/guidelines for implementation of notifications dated 11.05.2016 for the stone crushers.

Whereas the Government of Haryana has come up with a fresh Notification bearing No. S.O.12/C.A.29/1986/Ss.5&7/2016 dated 11th May 2016, which supersedes all the other Notifications, amendments thereto, instructions issued there under, etc, and renders ineffective any other dispensations, concessions, relaxations, etc, availed either at the strength of the clarifications, interpretations, etc, issued by the Government/Board/Any other competent authority on the subject matter of the said Notification;

And, whereas now pertaining to all matters that have been dealt with/provided for in the said Notification dated 11th May, 2016, it shall be the provisions of the said Notification with the situations as obtained, including as obtained on ground, as on 11th May 2016 (unless those parameters are further revised or amended in times to come) would operate in determining as to whether the subject matter of the Notification dated 11th May 2016, i.e. the Stone Crushing Units in Haryana, conform to the parameters laid down in the Notification dated 11th May, 2016 or not;

And, whereas the Notification dated 11th May, 2016 also prescribes a lawful means to all such Stone Crushing Units which were rendered non-conforming any time in the past or would be rendered non-conforming now as a consequence of fresh parameters as prescribed in the said Notification or change in ground/other relevant conditions over a period of time, by affording them to shift to a conforming location within the prescribed timeframe while adhering to the prescribed formalities;

And, whereas for the duration so prescribed for shifting, they have been permitted to continue to operate from the existing location as on 11th May 2016, while, of course, observing the time frame and other stipulations prescribed either in the Notification or otherwise;

Therefore, now it has become imperative to articulate and lay down the road map and necessary compliances required to be adhered to by the Stone Crushing Units for transition from the pre Notification dated 11th May, 2016 era to post Notification dated 11th May, 2016 era. Following are the said required compliances/conditions/modalities, etc, that are required to be adhered to in this regard:

1. Those stone crushing units, which are either '**located or proposed to be established after the date of Notification i.e., 11th May 2016, within the notified approved crusher zones and their extension**', would be allowed to establish/continue their

operations without insisting on the compliance/promise to comply with the 'Norms for Siting of Crushers in Haryana' (in Schedule I of the Notification dated 11th May 2016). However, their establishment/operation would be subject to all other legal and statutory requirements, including the requirements articulated and applicable on it in terms of the Notification dated 11th May 2016. The Units that are proposed to be established in this category will have to obtain prior consent to establish and consent to operate from the Board as per procedure laid down.

Note: This condition shall be applicable on all such crushing units as well, who happen to fall within the extended portion of notified approved crusher zones, even when such extension was authorized/notified by the competent authority after 11th May 2016. However, such dispensation would be available for them only with effect from the date the said extension was so authorized/notified by the competent authority.

2. Those stone crushing units, which are '**proposed to be established in the area outside the existing notified approved crusher zones or their extension**' after the **date of Notification i.e. 11th May 2016**, will comply with all the siting norms and other parameters prescribed under this notification in addition to all other legal and statutory requirements, including the requirements articulated and applicable on it in terms of the Notification dated 11th May 2016. Such units will obtain prior consent to establish and consent to operate from the Board as per procedure laid down.
3. Those stone crushing units, which were '**established in the area outside the existing notified approved crusher zones or their extension**' on a date prior to the date of **Notification i.e. 11th May 2016**, and also meet all the '**Norms for Siting of Stone Crushers in Haryana**' as included in the Schedule I of the said Notification dated 11th May 2016, would be **considered compliant** of the siting norms in terms of the Notification dated 11th May 2016 and would be subject to usual applicable compliances on them, as per the provisions of the above said notification, other than the siting criteria. They must also possess valid Consent to Operate certification issued by the Board. However, since for the time being, in want of re-authenticated/re-certified/re-verified report available with the authorities determining them to be under this category, and keeping in mind that such a final re-authenticated/re-certified/re-verified report will take some time in being available, as a measure of abundant precaution these units would immediately be allowed to continue their operation, without insisting in advance to establish by way of submitting requisite certification, etc, that they meet all the siting criteria laid down in the Schedule I of the Notification dated 11th May, 2016 and thus fall in this category, subject to they also submitting assurance to comply with the stipulated conditions in 'Item Number III' of Schedule

II of the Notification dated 11th May 2016, in the form of an undertaking. Such units would be given a time period of one month counted from the date of issue of this Order to furnish such undertaking in the format as is appended at Annexure-I. Such undertaking would be signed by all the Directors/Partners of the company/firm or, the sole proprietor or by the authorized person of the unit, as the case may be. Further, the operation of such of units who fail to furnish either the said satisfactory undertaking within the stipulated period of one month counted from the date of issue of this Order as mentioned above or fail to furnish re-authenticated/re-certified/re-verified report to the satisfaction of the concerned Regional Officer that they indeed conform to all siting norms as prescribed in Schedule I of the Notification dated 11th May 2016 within the said one month counted from the date of issue of this Order, shall be closed on such an expiry of one month.

4. Those stone crushing units, which are '**established in the area outside the existing notified approved crusher zones or their extension**' on a date prior to the date of Notification i.e. 11th May 2016, but fail to meet any/some/all the '**Norms for Siting of Stone Crushers in Haryana**' as included in the Schedule I of the said Notification, **but were operational** on the date of issue of the above said notification, would be termed as '**Non Complying Units**' in terms of the Notification dated 11th May 2016 and, accordingly, their operation would be subject to their assurance to comply with the stipulated conditions in 'Item Number III' of Schedule II of the Notification dated 11th May 2016, in the form of an undertaking. Such units would be given a time period of one month counted from the date of issue of this Order to furnish such undertaking in the format as is appended at Annexure-I. Such undertaking would be signed by all the Directors/Partners of the company/firm or, the sole proprietor or by the authorized person of the unit, as the case may be.
5. In case of those stone crushing units, which were '**established in the area outside the existing notified approved crusher zones or their extension**' on a date prior to the date of Notification i.e. 11th May 2016, but fails to meet any/some/all the '**Norms for Siting of Stone Crushers in Haryana**' as included in the Schedule I of the said Notification dated 11th May 2016, and **were not operational (closed) on the date of Notification i.e. 11th May 2016 due to any reason**, but at any/sometime in past were validly operational/operating after obtaining the Consent to Operate would be termed as '**Closed Non Compliant Units**'. In these cases, the units would be required to first voluntarily submit the proof of the said '**validly operating in past**' condition by way of submitting the certified copy of NOC/Consent to Operate issued by the Board in past based on which they were validly operating in past, to the concerned Regional Officer of the Board. On receipt of such a valid proof such unit would be specifically asked, by way of issuing a letter to this effect (by the concerned Regional Officer) affording it a time period of one month counted from the date of

issue of the letter, to furnish such undertaking, in the format as is appended at Annexure-I. Such undertaking would be signed by all the Directors/Partners of the company/firm or the sole proprietor or by the authorized person of the unit as the case may be. It would be made clear to them that failure to adhere to the stipulations as included in the condition in 'Item Number III' of Schedule II of the Notification dated 11th May 2016 and/or the failure to comply with the assurance made by way of the said undertaking would attract automatic closure with or without any prior notice on the expiry of the grace period(s) as flowing out of the condition in 'Item Number III' of Schedule II of the Notification dated 11th May, 2016. In the event of such undertaking being furnished to the satisfaction of the concerned Regional Officer, the concerned Regional Officer shall, from the date the said undertaking is so received by him, permit, subject to the condition that for commencing operation, they must either possess or obtain afresh valid Consent to Operate, the said Unit to start operation in such cases where the Unit was closed either voluntarily or due to reasons other than closure order. However, in such cases where the Units have closed their operation as a consequence of Closure Order issued by the Board, the Regional Officer will recommend the case to the Board for suspension of Closure Order. Such suspension Order shall be entertained by the Board or any other officer of the Board so authorized in that regard for suspending the Closure Order subject to the condition that deficiencies, if any, in the emission norms would be rectified by them within a period of three months counted from the date of issue of such suspension of closure order.

6. For all the stone crushing units, falling outside the notified existing crusher zones, whether operational or closed, the distances of the location of stone crushers from various prescribed locations as included in the Table of 'Norms for Siting of Crushers in Haryana' (in Schedule I of the Notification dated 11th May 2016) as appearing in the Column 2 thereof shall be re-certified/re-verified in terms of the entry appearing at serial (vi) of the directions additionally given under the said Schedule I of the said Notification. The actual distances obtained in case of any stone crushing unit, falling in this category as included in the criteria prescribed in the Table of 'Norms for Siting of Crushers in Haryana' (in Schedule I of the Notification dated 11th May 2016) as appearing against S Nos. 3, 4, 5 and 6 shall be authenticated/re-certified/re-verified by the concerned Tehsildar and as appearing against serial Nos. 7, 8 and 11 shall be authenticated/re-certified/re-verified by the concerned Divisional Forest Officer. Rest of the distances as appearing in the 'Norms for Siting of Crushers in Haryana' (in Schedule I of the Notification dated 11th May 2016) as appearing in the Column 2 shall be authenticated/re-certified/re-verified by the concerned Regional Officer of the Board. It would be incumbent on all the stone crushing unit in question, falling in category covered in para: 3, 4 or 5 above, to get the relevant distances

authenticated/re-certified/re-verified from the concerned Tehsildar/Divisional Forest Officer and submit such authenticated/re-certified/re-verified documents to the concerned Regional Officer of the Board within a period of four months counted from the date of issue of this Order. Based on such re-authentication/re-certification/re-verification, the concern Regional Officer would finally determine as to in which category the Stone Crushing Unit actually falls. Failure to submit certified actual distances pertaining to the siting norms as included in Schedule I with the Regional Officer enabling him to determine as to in which category the Stone Crushing Unit actually falls, would result in automatic closure of the said unit on the expiry of the said four month on the ground of non-complying with the lawful direction.

7. In order to enforce uniformity in application (as there could be a possibility that some Unit may be holding Consent to Operate issued prior to the date of Notification dated 11th May, 2016 and having validity beyond the said date i.e. 11th May, 2016 and, at the same time, fail to meet the siting norms prescribed in the Notification dated 11th May 2016 requiring them as well to undergo the time bound compliances as envisaged in the Notification dated 11th May) the Consent to Operate issued in favour of all the operating units shall be reviewed and modified according to the requirement till 10th May 2019, in view of the mandatory compliances as prescribed in the Notification, and the same should be replaced/fresh Consent to Operate shall be granted. The first such Consent to Operate (provisional) (either replacing the existing one or granted afresh) to eligible units will be granted up to 10th May 2019 i.e. three years counted from the date of above said notification dated 11th May 2016. To such of the units that acquires/procures suitable land within the said period (on or before 10th May 2019), a second Consent to Operate (provisional) would be given for a duration up to 10th May 2020. Once the Unit is successfully shifted in the stipulated time and manner as prescribed in the Notification dated 11th May 2020, subsequent Consent to Operate would be granted as per the provisions applicable. This modification of Consent to Operate shall, however, not be attracted in cases where the Unit is either exempted from the application of siting norms as included in the Schedule I of the Notification or conforms thereto. In case it conforms to the prescribed norms in Schedule I of the Notification dated 11th May 2016 before seeking exemption from modification, the Unit shall have to establish, by furnishing authenticated/re-certified/re-verified documents issued/authenticated by competent authority to the concerned Regional Officer of the Board.
8. The operations of stone crushing units shall be subject to all the other provisions/stipulations included in the Notification dated 11th May 2016 and also to any/all the relevant provisions of laws/rules framed there under/notifications, etc, as are attracted to such operations. The consent to operate to such eligible crushing units will be granted for 4 years counting from the date of above said notification dated

- 11.05.2016 subject to they fulfilling other obligatory compliances and, accordingly, a mandatory review after 03 years counted from the date of Notification i.e. 11th May, 2016 in terms of item no. III under schedule-II of this notification shall be undertaken.
9. The benefit of item no. III under Schedule-II of this notification regarding allowing the operation, will be given only to those stone crushing units which were operational, with valid consent of the Board, at any time after issue of the previous notification dated 18.12.1997 superseded under the above said notification. However, it is further clarified that as provided under Sr. No. (iii) of Schedule I, no Stone Crushing Unit will be allowed to be set up or operate outside the identified crushing zones or its extension in Faridabad and Palwal Districts.
10. To remove the possibilities of any doubt that may persist in this regard, the implication of the benefit of item no. III under Schedule-II of the Notification dated 11th May, 2016 is being further clarified hereunder:
- i. It is applicable on all Stone Crushing Units which, on the date of issuance of Notification dated 11th May, 2016, fail to meet the siting criteria as included in the Schedule I of the said Notification.
 - ii. The provision requires such of the units as are described in (i) above, to shift, in a phased manner to any location that conforms in terms of the siting criteria laid down in the Schedule I of the said Notification.
 - iii. For doing so, they will be allowed to continue to operate, but while doing so, in the First Phase, they shall, either procure land for such a shifting within any identified Crushing Zone (notified by the Government) or procure suitable piece of land for the said purpose at location that conforms to the siting norms as notified under Schedule I of the Notification dated 11th May within three years counted from the date of Notification i.e. 11th May, 2016 that happens to be any date on or before 10th May, 2019. Failure to procure the land at such location within such period of three years would result in closure of operation of such defaulting Stone Crushing Unit on this count alone.
 - iv. After so procuring such land, the Stone Crushing Unit shall apply to the Haryana Pollution Control Board for shifting the Unit.
 - v. After assessing the proposal, the Haryana Pollution Control Board would take an appropriate view on the same, and, in the event the proposal of shifting is approved, the Stone Crushing Unit shall further be afforded one year of time counted from 11th May, 2019 i.e. up to 10th May, 2020 to complete the shifting. In such circumstances, and irrespective of whether the process of shifting is completed or not, on the said 10th May, 2020, the Stone Crushing Unit shall either voluntarily close its operation from the existing site or the Pollution Control Board shall get the operations closed. However, if the process of shifting is completed and the operations are commenced by the Stone

Crushing Unit on a date earlier than the said 10th May, 2020, the operation at the existing site not meeting the siting norms shall cease to operate on the date on which operation on the new site commences on such a date prior to 10th May, 2020.

11. In the event of any difficulty is faced/clarification is needed/interpretation is required/etc, in giving effect to the intent of this Order, the matter shall be referred to the Government of Haryana in the Department of Environment seeking clarification/interpretation/guidelines/etc, and such clarification or guidelines issued by them shall be followed while overcoming the difficulty.

S.N. Roy, I.A.S.


Principal Secretary to the Government of Haryana,
Department of Environment

Ends. No. 16/75/2007-3 Env.

Dated: 23-6-2016.

A copy each is forwarded to the following for information and further necessary action with a request to upload the same on their official web-site at the earliest.

- ✓ 1. Chairman, Haryana Pollution Control Board, C-11, Sector: 6, Panchkula.
2. Director General, Environment Department, Chandigarh.


Superintendent Environment
for Principal Secretary to the Government of Haryana,
Department of Environment

16/23/6

Undertaking

(To be submitted by the Owner/Proprietor of a Stone Crushing unit which are required to furnish Undertaking in terms of Order ----- dated ----- issued by way of laying down modalities/guidelines for implementation of notifications dated 11.05.2016 for the stone crushers bearing No. S.O.12/C.A.29/1986/Ss.5&7/2016 dated 11.05.2016 on Rs. 100/- Non Judicial Bond Paper)

1. I/We _____ (Name of the Owner/s, Proprietor of the Stone Crushing Unit) is/are the owner/proprietor of _____ (Name of the Stone Crushing Unit) established in _____ (Details of area where Stone Crushing unit is located).
2. I/We _____ undertake to abide by all the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, other relevant laws and rules framed there under and Notifications issued there under including Notification No. S.O.12/C.A.29/1986/Ss.5&7/2016 dated 11.05.2016 notified by Environment Department of Government. of Haryana.
3. The _____ (Name of the Stone Crushing unit) is complying with the Emission Norms and Pollution Control Measures Requirement Norms / would comply Emission Norms and Pollution Control Measures Requirement Norms in case it is permitted to resume its operation.
4. The _____ (Name of the Stone Crushing unit) is not meeting the prescribed siting parameters as per Schedule-I of Notification Dated 11.05.2016 at present/assumes that it is meeting the said siting parameter but is unable to establish its claim by way of submitting certified proof of doing so in terms of Notification dated 11th May, 2016 due to paucity of time.
5. I/We _____ do hereby undertake that if my/our operations are allowed to be continued/resumed after obtaining Consent to Operate and the Unit is not meeting the prescribe siting norms as per the Notification, I/We shall be shifting our Unit to a site meeting the siting norms as per the provisions of the Notification dated 11th May 2016 for which suitable land shall be procured by me/us within three year from the date of issuance of the said Notification i.e. on or before 10th May 2019 and, as soon as the land is so procured in terms of the Notification for the purpose of shifting our Unit, we shall notify to the Regional Officer of the Board of the said procurement along with sufficient proof. We further undertake that failure on our part to procure the said land in said circumstances for the said purpose and failure to notify the Regional Officer of the Board in the said manner on any date on or before 10th May 2019 will render the continuance of our operation impermissible and our unit shall either be closed by us voluntarily or the Haryana State Pollution Control Board shall be at liberty to close it down.
6. I/We _____ do hereby further undertake that on submission of the proof of procuring the land as mentioned in the above para and on obtaining the acknowledgement of the same in form of the permission to go ahead for shifting as issued by the concerned

Regional Officer of the Pollution Control Board, we shall, within the further extendable period of one year counted from 11th May 2019 i.e. on or before 10th May 2020, completely shift the said Stone Crushing Unit to such of the land procured by me/us that meets all the siting norms laid down in Notification dated 11th May 2016. As a consequence, the operations at the existing site shall completely cease on or before such shifting is completed, but in all cases on before 10th May 2020. The concerned Regional Officer of the Pollution Control Board shall be notified of the shifting and consequent closure on the existing site, failing which, the Regional Officer of the Pollution Control Board shall be at liberty to close down the operation at existing site on or after 10th May 2020 irrespective of whether the said shifting is completed or not.

7. I/We _____ further undertake, that failing to comply with any of the assurances made in para (5) and para (6) above within the respective time frame, I/We shall either voluntarily close my/our operations/crushing unit or, the Haryana State Pollution Control Board (or any other its officer authorized by it on that behalf) shall have the liberty to cause the operations to be closed either on or after 10th May 2019 or, as the case may be, on or after 10th May 2020, depending up on the respective default.
8. I/We _____ (Name of the Owner/s, Proprietor of the Stone Crushing Unit) further undertake that the Haryana State Pollution Control Board or any other officer authorized by it on its behalf shall be at liberty to review my/our consent to operate any time during the said period and may, if any component of our operations are found to be deficient, shall be at liberty to revoke the consent to operate.

Date :

Signature/s

(With full address of the Owner/s/Proprietor/s)

Place :

Attested by Notary