

## HARYANA STATE POLLUTION CONTROL BOARD C-11, SECTOR 6, PANCHKULA

Ph-2577870-73 E-mail: hspcbsee1@gmail.com

No.HSPCB/2015/ 2466-77

Dated: 24-6-15

To

All the ROs in the field.

Sub:

Amendment in notification dt. 18/12/1997 issued by Haryana Government Environment Department for the Stone Crushers.

Kindly refer to this office letter no. 2429-41 dated 17/06/15 (copy enclosed) on the subject noted above.

In this connection it is intimated that the comments/suggestions for amendment in the provisions of the existing notification dated 18/12/1997 of the Stone Crusher alongwith the proposal for extension of the existing zones with the detail of land proposed for the same was sought on the prescribed format within 3 days but the said comments/suggestions/proposals is still awaited.

You are again asked to submit your comments/suggestions as desired vide this office letter under reference by 25/06/2015 upto 12:00 noon, failing which it will be presumed that you have no suggestions in the above said matter and the same will be brought into the notice of Competent Authority.

DAV as above.

Sr. EE-I(HQ)

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Proceeding of the meetings held on 09.06.2015, 10.06.2015 and 11.06.2015 in Head Office of the committee constituted vide Head Office Order Endst. No. HSPCB/2015/2408-2411 dated 05.06.2015 for proposing and drafting the amendments in the Notification dated 18.12.1997 issued by Govt. of Haryana, Environment Department regarding stone crushers.

The meeting of the committee constituted vide Head Office Order Endst. No. HSPCB/2015/2408-2411 dated 05.06.2015 for proposing and drafting the amendments in the Notification dated 18.12.1997 issued by Govt. of Haryana, Environment Department regarding stone crushers ware held on 09.06.2015, 10.06.2015 and 11.06.2015 in Head Office.

The original Notifications dated 18.12.1997, 30.10.1998, 18.10.2000 and 20.06.2001 issued by the Govt. of Haryana, Environment Department from time to time for the stone crushers are attached at Annexure - A to Annexure- D respectively.

It has been observed that board is already in the process of amendments in the above said Notifications in view of representations received from various stone crusher associations from time to time and has yet not been finalized. The committee is of the opinion that in the present Notification some of the provisions are not clear due to which the Board is facing the legal implications as well as practical problem in implementation of this Notification which has arose several court cases in the past as well as in present. Thus there is a need to simplify the provisions regarding siting parameters as well as for establishment and operation of the stone crushers keeping in view the present scenario.

Previously the above said Notifications were issued under section 5 of EPA. 1986. It was brought to the notice of the committee that a proposal for amendment in the above said Notifications was sent by the Board to the Government for Notification vide letter no. 402 dated 16.04.2012 which was returned by the Government vide letter no. 16/75/2010-3E dated 17.05.2012 in view of the advice of the LR, Haryana with the observation that there is no provision to issue direction by way of Notification either under section 5 of the Act or under rule 4 framed there under and it was advice to issue the necessary directions in administrative capacity. Copy of above letter is attached herewith as **Annexure-E**. There is also no provision of issuing the direction through notification under Air Act, 1981.

After detail deliberation a draft proposal with regard to the siting parameters to be prescribed has been prepared and is attached herewith as **Annexure - F**.

Some representations of the associations of the stone crushers has also been received in the Board to extend the existing stone crusher zones. The existing stone crusher zones were notified earlier vide Notification dated 18.12.1997, 30.10.1998. 18.10.2000, 20.06.2001 and 18.03.2004 and after declaration of the stone crushing zones, large no. of stone crushers have come up outside the zones as per the provisions of the Notification dated 18.12.1997. In order to have a planned growth of the crushers, the committee is of the view that a

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detail proposal is required to be prepared for extension of existing zones where ever required or demanded by the associations keeping in view the present need and therefore before taking the final view on this issue the following information's are required:-

- 1. No. of stone crushers already setup in the identified zone.
- 2. No. of vacancies left
- 3. No. of crushers located outside around the zone alongwith the detail of land showing Khasra/ Kila no. and revenue estate marked on Sizara plan.
- 4. The siting distance from boundary of the proposed extension zone to the periphery of the features specified in schedule- I of Notification dated 18.12.1997.
- 5. The detail of land with Khasral Kila Nos. for developing the green belt around the zone having depth of 10 meters from the outer periphery of the zones except dhouj for which the land has already been earmarked by HUDA.

### The following recommendations has been given by the committee:-

- 1. The draft proposal prepared by the committee may be sent to all RO's in the field for giving their comments and suggestions for amendments in the provisions of the existing Notifications for the stone crushers within 03 days.
- 2. RO's may be asked to give the proposal for extension of the existing zones if any, alongwith the details required for the extension of zones mentioned above alongwith the detail of land proposed for the same on format enclosed as Annexure - I within 03 days.
- 3. The District Attorney may be asked to give its opinion with regard to the procedure to be adopted for issuing the amended siting parameters/ procedure for doing the extension of existing crusher zones.

(J. P. Singh)

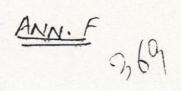
EE-IT (HQ)

(Dr. S.K. Rohilla) Scientist- 'C' (HQ)

(Dinesh Kumar) Sr. Scientist (HQ) (S. P. S. Rathi) Sr. EE-I (HQ)

	Name of Zone	Zone	1		Area	
1	2	3 4	4	5	6	7
	District	Tehsil	Village with hadbast	Khasra no.	Area in Acres	Maximum No of stone crusher to be accommodate in the zone
	(i)	(ii)	(iii)	(iv)	(v)	

Hewel Nah. Revisor



#### Government of Haryana, Environment Department, Orders

Whereas, article 48-A of the Constitution of India interalia envisages that the State shall endeavour to protect the environment;

Whereas it is necessary and expedient to take immediate steps under sections 5 and 7 of the Environment (Protection) Act, 1986 and section 19 of the Air (prevention and Control of Pollution) Act, 1981 and rules framed there under and to maintain ecological balance in the State to prevent environment degradation and to avoid traffic and human health hazards;

Whereas the State Government has already taken a decision to maintain ecological balance keeping in view the industrial development and also to maintain the quality of environment and to avoid health hazard for the residents of the area;

Whereas Government of Haryana, Environment Department has already issued directions in form of notification vide no. S.O.126/C.A.29/86/S.5 & 7/97 dated 18.12.1997 and amended the same vide notification no. S.O.150/C.A.29/1986/S.5 & 7/1998 dated 30.10.1998. no. S.O.125/C.A.29/1986/S.5/2000 dated 18.10.2000, No. S.O. 85/C.A 29/86/S. 5 and 7/2001 dated 20.06.2001 and No. S.Q.31/C.A.29/1986/S.5 & 7/2004 dated 18.03.2004 regarding establishment and operation of stone crusher including siting parameters and pollution control measures to adopted by them and Now it has been proposed to issue new directions in supersession of earlier directions.

Whereas clause (a) of sub rule (3) of Rule 4 of the Environment (Protection) Rules, 1986, provides that a person, officer or authority to whom any direction is sought to be issued shall be served with a copy of the proposed direction and shall be given an opportunity of not less than fifteen days from the date of service of a notice to file with the objections, if any, to the issue of the proposed directions.

Now, therefore, in exercise of the powers delegated under section 5 of the Environment (Protection) Act, 1986 (29 of 1986), read with rule 4 of the Environment (Protection) Rules, 1986, this notice is being issued with the following proposed directions which shall be taken into consideration along with objections which may be received by the undersigned from any person with respect to the

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proposed directions on or after expiry of period of fifteen days from the date of publication of this notice.

SCHEDULE 1
NORMS FOR SITING OF ISOLATED STONE CRUSHERS IN HARYANA

	Norms	
Sr. No.	Criteria	Distance in K. M.
1.	Minimum distance required from the nearest National Highway.	1.5
2.	Minimum distance required from the nearest State Highway.	1.0
3.	Minimum distance required from the nearest Major District roads and other roads.	0.3
4.	Minimum distance required from the nearest Metropolitan Cities.	5.0
5.	Minimum distance required from the nearest Town/city/Municipal limits.	1.5
6.	Minimum distance required from the nearest village abadi.	1.0
7.	Minimum distance required from any land recorded as forest in Government record (revenue and / or forest department). excluding strip forests/ plantation along roads, canals, railway ines and bunds	
8.	Minimum distance required from any land covered under Aravali notification issued by Ministry of Environment & Forest Govt. of India vide No. S.O.319 (E) dated 07.05.1992.	1.0
9.	Minimum distance required from any indoor health treatment unit having 25 or more beds for catering indoor patients.	1.0
10.	Minimum distance required from National Parks, Wild Life Sanctuaries and conservation Reserves.	2.0

#### Note:

- 1. The above mentioned siting parameters are not applicable for stone crushing zones already existing and notified or to be declared at later stage.
- 2. The above siting parameters will be applicable only to the new stone crushers to be established after issuance of these directions.

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- 3. All distance are to be measure as the crow files from the boundary of the land of the stone crusher to the periphery of the feature concerned. The distance from the village will be measured from the outer periphery of the revenue firni (Lal Dora where there is no village firni).
- 4. The notified approved Crusher Zones would not be affected by the above cited minimum distance criteria as the feasibility of having a conglomeration of Stone Crushing Unit in conjunction with the siting criteria above may not be possible. The above mentioned siting criteria will only be applicable to stone crushing units to be established in the area outside the identified zone.
- 5. No stone crusher unit will be allowed to setup outside the identified crushing zones in Faridabad and Palwal Districts.
- All stone crusher will adopt the norms and pollution control measures as prescribed under EPA Rules, 1986 and amended from time to time.
- 7. Every stone crusher unit whether in notified zone or outside it must possess and operate in a minimum area of one acre of land. In case land is taken on lease then the lease should be registered with revenue authority and if the land is taken on lease from Panchayat then it should be with the written permission of the Principal Secretary to Govt. Haryana, Panchayat and Development Department.
- 8. The stone crushing units which are operating after taking the benefit of clause N of schedule II of the notification dated 18.12.1997, as amended vide notification dated 30.10.1998 will have to shift to a site meeting the siting parameters as per schedule- I of this notification or to identified zone depending on availability of vacant sites in the zone, within 2 years form the date of issuance of this notification.

# SCHEDULE-II IDENTIFIED ZONES

N	Name of Zone	Zone			Area	
1	2	3	4	5	6	7
	District	Tehsil	Village with	Khasra no.	Area in Acres	Maximu m No of

of the same

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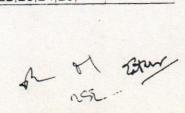
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1. A green belt along any approved notified zone will be for a depth of atleast 10 meters along the periphery of the crushing zone. The nature of trees to be planted and their spacing and protection measures required for such trees plantation shall be in consultation with Divisional Forest Officer concerned. The responsibility for planting and maintaining of green belt shall be with the Association of the stone crushing zones and the individual stone crushing unit in the zone will be responsible.

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- The land required for the green belt around the zone will be purchased by the stone crushing units in association and no unit in the extended zone will be permitted.
- No siting parameters will be applicable on the existing identified zones
  however, in case of new zones or extension of existing identified zones, the
  minimum distance from nearest abadi shall be atlest 500 meters.

Anurag Rastogi, IAS, Principal Secretary to Government Haryana, Environment Department.

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Annexure- I Information regarding identification of land for extension of existing zones.

	Name of Zone	Zone			Area	Area	
1	2	3	4	5	6	7	
-	District	Tehsil	Village with hadbast	Khasra no.	Area in Acres	Maximum No of stone crusher to be accommodate	
	(i)	(ii)	(iii)	(iv)	(v)	in the zone	