



ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ Karnataka State Pollution Control Board

“ಪರಿಸರಭವನ”, 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ.49, ಚರ್ಚ್‌ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ
"Parisara Bhavana", 1st to 5th Floor, # 49, Church Street, Bengaluru - 560 001, Karnataka, INDIA

No: PCB/Fly Ash/2018-19 5350

Dated:

16 JAN 2019

To;

1) The Additional Chief Secretary to the Government, Urban Development Department, Room No. 436, Vikas Soudha, Bangalore 560 001.	7) The Chief Engineer, Public Works Department (Communication and Building)- North, Sir M.V. Marg, Dharwad- 580 008.
2) The Additional Chief Secretary & Development Commissioner, Rural Development and Panchayat Raj 3rd Gate, 3rd Floor, MS Building Bangalore-560001.	8) The Chief Engineer, National Highways, PWD Annexe, K.R.Circle, Bangalore- 560001.
3) The Principal Secretary, Public Works, Ports and Inland Water Transport Department, Karnataka Government Secretariat, 3rd Floor, Vikasa Soudha, M.S.Building, Dr.Ambedkar Road, Bangalore-560001	9) The Chief Engineer, Karnataka Road Development Corporation, 16J, Millers Tank Bund Road, Bangalore 560 052.
4) The Secretary to the Government, Urban Development Department, Room No. 434, Vikasa Soudha, Bangalore.	10)The Managing Director, Karnataka Road Development Corporation Limited, "Samparka Soudha", Survey No.8, B.E.P Premises (Opp. Orion Mall),Dr. Rajkumar Road, Rajajinagar 1st Block, Bangalore- 560010.
5) The Director, Department of Mines and Geology,#49, Khanija Bhavan, Race Course Road, Bangalore 560 001.	11)The Chief Project Officer, Karnataka State Highways Improvement Project, PWD, Annexure, K.R.Circle, Bangalore 560 001.
6) The Chief Engineer, Public Works Department (Communication and Building) - South, K.R. Circle, Bangalore 560 001.	

Sir,

Sub: Utilization of fly ash generated by Coal or Lignite based Thermal Power Plants operating in the State of Karnataka –Reg.

- Ref:
1. Notification issued by Ministry of Environment, Forest and Climate Change, Government of India, S.O.763 (E) dated: 14.09.1999 and its amendments on 27.08.2003, 03.11.2009 and 25.01.2016.
 2. Board Office letter No. PCB/17 Cat/Flyash/2016-17/462 Dated: 12.01.2017
 3. Letter of Department of Ecology and Environment, Government of Karnataka, No.APG23ENV 2014 dated: 03.03.2017.
 4. Board Office letter No. PCB/17 Cat/Fly ash/2016-17/462 dated: 12.01.2017.
 5. Board Office letter No.PCB/17Cat/Fly Ash/2016-17/611 Dated: 25.03.2017.
 6. Proceedings of the Meeting of State Monitoring Committee held on 16.11.2017 under the Chairmanship of Additional Chief Secretary, Forest, Ecology and Environment. Government of Karnataka.
 7. Directions issued by Central Pollution Control Board under Section 18(1) (b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 No.B-33018/07/IPC-II/12521 dated: 08.11.2018.

With reference to the above subject, it is to be informed that, the Ministry of Environment, Forest and Climate Change, Government of India has issued Notification under Section 5 of the Environment (Protection) Act, 1986 on utilization of fly ash, bottom ash or pond ash generated by Coal and lignite based thermal power plants for use in manufacture of bricks and other construction activities. As per the provisions of the said notification and subsequent amendments issued from time to time, the concerned authorities are required to comply with the following provisions **in order to protect the environment, conserve top soil and promote utilization of ash generated from Coal/lignite based thermal power plant operating in the State;**

1. (1A). Every construction agency engaged in construction of buildings within a radius of 300 kms from coal or lignite based thermal power plant shall use only fly ash based products for construction, such as cement or concrete, fly ash bricks or tiles or clay fly ash bricks or blocks or tiles or cement fly ash bricks or blocks or similar products or a combination or aggregate of them in every construction project.
1. (1B) The provisions of Sub-paragraph (1A) shall be applicable to all construction agencies of Central or State or Local Government and private or public sector and it shall be responsibility of the agencies either undertaking construction or approving the design or both to ensure compliance of the provisions of Sub-paragraph (1A) and to submit annual returns to the concerned State Pollution Control Board.

1. (1.C). Minimum fly ash content for building materials or products to qualify as "fly ash based products" category" shall be as per Table -I of the Fly Ash Notification.
1. (5). No agency, person or organization shall, within a radius of 300 kms from coal or lignite based thermal power plant undertake construction or approve design for construction of roads or fly over embankment with top soil...
1. (7) No agency, person or organization shall, within a radius of 300 kms from coal or lignite based thermal power plants undertake or approve or allow reclamation and compaction of low lying areas with soil; only fly ash shall be used for compaction and reclamation...
1. (8)(i). No person or agency shall , within fifty kilometers (by road) from coal or lignite based thermal power plants undertake or approve stowing of mines without using at least 25% of fly ash on weight to weight basis, of the total stowing materials used....
1. (8)(ii) No person or agency shall, within fifty kilometers (by road) from coal or lignite based thermal power plant under take or approve without using at least 25% of fly ash on volume to volume basis of the total materials used for external dump of overburden and same percentage in upper bencher of backfilling of open cast mines....

Further, as per amended Notification issued by MoEF & CC on 25.01.2016;

- It shall be the responsibility of the State approving various construction projects to ensure that Memorandum of Understanding or any other arrangement for using fly ash or fly ash based products is made between the thermal power plants and the construction agency or contractors.
- The State shall amend building bye laws of the cities having population one million or more so as to ensure the mandatory use of fly ash bricks keeping in view of specification necessary as per technical requirements for load bearing structures.
- The concerned authority shall ensure mandatory use of ash based bricks products in all the Government Scheme or programmes e.g., Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MNERGA), SWATCH BHARATH ABIYAN, Urban and Rural Housing Scheme, where built up area is more than 1000 square feet and infrastructure construction including building in designated industrial estates or parks or Special Economic Zones.
- The Ministry of Agriculture may consider the promotion of ash utilization in agriculture as soil conditioner.

In this regard the Board vide letters cited at reference (4) and (5) informed to take necessary action to implement the said notification and to furnish the details on action taken in this regard. Till date Board has not received action taken report regarding implementation of the said notification.

The Chairman, Central Pollution Control Board, Delhi has issued directions vide reference (7) under Section 18(1)(b) of the Water Act, 1974 and Air Act, 1981 and directed as under (Copy enclosed) ;

- 1) To enlist all agencies and authorities undertaking the construction or approving the design or both within radius of three kilometers from coal or lignite based thermal power plants in the state (and keep updating the list every quarter) and co-ordinate at the State level as well as district level with the designated enforcement authority i.e., State Government, so as to ensure compliance of relevant provisions of the Notification by all such agencies and authorities.
- 2) To enlist the entire road and fly over projects within radius of 300 kms from coal or lignite thermal power plants and update the list every quarter to ensure compliance with relevant provisions of the fly ash notification and submit annual implementation report to CPCB every year.

In view of the above, you are once again requested to furnish the action taken report within 15 days to comply with provisions of the said Notification and also furnish the list of agencies coming under your Department responsible of direct implementation of the provisions of the notification and regularly furnish list of projects indicated in the said CPCB directions along with Annual Returns as per para(1B) of the said Notification with a copy to the Department of Ecology and Environment, Government of Karnataka.

Encl: As above.

Yours faithfully,


Sd/-

MEMBER SECRETARY

KARNATAKA STATE POLLUTION CONTROL BOARD

Copy to:

- 1) Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex East Arjun Nagar, Delhi - 110 032, India
- 2) Zonal Central Pollution Control Board, Nisarga Bhavan, Thimmaiah Road, 7th D Main Rd, Shivanagar, Bengaluru, Karnataka 560079
- 3) The Principle Secretary, Department of Ecology and Environment for information.
- 4) EO, e-governance to upload this letter in the Board's website.


CHIEF ENVIRONMENTAL OFFICER-1
KARNATAKA STATE POLLUTION CONTROL BOARD

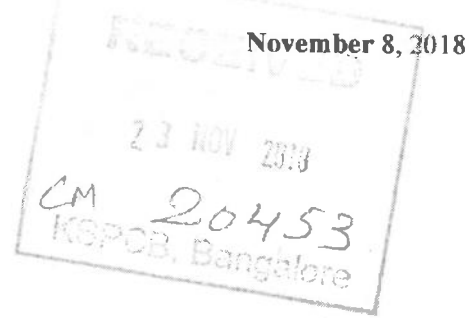


BY REGISTERED AD

B-33018/07/IPC-II/ 12521

To

The Chairman
Karnataka State Pollution Control Board
"Parisara Bhavan", #49, 4th & 5th Floor,
Church Street, Bangalore 560 001



Sub: Directions under Section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 for implementation of provisions of the Notification issued by Central Government under E.P. Act 1986

WHEREAS, amongst others, under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 17 of the Air (Prevention and Control of Pollution) Act, 1981 one of the functions of the State Pollution Control Board is to plan comprehensive programs for prevention, control and abatement of water pollution and air pollution in respective states and to secure the execution thereof; and

WHEREAS, thermal power plants are identified as one of the 17 categories of highly polluting industries and accumulation of ash of coal and lignite based thermal power plants is a major environmental problem; and

WHEREAS, in order to protect the environment, conserve top soil, and promote utilization of ash generated from coal and lignite based thermal power plants, the Central Government issued Notification vide MoEF&CC Notification No. 763(E) dated 14th September 1999 (in short - 'Notification'), as amended vide Notifications dated 27th August 2003, 3rd November 2009 (copy enclosed), further amended vide Notification dated 25th January 2016 (copy enclosed); and

WHEREAS, the Notification contains various directions, including directions regarding - mandatory mixing ash in brick manufacturing, mandatory use of ash based products in construction activities, mandatory use ash in road and fly over projects, mandatory use of ash in low lying land reclamation projects, and mandatory use of ash in stowing and backfilling of mine voids and in mines over burden dumping, within specified distances from thermal power plants. The salient directions of the Notification are presented below:

"1(1): No person shall within a radius of one hundred kilometres from coal or lignite based thermal power plants, manufacture clay bricks or tiles or blocks for use in construction activities without mixing at least 25 per cent of ash (fly ash, bottom ash or pond ash) with soil on weight to weight basis.

1(A): Every construction agency engaged in construction of buildings within a radius of three kilometres from coal or lignite based thermal power plants shall use only fly ash based products for construction, such as cement or concrete, fly ash bricks or tiles or clay fly ash bricks or blocks or tiles or cement fly bricks or blocks or similar products or a combination or aggregate of them in every construction project.

'परिवेश भवन' पूर्वी अजुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792. वेबसाइट/Website : www.cpcb.nic.in

On 11/23/18
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(1B) The provisions of sub-paragraph (1A) shall be applicable to all construction agencies of Central or State or Local Government and private or public sector and it shall be the responsibility of the agencies either undertaking the construction or approving the design or both to ensure compliance of the provisions of sub-paragraph (1A) and to submit annual returns to the concerned State Pollution Control Board or the Pollution Control Committee, as applicable.

1(D): The authority for ensuring the use of specified quantity of ash (minimum fly ash content for building materials or products to qualify as 'fly ash based products') as per sub paragraph

1(C) shall be the concerned Regional Officer of the State Pollution Control Board or the Pollution Control Committee, as the case may be.

1(E): The concerned State Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub paragraph 1(A).

1(5): No agency, person or organisation shall, within a radius of three hundred kilometres from coal or lignite based thermal power plant undertake construction or approve design for construction of roads or flyover embankment with top soil ...

1(7): No agency, person or organisation shall, within a radius of three hundred kilometres from coal or lignite based thermal power plant undertake or approve or allow reclamation and compaction of low lying areas with soil; only fly ash shall be used for compaction and reclamation ...

1(8)(i): No person or agency shall, within fifty kilometres (by road) from coal or lignite based thermal power plant undertake or approve stowing of mines without using at least 25% of fly ash on weight to weight basis, of the total stowing materials used ...

1(8)(ii): No person or agency shall, within fifty kilometres (by road) from coal or lignite based thermal power plant undertake or approve without using at least 25% of flyash on volume to volume basis of the total materials used for external dump of overburden and same percentage in upper benches of backfilling of open cast mines ...

1(11): The concerned State Government or Union Territory Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub paragraph (8)(i) and (8)(ii) (of paragraph 1).

3(7): For the purpose of monitoring the implementation of the provisions of this notification the State Governments or the Union territory Governments shall constitute a Monitoring Committee under the Chairmanship of Secretary, Department of Environment, with representatives from Department of Power, Department of Mining, Road and Building Construction Department and State Pollution Control Board ...and the Committee will meet at least once in every quarter.”; and

WHEREAS, non-utilization or insufficient utilization of ash generated from coal and lignite based thermal power plants by target users in violation of the Notification is leading to accumulation of ash in large number of power plants causing a major environmental problem.

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NOW, THEREFORE, in view of the above and in exercise of the powers conferred under Section 18(1)(b) of the Water (Prevention and Control of Pollution) and the Air (Prevention and Control of Pollution) Act, 1981, you are hereby directed as under:

1. To enlist all brick manufacturing units located within radius of one hundred kilometer from coal and lignite based thermal power plants in the state (and keep updating the list every year) and ensure compliance of relevant provisions of the Notification by all such brick manufacturing units, and take action for closure of all non-compliant units.
2. To further direct District Magistrates to consider cancellation of permission to all such brick manufacturing units which are located within radius of one hundred kilometer from coal and lignite based thermal power plants but are not complying with relevant provision of the Notification.
3. To enlist all agencies and authorities either undertaking the construction or approving the design or both within radius of three hundred kilometre from coal and lignite based thermal power plants in the state (and keep updating the list every quarter) and coordinate at state level as well as district level with the designated enforcement authority i.e. State Government, so as to ensure compliance of relevant provisions of the Notification by all such agencies and authorities.
4. To enlist all road and flyover projects within radius of three hundred kilometre from coal or lignite based thermal power plants in the state (and keep updating the list every quarter) and coordinate at state level as well as district level with the State Government, so as to ensure compliance of relevant provisions of the Fly ash Notification by the executing agencies of all such projects.
5. To enlist all low lying area reclamation projects within radius of three hundred kilometre from coal or lignite based thermal power plants in the state (and keep updating the list every quarter) and coordinate at state level as well as district level with the State Government, so as to ensure compliance of relevant provisions of the Notification by the executing agencies of all such projects.
6. To enlist all mines within radius of fifty kilometre (by road) from coal or lignite based thermal power plants in the state (and keep updating the list every year) and coordinate at state level as well as district level with the designated enforcement authority i.e. State Government, so as to ensure compliance of relevant provisions of the Notification by the mines.
7. To coordinate with State Government so as to ensure that the state level Monitoring Committee meets at least once in every quarter.
8. To submit annual implementation report on Notification to CPCB, necessarily covering - summary of the annual returns submitted by the enlisted agencies/authorities and mines as required under paragraphs 1(B) and 1(9) of the Notification, respectively, compliance status of above directions 1 to 5. and minutes of the meetings of the state level Monitoring Committee, by 30th June every year (for the previous year 1st April to 31st March)

The first compliance report of this direction, including the annual implementation report for year 2017-18, be submitted by 31st December 2018.


(SPS Parihar)
Chairman

12/8 14/12/18

