

SCHEDULE

Description of establishments	Areas in which establishments Are situated
(1)	(2)
Educational Institutions and Health Institutions (including public Private, aided or partially aided) run by Individuals, trustees, Societies or other organizations, wherein 20 or more persons are employed or were employed on any day of the preceding twelve months.	Areas where the scheme has already been brought into force under Section 1 (3) and 1 (5) of the Act by the appropriate Government.

ENVIRONMENT SCIENTIFIC & TECHNOLOGY DEPARTMENT**NOTIFICATION**

Shimla-2, the 07th March, 2014

No. STE-E(5)-6/2013.—In compliance to the directions passed by the Hon’ble National Green Tribunal, New Delhi, Circuit Bench at Shimla vide dated 29.07.2013 & 02.01.2014 in Application No.263 (THC)/2013 in CWP No. 9052/2012 titled as Pawan Kumar V/s Union of India & ors. & as per the provisions of Environment (Protection) Act, 1986 & guidelines regarding consideration of proposal for grant of Environmental Clearance for mining of brick earth as contained Government of India’s Office Memoranda dated 24.06.2013 and 24.12.2013, the Governor, Himachal Pradesh is pleased to formulate the following policy guidelines for setting up of Brick Kilns in the State of Himachal Pradesh, namely:-

1. Site Suitability

1.1 **Norms:** Taking in to consideration the hilly terrain, small land holding and the requirement of maintaining the fragile ecology of the hill, the units in future shall be set up in consonance with the following criteria, namely:

Sr. No.	Criteria	Distance	
		Natural draught Kiln	Induced draught Kiln
1	From the outer limit of the local area committee/corporation	3 Kms.	1.5 Kms.
2	From the outer limit of Nagar Panchayat	2 Kms.	1 Kms.
3	From the outer limit of Abadi Deh.	500 Mtrs.	250 Mtrs.
4	Outer limit from cluster of 20 houses (Pacca or Kachha) located between boundary of Abadi Deh and Brick Kiln unit.	300 Mtrs.	150 Mtrs.

5	Hospital /Education Institution/Inflammable Substances Stores.	1 Kms.	1 Kms.
6	Wild life sanctuary/Historical Monuments/Eco Sensitive Zone.	1Kms	500 Mtrs.
7	Railway Track	100 Mtrs.	50 Mtrs.
8	National Highway/Express way	100 Mtrs.	50 Mtrs.
9	State Highway	50 Mtrs.	50 Mtrs.
10	Village road/link road.	25 Mtrs.	25 Mtrs.
11	River/stream (perennial) banks lake	100 Mtrs.	100 Mtrs.
12	Distance between two brick kiln unit.	500 Mts.	250 Mtrs.

NOTE:

All distances shall be measured as crow flights from the periphery of the brick kiln chimney to the outer periphery of the revenue unit or the municipal limits or the periphery of the feature concerned.

1.2 Joint inspection Committee for site Appraisal:

The site for setting up of brick kiln unit shall be appraised and approved by a Joint Inspection Committee in reference to setting criteria as given at clause 1.1. The applicant shall apply on Form-I to the Department of Food, Civil Supplies and Consumer Affairs, HP for inspection of site of proposed brick kiln unit alongwith revenue record and other requisite documents with application fee amounting to Rs. 5000/-. The Joint Inspection Committee shall consist of the following members:—

1. The Sub Divisional Officer (Civil). *Chairman*
2. Assistant Conservator of Forest/Range Officer. *Member*
3. Representative of HP State Pollution Control Board. *Member*
4. Executive Engineer, HP PWD or his representative. *Member*
5. Executive Engineer, I & PH Department or his representative. *Member*
6. District Food & Supplies Controller. *Member*
7. Mining Officer of the concerned District. *Member Secretary*

2. Procedure for setting up and operation of brick kiln:

1. No person shall install or run brick kiln in any area within the State of Himachal Pradesh unless he obtains a license from the Department of Food and Civil Supplies and Consumer Affairs, HP under HP Bricks Order, 1970. Before issuance of Registration of the Brick Kiln unit by the Competent Authority, applicant shall furnish the following clearances from other Departments to the licensing authority:—

- a. The Joint Inspection report recommending the case for setting of brick kiln unit.
- b. The mineral concession in terms of valid mining lease/valid mineral source to ensure legal & regular supply of brick earth.
- c. Any other clearances deem fit by the License Authority
- d. The State Pollution Control Board shall issue 'Consent to Establish' to the unit on the basis of recommendation of Joint Inspection Committee and subsequently the "Consent to Operate".
- e. The Environmental Clearance shall be obtained by the unit as per EIA notification 2006, if required.

3. Emission Standards for Brick Kiln: Emission Standards for brick kilns shall be applicable as per as per Schedule-I appended to Environment (Protection) Rules, 1986 framed under Environment (Protection) Act, 1986, as amended from time to time.

3.1 Minimal National Emission Standards for Brick Kilns:—

Size	Kiln Capacity	Maximum limit for the concentration of particulate matter (mg/N cu.m)
Small	Less than 15,000 bricks per day (less than 15 ft. trench width)	1000
Medium	15,000-30,000 bricks per day (15 ft-22 ft trench width)	750
Large	More than 30,000 bricks per day (more than 22 ft. trench width)	750

Note:—(1) The above particulate matter emission limits are achievable by installing fixed chimney, high draught kilns and/or setting chamber.

3.2 Stack Height Regulation:

The following stack heights are recommended for optional dispersion of particulate matter.

Kiln Capacity	Stack Height
Less than 15,000 bricks per day (less than 15 ft. trench width)	Minimum stack height of 22 m or induced draught fan operating with minimum draught of 50 mm Water Gauge with 12 m stack height.
15,000-30,000 bricks per day (15 ft-22 ft trench width)	Minimum stack height of 27 m. gravitation setting chamber of induced draught fan operating with minimum draught of 50 mm Water Gauge with 15 m stack height.

More than 30,000 bricks per day (more than 22 ft. trench width)	Minimum stack height of 30 m gravitation setting chamber or induced draught fan operating with minimum draught of 50 mm Water Gauge with 17 m stack height.
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4. General Conditions for Pollution Control Measures:

1. Adequate Sanitary and health safety measures shall be provided to labourers deployed by the brick kiln owner.

2. Any other condition(s) imposed by the State Environment Impact Assessment Authority and HP State Pollution Control Board.

5. The existing units shall continue to operate subject to fulfillment of following conditions:

1. Brick kiln owner shall not operate the units until having obtained license under the HP Brick (control) Order, 1970 from the Competent Authority.
2. In order to ensure legal & regular supply of brick earth, every owner of brick kiln shall have a valid mining lease/ valid mineral source.
3. Environment clearance shall be needed in case of grant of fresh mining lease or renewal thereof.
4. No brick kiln unit shall be permitted to operate without "Consent to Operate" from the HP State Pollution Control Board.

The existing units not meeting the prescribed setting parameters/Guidelines will meet a stack emission standard of 500 mg/NM³.

By order,
TARUN SHRIDHAR,
Pr. Secretary (Env., S&T).

LAW DEPARTMENT

NOTIFICATION

Shimla-171002, the 3rd March, 2014

No.LLR-E(9)-2/97-Leg.—In pursuance of section 6 of the Notaries Act, 1952 (53 of 1952) read with rule 17 of the Notaries Rules, 1956, the Governor of Himachal Pradesh is pleased