



Government of Jammu and Kashmir
J&K Pollution Control Committee
Jammu

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CIRCULAR No. 117 -JKPCC of 2021
D A T E D :- 15-07-2021

Subject :- Operational Guidelines for Brick Kilns in J&K.

Government of Jammu and Kashmir vide S.O. 138 dt.19.04.2021 issued by Department of Mining Govt. of J&K, notified that the **clause (vii) of Rule 2** of the Jammu and Kashmir Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of illegal Mining **Rules, 2016, (SRO 105 dt. 31-03-2016)** shall be substituted by the following, namely:-

(vii) “**Brick earth**” means earth used for making bricks and shall include all types of earths used for construction of dams, canals, roads, rail embankments and other identical purposes.

Provided that the extraction of brick earth in any area up to 02 (two) hectares and up to a depth of 02 (two) meters for making bricks in Brick Kilns shall be declared as non-mining activity.”

2(A) Consent to Operate :

In light of above, the **Consent to Operate (Fresh) / Consent to Operate (Renewal)** under **Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974** for Brick Kiln(s) shall be processed by the JK Pollution Control Committee through on line portal (www.jkocmms.nic.in) for which the project proponent has to submit the following:-

- i) Copy of previous Consent to **Establish/Operate (Fresh)**.
- ii) Copy of Brick Kiln Licence issued by competent authority in vogue.
- iii) Applicable consent fee through online mode.
- iv) Google imagery / KMZ file of the unit along with geo-tagged boundaries of the area from where brick earth is being / to be excavated.
- v) Revenue papers of land from where brick earth is being / has to be extracted as raw material for bricks.
- vi) Photographs of the PCDs / PCMs with date and duly labeled with name of Brick Kiln.

Following conditions shall be complied by Brick Kiln owners before seeking Consent to Operate (Fresh / Renewal):

- a) The unit holder has to comply with general terms and conditions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 and ensure activity specific compliance of environmental standards as per the Environment (Protection) Act, 1986 and amendments made thereof. The unit holder shall adopt all safeguards to protect the environment by adopting the following :-
- Complete metaling and paving of roads with bricks within the premises of brick kiln.
 - A permanent system in place for **regular sprinkling of water on roads** within and on the periphery, to control fugitive dust emissions.
 - Installation of requisite **Emission Control Devices** as prescribed for brick kiln.
 - Measures to prevent accumulation of fine dust all around the brick kiln.
- b) Unit Holder must have planted the fast growing broad leaved **trees in three rows around the unit** at a gap of **3 meters from plant to plant with 2 meters gap in between** rows in a staggered manner in periphery of brick kiln to develop green / shelter belt, and as per the directions of **Hon'ble High Court** order dt. **20-4-2018** in **PIL No. 16/2017** titled **Nadeem Rafiq V/s Govt. of J&K & Ors.**
- c) Unit Holder must display the name of Brick Kiln, license number and Consent to Operate order number in big legible bold letters on the **stack** at **height of 15 m**, the same should be visible from a distance of **50 m from the stack**.
- d) Unit holder must display details on a **display board** (6' x 4') at the entry of the unit, reflecting name and address of brick kiln, license number, Consent Order number and details of **Emission Control Devices** and **Pollution Control Measures** and fuel used, written in big legible bold letters.
- e) Unit Holder must adopt **clean fuel** for baking of bricks **and under no circumstances, the use of waste plastic or used tyre as a fuel shall be allowed**. The fuel must always be stored under proper shed / coverage to prevent any escape of Particulate Matter.
- f) Brick Kilns shall have requisite **Pollution Control Device i.e Fixed Chimney with height given below or more height and gravitational settling Chambers with port hole, platform and ladder** arrangement for monitoring of emissions, further ensuring that emissions standard prescribed for **SPM < 750 mg/m³** are maintained at all the time.

S. No.	Production capacity of Brick kiln	Required stack (Chimney) height
i)	Upto 30000 Bricks / day	30 m
ii)	> 30000 Bricks / day	33 m



2 (B) Consent to Establish for New Brick Kilns :

Consent to Establish (Fresh) under *Air (Prevention and Control of Pollution) Act, 1981* and *Water (Prevention and Control of Pollution) Act, 1974* for Brick Kiln(s) shall be processed by the JK Pollution Control Committee through on line portal (www.jkocmms.nic.in) for the new brick kilns for which the project proponent has to submit the following:-

- i) Detailed Project Report containing all required proposed Pollution Control Devices / Pollution Control Measures.
- ii) Applicable consent fee through online mode.
- iii) Google imagery / KMZ file of the area where brick kiln has to be established along with geo-tagged boundaries of the area from where brick earth has to be excavated.
- iv) Site Plan.
- v) Revenue papers of land where brick kiln is to be established and earth has to be extracted as raw material for bricks.

3. Siting Criteria :

The siting criteria for the brick kilns already under operation shall be applicable as per guidelines issued vide no. **SPCB/PS/MS/10/BK/2813-20** dt. **31.03.2010** with **abstract** given below, with addition of fresh siting criteria for brick kilns to be established after **July 2021**:-

Brick Kilns operating with Consent to Establish / Operate prior to 01.01.2010			For Brick kilns operating with consent to establish / operate after 01/01/2010 upto July 2021	Siting criteria for establishment of new brick kilns after July 2021
S. No.	Siting Parameters*	Brick kilns with permanent fixed stack as on date.	Brick kilns with permanent fixed stack as on date	With permanent fixed stack
i)	Distance from national / State highway / District road	45 m	100 m	100 m
ii)	Municipal limits of Jammu, Srinagar and other local Cities	200 m	1 km	2 km
iii)	Nearest Residential Area / Abadi / Health Care Establishments / Educational Institution and Controlled area	150 m	500 m	1 km
iv)	Forest land	150 m	150 m	1 km
v)	Approved water scheme of 20 KLD or a spring/lake and other water bodies whose waster is used for drinking purposes	500 m	1 km	1 km
vi)	National Park / Protected Areas / Tourist Spot (Complex/Resorts)	1 km	1 km	1 km
vii)	Orchards / Abi-awal / Saffron fields	50 m	500 m	1 km

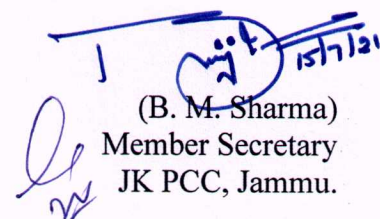
Definitions* :

- **Residential Area / abadi:-** 20 or more revenue recorded houses within radius of 150 m / 500 m / 1km, respectively shall constitute residential area.
 - **Controlled area:-** An area under permanent occupation of Defence / Belt Forces.
 - **Health Care Establishment:-** Means Primary Health Centre or above establishment/s of Health and Medical Education Department or recognized private HCF with minimum of 10 beds.
 - **Approved water supply:-** The approved water supply of more than 20 KLD where system for treatment of water for drinking purposes is involved in open or a spring/lake used for drinking purposes. Tube-wells/Overhead tanks / covered reservoirs/rivers are not covered under this.
 - **Educational Institution:-** Govt. Primary school or above or Govt. recognized private school.
 - **Orchard / Abi-awal / Saffron fields:-** Land use of more than 10 kanals shall only be considered as Orchard / Saffron field / Abi-awal, Un-irrigated land should not be covered under this.
 - All distances referred in siting criteria shall be aerial / crow fly distances.
 - All the parameters should be measured from center of the stack and distance measured should reflect aerial distance.
4. No brick kilns shall be allowed within 8 km radius of Srinagar Airport as per the directions of Hon'ble High Court dt. 24-12-2019.
 5. No brick kiln shall be allowed to operate within notified **Eco-sensitive Zone** as per directions for ESZ by Hon'ble Supreme Court of India and the Govt. Notifications.
 6. Brick kiln owner should submit the Revenue papers of area from where brick earth is to be excavated duly certified by competent Revenue authority that total area of land is less than **2 ha** with maximum allowed depth of **2 meters** for excavation.
 7. Brick Kiln owner should also submit the detailed earth excavation plan for the area from where earth is to be excavated with complete re-habitation plan for the excavated area, using organic waste and the top soil stored before excavation.
 8. Brick Kiln owner should shift preferably to any clean technology with stack of required height as per standards to achieve the permissible standards as revised by Govt. from time to time.
 9. New brick kiln shall be allowed to be established at a minimum distance of **1.0 km** from any existing and operating brick kiln to avoid clustering of kilns in an area.

As approved by the Competent Authority.

Encl:- SO 138 dt. 19th April 2021.

No:- PCB/T/C/Circular/BK/2021/ **697-705**
Dated:- **15**-07-2021


(B. M. Sharma)
Member Secretary
JK PCC, Jammu.

Copy for information and necessary action to the:-

- i) Regional Director, Pollution Control Committee Jammu / Kashmir.
- ii) Sh. M. M. Shah (Legal Advisor), JKPCC, Jammu / Srinagar.
- iii) Dr. Bilques Ara I/c Scientist 'C', JKPCC, Srinagar.
- iv) Sh. A. K. Gupta, Asstt. Environmental Engineer, JKPCC, Jammu
- v) Sh. _____, Divisional Officers, JKPCC _____ Jammu / Kashmir.
- vi) PA to Chairman for information of the Chairman, JKPCC Jammu.
- vii) I/c website JKPCC Jammu for uploading on the website.
- viii) Office file.

GOVERNMENT OF JAMMU AND KASHMIR
DEPARTMENT OF MINING
Civil Secretariat, Jammu

Notification

Jammu, 19th of April 2021

S.O. 138.-In exercise of the powers conferred by section 15 read with section 23C of the Mines & Minerals (Development & Regulation) Act, 1957 (Central Act No.67 of 1957), the Government hereby directs that the clause (vii) of rule 2 of the Jammu and Kashmir Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016; shall be substituted by the following; namely:-

“(vii) **“Brick earth”** means earth used for making bricks and shall include all types of earths used for construction of dams, canals, roads, rail embankments and other identical purposes:

Provided that the extraction of brick earth in an area up to 02 (two) hectares and up to a depth of 02 (two) meters for making bricks in Brick Kilns shall be declared as non-mining activity.”

By order of the Government of Jammu and Kashmir.

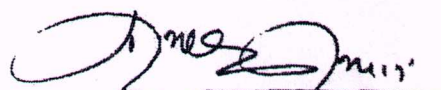
Sd/-

(Manoj Kumar Dwivedi) IAS,
Commissioner/Secretary to the Government

No: MNG/Crusher/15/2021

Dated: 19.04.2021

1. All Financial Commissioners.
- 2-252. Director General of Police, J&K.
3. Principal Secretary to the Lieutenant Governor.
4. All Principal Secretaries to the Government.
5. Principal Resident Commissioner, J&K Government, New Delhi.
6. Chief Electoral Officer, J&K.
7. All Commissioner/Secretaries to the Government.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
9. Divisional Commissioner, Jammu/Kashmir.
10. Director General, J&K Institute of Management, Public Administration and Rural Development.
11. Chairman, J&K Special Tribunal.
12. All Heads of Departments/Managing Directors.
13. All Deputy Commissioners.
14. Director, Information, J&K.
15. Secretary, J&K Public Service Commission.
16. Director Estates, J&K.
17. Director, Archives, Archaeology and Museums, J&K.
18. Director, Geology and Mining, J&K.
19. Director, Panchayati Raj, J&K.
20. Secretary, J&K Services Selection Board.
21. General Manager, Government Press, Jammu/ Srinagar.
22. Private Secretary to the Hon'ble Lieutenant Governor.
23. Private Secretary to the Chief Secretary.
24. Private Secretary to Commissioner/Secretary to the Government, Mining Department/GAD.
25. Incharge Website, Mining/GAD.
26. Government Order file/Stock file.


(Aamir A. Rather), 19.04
Under Secretary to the Government