

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.120/2023/EZ

IN THE MATTER OF

Kartik Majumdar,
S/o Jibon Kanti Majumdar,
Pradhan Nagar, Ward No.2,
District – Darjeeling-734003

...Applicant(s)

Versus

- 1. Department of Environment,**
through the Principal Secretary,
5th Floor, Pranisampad Bhawan, Block-LB-II,
Saltlake, Sector-III, Kolkata-700106.
- 2. The West Bengal Pollution Control Board,**
Service Through the Chairman, Paribesh Bhawan,
10A, Block – LA, Sector – III,
Bidhannagar, Kolkata-700106.
- 3. Directorate of Mines and Minerals,**
Through the Principal Secretary,
4, Abanindranath Tagore Sarani,
2nd Floor, Kolkata-700016.
- 4. Ministry of Environment, Forest and Climate Change,**
through the Secretary,
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi-110003.
- 5. Santosh Srivastav,**
Proprietor of Riddhi Siddhi Construction Materials,
6th Mile, PO Nemai, Matigara, West Bengal-734010.
- 6. Central Pollution Control Board.**
- 7. District Magistrate, Jalpaiguri.** (deleted vide order dtd.06.12.2023)
- 8. District Magistrate, Darjeeling.**

...Respondent(s)

Date of hearing: 09.07.2024

**CORAM: HON’BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON’BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Ms. Paushali Banerjee, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Sibojyoti Chakraborty, Advocate for R-1,3&8,
Mr. Dipanjan Ghosh, Advocate for R-2,
Mr. Apurba Ghosh, Advocate for R-4 (in Virtual Mode),
Mr. Krishendu Bera, Advocate for R-5,
Mr. Rajib Ray, Advocate for R-6 (in Virtual Mode)

ORDER

1. Ms. Paushali Banerjee, learned Counsel is present (in Virtual Mode) for the Applicant.
2. The allegation in the present Original Application is that the Respondent No.5, Santosh Srivastav, is involved in the stone mining and stone crushing business in the Eco-Sensitive Zone of Mahananda Wildlife Sanctuary. The Respondent No.5 is alleged to be operating a Stone Crushing Unit in violation of the environmental laws.
3. The allegation further is that the Respondent No.5 is a resident of Panchkhol Guri Village in Jalpaiguri District of West Bengal, which is one of the villages falling under the Eco-sensitive Zone of Mahananda Wildlife Sanctuary near Balason river.
4. It is also alleged that the Stone Crushing Unit is causing severe air pollution due to the dust which is rising in the course of its mining operations of stone crusher including crushing, drilling, loading and hauling which are all primary sources of pollutants. It is also stated that the Stone Crusher Unit uses machines such as -Jaw Crushers, Roller Crusher, Cone Crushers, Impactor, Rotopactor etc. which create immense amount of dust. It is stated that the stone chips are thereafter transported through heavy vehicles which causes fugitive dust emissions.
5. It is also stated that the Central Pollution Control Board in Original Application No.304/2019 had submitted a Report regarding distance criteria to be maintained by Stone Quarries which requires minimum distance of 200 meters from inhabited sites to be maintained when blasting is involved. The regulations for danger zone of 500 meters prescribed by the Directorate General of Mines Safety has also to be complied compulsorily.

6. At the time of admission, the Tribunal constituted a Committee comprising of the following Members:-
- i) Senior Scientist/Environmental Engineer, West Bengal Pollution Control Board;*
 - ii) Senior Scientist, Central Pollution Control Board;*
 - iii) Representative of the District Magistrate, Jalpaiguri, not below the rank of Additional District Magistrate (ADM); and*
 - iv) Senior Geologist, Directorate of Mines and Minerals, Government of West Bengal.*
7. The Committee was directed to visit the site in question and submit its Report with regard to the allegations made in the Original Application within three weeks.
8. The Ministry of Environment, Forests and Climate Change, Respondent No.4, has filed affidavit dated 20.02.2024, stating that stone crushing units should operate only after obtaining Consent to Establish and Consent to Operate from the concerned State Pollution Control Boards and Pollution Control Committees as per the provisions of the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, and should meet the conditions and consents laid down in the Consent to Establish and Consent to Operate.
9. In the affidavit, it is also stated that the Eco-Sensitive Zone around the Mahananda Wildlife Sanctuary of West Bengal has been notified vide Notification No. S.O. 3237 (E) on 22.09.2020 wherein commercial mining, stone quarrying and crushing units are listed as prescribed activity within the Eco-Sensitive Zone.
10. It is also stated that the stone crushing activity is not listed in the Schedule of Environment Impact Assessment (EIA) Notification, 2006, as amended from time to time. Reference has been made to the Ministry of Environment, Forests and Climate Change Office

Memorandum dated 22.09.2008, relevant extract of which reads as under:-

“...crushing and screening (sizing of ore) without upgrading of quality of ore is not covered by the provisions of the EIA Notification, 2006. However, necessary clearance under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and any other Acts as may be applicable to such projects shall be obtained..”

11. The West Bengal Pollution Control Board, Respondent No.2, has filed affidavit dated 14.03.2024 bringing on record the Inspection Report of an inspection carried out on 22.01.2024. The Inspection Report reads as under:-

“Inspection Report

Reference	: As per Hon’ble NGT order vide OA no. – 120/2023/EZ dated 06.12.2023 against a stone mining and a crusher mill for operating in the Eco-Sensitive Zone (ESZ) of Mahananda Wildlife Sanctuary near Balason river and causing air pollution.
Name of the Unit	: M/s. Ridhi Sidhi Construction Materials
Address	: Nemaijote, P.O. – Nema, P.S. – Matigara, Dist. – Darjeeling, Pin – 734010
Local Electrical Authority	: WBSEDCL
Category	: Orange
Status of Statutory Compliance	: Consent to Operate granted by SDO Siliguri and it is valid up to 31.01.2028
Date of Inspection	: 22.01.2024
*Inspected By	: 1. Dr. Prasun Kumar Mondal, Asst. Environmental Engineer & In Charge Siliguri RO, WBPCB cum Nodal officer of the constituted jt. Committee,

2. Mr. Sandeep Roy, Scientist D, CPCB,
Kolkata Region

3. Mr. Stephen Lepcha, Addl. LAO, DM
Office, Darjeeling

4. Mr. S. Mahato, Asst. Environmental
Engineer, WBPCB

Mr. R. Karmakar, Jr. Environmental
Engineer, WBPCB

Person Met : Mr. Santosh Srivastav (Owner)

** Due to unavoidable circumstances, Mrs. Sarmistha Ghosh, Asst. Director, Dte. Of Mines & Minerals and Sr. Geologist, Geological prospecting Branch, Siliguri was absent during jt. Inspection and she was briefed about the inspection.*

Crux of the Applicant: -

An application was filed before the Hon'ble NGT-EZB against a stone crushing and stone mining unit namely "M/s. Ridhi Sidhi Construction Materials" for operating in the Eco-Sensitive Zone of Mahananda Wildlife Sanctuary near Balason river and causing severe air pollution due to operation of stone crusher including crushing, drilling, loading and hauling. The stone crusher was also alleged to be operating in violating of the environmental laws. It was further alleged that high fugitive dust emission was caused during transportation of stone chips in heavy vehicles.

Observation: -

During inspection it was observed that the crusher mill is located at an approx.. distance of 100 metre from the SH – 12 (Siliguri – Mirik). The crusher was found operational during visit. The unit has 2 nos. of primary crushers and 5 nos. of Secondary crushers. Layer of dust was seen deposited on the trees and in their administrative building cum office. Green belt coverage was not adequate. The raw materials (river bed material like Boulders, stones, etc.) were procured from other vendors as per the requirements and market demand. As informed, the final product (sized stone aggregate/chips) was supplied to road construction and building construction purposes.

On the basis of the Environmental guidelines issued by CPCB date July, 2023, the following observations were found during inspection:-

Sl. No	Fugitive Emission Source	Present status of the unit
01	Unloading area of raw material, primary crusher, screener, conveyor belts and transfer points	<u>Raw Material handling area:-</u> Water sprinkling system available in the unloading area of raw material <u>Primary Crusher: -</u> Two nos. of primary crusher was available. Out of which one of them was under maintenance. The primary crushers were not covered with GI/MS sheet. However, screener was covered with GI/MS sheet. Water sprinkling system with designed nozzle was available and operational for the primary crusher and screeners.
02	Covering of conveyor belts from node to node with a thick sheet of suitable material	<u>Conveyor belts</u> were uncovered.
03	Secondary, Tertiary crushers and screeners shall be equipped with dry extraction cum bag filter followed by cyclone	The unit had total 5 nos. of secondary crushers. The crushers were covered with GI/MS sheet. Water sprinkling system with designed nozzle was available and operational. However, they were not equipped with dry extraction cum bag filter followed by cyclone.
04	At discharge points flexible telescopic chute from top of discharge points to the ground level	Flexible telescopic chutes were not available at the <u>discharge points</u> .
05	GI/MS/Brick wind breaking wall of 3ft more than the highest node of the crusher along the periphery of the crusher	Wind breaking walls were not provided around the periphery of crusher mill.
06	Metalled/Concrete roads within the premises. Ramps and the entire ground area inside the premises should also be metalled	Road within the premises is of earth work. No metalled roads available within the premises and ramps. Dust suspension & Waterlogging in the premises was seen.

07	Arrangement of rotating water sprinkling system/fogger/Anti-smog gun in the premises to suppress dust within the premises to control dust emission resuspension	No such arrangement is available. Manual water sprinkling around the premises is done by flexible tubes.
08	Plantation of 2-3 rows of tall trees around the periphery of the crusher	No trees were planted
09	Display Board at the entrance, having name of the unit, contract details of owner and address of unit, plan capacity and date of issue of CTE/CTO from SPCB/PCC	No display board was found
10	Covering of vehicles	During inspection, no material transportation through vehicles had been carried out.
11	CCTV/PTZ Camera installed at the entrance and all corners of the premises of the unit covering entire area with minimum of 30 days usage	CCTV cameras were installed.

Other Observations: -		
01	Dust Storage	The occupier of the stone crusher had not provided dust room. At present huge quantity of stone dust was laying on the stone crusher area
02	Provision for recycling of wastewater generated during dust suspension and crushers	No settling tank was available for recycling of the wastewater generated during dust suppression and from the crusher. Waterlogging within the premises was seen.
03	National Park/Wildlife Sanctuary/Eco-sensitive zone as per the list of Department of forest, Govt. of WB	The unit does not fall in any notified National park/Wildlife Sanctuary/Eco-sensitive zone (ESZ) as per the list of Department of Forest, Govt. of WB. The Distance of the stone crushing site from the ESZ boundary of Mahananda

		Wildlife Sanctuary on the basis of geo-coordinates is approx. 7.62 Km as measured on google map.
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Remarks -

1. The primary crushers were not covered with GI/MS sheet.
 2. Conveyor belts were uncovered.
 3. Secondary crushers were not equipped with dry extraction cum bag filter followed by cyclone.
 4. Flexible telescopic chutes were not installed at the discharge points of all conveyor belts upto ground level.
 5. GI/MS/Brick wind breaking walls were not provided around the periphery of crusher mill.
 6. No metalled roads available within the unit premises.
 7. No enclosed stone dust storage room was installed. Stone dust was found to be stored within open area.
 8. The unit had not installed permanent water sprinkling arrangement at all strategic locations within its premises.
 9. There is the possibility of dust pollution for carry over of stone dust through air due to non-compliance mentioned in Remarks # 1 to 8. Dust deposition was observed on roads within the unit as well as on leaves of tree within & outside the unit premises.
 10. Green belt should be developed in 33% of available open area (As per condition of CTO).”
12. The Respondent No.5, Santosh Srivastav, has filed affidavit dated 13.03.2024, stating that the land in question situate at Mouza-Nimai, J.L. No.57, measuring 57 decimals within Gram Panchayat, P.S.-Matigara, Pargana-Patharghata, Sub-Division-Siliguri, District-Darjeeling, after purchase was converted from classification ‘Rupani & Danga’ to ‘Karkhana’ and a conversion certificate has been obtained from the Sub-Divisional Land & Land Reforms Officer, Siliguri, vide memo dated 07.08.2024. It is stated that a No Objection Certificate (NOC) for conversion of the said land to Karkhana was also granted by the Patharghata Gram Panchayat in the name of ‘Ridhi Sidhi Construction Materials’ for the functioning of stone chips crusher unit. It is also stated that Consent to Operate was also granted by the West Bengal Pollution Control

Board to the Unit on 29.08.2018. It is stated that the Stone Crushing Unit falls within the 'Orange' category of industrial sectors of the industrial category notification issued by the West Bengal Pollution Control Board and is situate at Nemai Jote, P.O.- Nemai, P.S. Matigara, District-Darjeeling, and not in Panchkelguri Village, District-Jalpaiguri. It is also stated that the said Stone Crushing Unit falls outside the Eco-Sensitive Zone of the Mahananda Wildlife Sanctuary.

13. The case of the Respondent No.5 further is that the said Unit is not involved in drilling, hauling and is not using machines like – Roller Crusher, Cone Crusher, Impactor, Rotopactor; only Jaw Crusher is used which is safe from the other machines for protection of environment. It is also stated that the Respondent No.5 Unit is taking all safety measures for transportation and dust emission such as –

- i) Wetting of roads till the highway, and*
- ii) Under-load vehicles are used for transportation.*

14. It is also stated that the Respondent No.5 Unit has installed measures like –

- a) Dust containment cum suppression system for the equipment,*
- b) Construction of wind breaking walls on one side and other side is under construction,*
- c) Regular cleaning and wetting of the ground within the premises,*
- d) Growing of green belt,*

15. We have heard the learned Counsel for the parties and perused the documents on record.

16. The Inspection Report filed with the affidavit of the West Bengal Pollution Control Board dated 14.03.2024 discloses that on the date of the inspection layers of dust was seen deposited on trees and administration building cum office; green belt coverage was not

adequate; two primary crushers were available but not covered with GI/MS sheet, though screener was covered with GI/MS sheet; water sprinkling system was available and in operation for the primary crusher and screeners.

17. The Inspection Report further mentions that the Unit had total 5 secondary crushers which were covered with GI/MS sheet and water sprinkling system was available and operational but they were not equipped with dry extraction cum bag filter followed by cyclone; flexible telescopic chutes were not available at the discharge points; wind breaking walls were not provided around the periphery of crusher mill; road within the premises is of earth work and no roads were available within the premises and ramps; dust suspension and waterlogging in the premises was seen; no arrangement of rotating water sprinkling system/fogger/anti-smog gun in the premises to suppress dust and to control dust emission resuspension was available; manual water sprinkling around the premises is done by flexible tubes; no trees were planted; no display board was found at the entrance having name of the Unit, contact details of owner and address of the Unit, Plant capacity and date of issuance of Consent to Establish/Consent to Operate from Pollution Control Board/Pollution Control Committee. It is also noted during inspection that no material transportation through vehicles had been carried out and the CCTV cameras, however, were found installed.
18. In the Inspection Report under the head 'Other Observations' it is mentioned that the occupier of the stone crusher had not provided dust room; there was huge quantity of stone dust lying in the stone crusher area. As regards the recycling of waste water generated during dust suspension, the Report mentions that no settling tank was available for recycling of the waste water generated during dust

suspension and from the crusher. Water logging was seen within the premises.

19. The Report, however, categorically mentions that the Respondent No.5 Unit does not fall within the notified National Park/Wildlife Sanctuary/Eco-Sensitive Zone of the Mahananda Wildlife Sanctuary. The distance of the Stone Crushing Unit from the Eco-Sensitive Zone of the Mahananda Wildlife Sanctuary, on the basis of geo-coordinates, is approx.. 7.62 kilometers as measured on google map.
20. Thus, though the Unit of Respondent No.5 is beyond the Eco-Sensitive Zone of the Mahananda Wildlife Sanctuary, however, the contention of the Respondent No.5 in his affidavit that all environmental protection measures have been taken by it, are found belied by the findings of the Committee in the Inspection Report. There is no dispute that the Unit of Respondent No.5 is listed in the 'Orange' category of the industrial categorization issued by the West Bengal Pollution Control Board. It is also not disputed that the Respondent No.5 Unit possess a Consent to Operate granted by the Sub-Divisional Officer, Siliguri, which is valid upto 31.01.2028. However, certain directions have been given by the West Bengal Pollution Control Board in its 'Remarks' which need to be complied with by the Respondent No.5 Unit.
21. It is also found that the Unit in question has not developed the green belt to the extent of 33% of available open area as per condition given in the Consent to Operate. However, monsoon season has started, the Respondent No.5 is directed to complete 33% green belt area within the available open area as per conditions/directions in the Consent to Operate.
22. Reference has also been made to the Environmental Guidelines for Stone Crushing Units issued by the Central Pollution Control Board dated July, 2023, which reads as under:-

**“Environmental Guidelines
for
Stone Crushing Units**

**Central Pollution Control Board
Ministry of Environment, Forest and Climate Change
Parivesh Bhawan, East Arjun Nagar
Delhi-110032
(July, 2023)**

1.0 Introduction

Stone crushing sector is an important industrial sector engaged in producing crushed stone of various sizes (40 mm.20 mm.10 mm. crushed sand, stone dust etc) depending upon the requirement which acts as raw material for various construction activities.

Stone crushing operation releases a substantial amount of fugitive dust, which not only pollute the environment, but also pose a health hazards to the workers and the surrounding population. The growth in infrastructure is leading to increase in demand of raw materials, thereby resulting in the need to set up new stone crushing units or increase production from existing units. This poses a challenge to maintain the ambient air quality, which is possible if environmental guidelines predetermined by the industry concerned are followed.

Inventory and information about stone crushing units gathered from 27 SPCBs/PCCs (Arunachal Pradesh, Andaman & Nicobar island, Assam, Bihar, Chandigarh, Chhattisgarh, Daman, Dadra & Nagar Haveli, Goa, Gujarat, Haryana, Himanchal Pradesh, Jharkhand, J&K, Karnataka, Kerala, Madhya Pradesh Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Sikkim, Tripura, Uttarakhand), and the data received indicates that there are about 16,931 stone crushing units with capacity ranges between 0.1 TPH to 1,400 TPH.

2.0 Classification of Stone Crushing Units

Based on the information received from SPCBs/PCCs, stone crushers may be classified into small, medium and large-scale in terms of production capacity.

S.No	Category	Production capacity (TPH)
1.	Small Scale	Up to 25
2.	Medium Scale	26 to 100
3.	Large Scale	100 above

3. 0 Stone Crushing Process

The stone crushing process can be broadly divided in following stages:

3.1 Transportation of raw material: *Stones extracted from various sources are transported to stone-crushing units by means of trucks, trailers or automatic dumpers.*

3.2 Primary crushing: *Mined stones are fed directly into the primary crusher through stone feeders. The primary crusher breaks large stones and boulders into 100-140 mm size stones. Crushed stones are sent to secondary crusher for further reduction into smaller sizes. Various types of crushers are used in stone crushing industry. Jaw crushers are widely used as primary crushers.*

3.3 Secondary crushing: *After primary crushing, crushed stones are fed to secondary crushers through conveyor belts. In this stage, stones are further crushed to a size of 40-60 mm to 10 mm or even smaller. Stone crushing units use different types of crushers for secondary crushing. Granulator or cone crusher is usually used for secondary crushing.*

3.4 Screening: *From secondary crusher, crushed stones are transferred for screening through a conveyor belt. Screening is the process for segregating products of various sizes. Different mesh size screens are aligned one below the other and each screen is connected to a separate conveyor belt for discharging different size products. Mass that remains on the screen is called 'oversize' and material that passes through screen is called 'under size'. Oversize is returned to secondary crushers for further crushing and then again to screen. Under size is discharged through a 'telescopic chute' and screened products of various sizes are conveyed to stockpiles by belt conveyors. Different types of screens are used such as; grizzly-type screen, vibrating screen and rotary screen. Vibrating screens are most commonly used.*

3.5 Tertiary Crushing: *Tertiary crushing is carried out in units that produce stone as their primary product. Dust is usually a by-product of stone crushing process. Units that produce dust, install a separate machine, usually roller crushers. Stones of size 10-20 mm are sent to roller crushers for grinding into fine dust.*

3.6 Product storage and loading: After crushing and screening, final product is transferred to a conveyor belt which distributes the product into different stockpiles, depending on size of the product. The product/fines are either stored as stockpiles or directly loaded into trucks & dumpers and transported.

4.0 Environmental issues associated with Stone Crushing Units

The major environmental issue due to operation of a stone crushing unit is fugitive dust emissions which is contributed by the following processes:

- **Primary crushing:** Primary crushers breaks large boulders into smaller sizes. Crushing process as well as unloading of stones generate a substantial amount of fugitive dust. Mechanism for water sprinkling is provided to reduce fugitive dust. Some primary crushing areas are partially or completely covered with a shed as a measure to further prevent the fugitive dust emissions to surroundings, however at some places partial coverings provided which do not appear to be sufficient to such emissions.
- **Secondary crushing:** Compared to primary crushing, fugitive dust emitted at secondary crushing is relatively higher. Generally, insufficient covered shed provided in the process results in fugitive emissions.
- **Screening:** Screening process is also a source of fugitive dust emissions. As the material is conveyed to screen from secondary crusher, screen vibrates and thus, separates the material of different sizes resulting into huge amount of fugitive dust emissions. Generally, units provide covered shed and water sprinklers to combat dust emissions however, improper design and operation of sprinklers and improper covering is an issue.
- **Tertiary crushing:** Fugitive emissions are generated during grinding of stones into fine dust.
- **Conveyor Belt:** Conveyor belts are primary means of transferring raw materials and products from one end to the other. Movement of products on the conveyor belts is a potential source of fugitive dust emissions. To reduce dust emissions, water sprinkling

arrangement is provided on each belt. Some units cover conveyor belts either with sheets or thick cloth to reduce dust emissions.

- Product release and storage:** Fugitive emissions generated during transfer of material through telescopic chutes is lower than that generating during direct disposal of product on stockpile. Material, such as stone dust, stored in open areas is are also a potential source of fugitive dust emissions.
- Although no process waste water is generated from stone crushing units, however, water is used for sprinkling, conveyed to settling tanks of appropriate size which is recycled and reused in process.

5.0 Environmental Guidelines for Stone Crushing Units

The stone crushing units should adopt following environmental guidelines to prevent/suppress fugitive dust emissions from their operation:

Source of emission	Measures to be Taken
Unloading of raw material for storage	Water sprinkling with adequately designed nozzle which produce tiny droplets of water should provided during raw materials unloading.
Unloading of raw material into hopper	- Three sides and top should be covered and one side may be kept open for vehicular movement. - Water sprinklers should be provided on approach roads.
Primary Crushing/ Jaw Crusher	- Crusher should be completely enclosed by GI/MS sheets on top and at least three sides completely from the ground level. One side should have provision of movable sheet/door for movement/maintenance. - Primary crushers/jaw crushers should be covered with tarpaulin/cotton cloth/suitable materials to contain fugitive dust emissions (Figure-1) - Water sprinkler system with adequately designed nozzle which produce tiny droplets of water should be provided at primary crusher/jaw crusher so that fugitive emissions are contained and amount of water sprayed should be optimized.

<i>Secondary Crushing</i>	• <i>Crusher should be completely enclosed by GI/MS sheets on top and at least three sides completely from the ground level. One side should have provision of movable sheet/door for movement/ maintenance.</i> • <i>Dry extraction cum bag filter followed by cyclone to be provided for control of emissions.</i>
<i>Screening</i>	• <i>Crusher should be completely enclosed by GI/MS sheets on top and at least three sides completely from the ground level. One side should have provision of movable sheet/door for movement/maintenance. Door to be kept closed during operation.</i> • <i>Flexible covers where conveyors pass through the screen house should be installed at entries and exits of conveyors to screen house.</i> • <i>Dust extraction system connected with bag filter to be provided.</i> • <i>Provision of water mist sprinkling systems with adequately designed nozzle which produce tiny droplets of water should be made at inlet/outlet of screens.</i>
<i>Tertiary Crushing</i>	• <i>Crusher should be completely enclosed by GI/MS sheets on top and at least three sides completely from the ground level. One side should have provision of movable sheet/door for movement/maintenance. Dust extraction system connected with bag filter to be provided.</i> • <i>Provision of water mist sprinkling system should be made with adequately designed nozzle which produce tiny droplets of water.</i>
<i>Conveyor Belts</i>	<i>Conveyor belts should be properly covered from node to node with a thick sheet of suitable material along with water sprinkling system with adequately designed nozzle which produce tiny droplets of water.</i>
<i>Discharge points</i>	<i>Flexible Telescopic chute from top of discharge point to the ground level should be provided (Figure-2 & Figure-2(a)).</i>

<i>Product storage</i>	• <i>Properly designed telescopic chute of adequate length of suitable material should be provided at ends of conveyor so that dust generated from this section is contained at source.</i> • <i>All open stockpiles for aggregates of size above 5 mm should be kept sufficiently wet by water spraying.</i> • <i>Stockpiles of aggregates of 5 mm size or less should be covered to ensure that same is not carried away (or whipped out) by wind.</i>

5.1 General Measures

i. Wind breaking wall: GI/MS/brick wall should be provided along the periphery of crusher. Height of the wall should be 3-ft more than the highest node of the crusher.

ii. Roads: Metaled/concrete roads should be provided within the premises. Ramps and the entire ground area inside the premises should also be metaled.

iii. Housekeeping: To curb the air pollution in the crusher premises, arrangement of rotating water sprinkling system/fogger/Anti-smog gun should be provided. Water sprinklers should have adequately designed nozzle which produce tiny droplets of water, as such system is more effective in dust control with significant reduction in consumption of water. Fine dust accumulated and bag filters in the crushing area should be cleaned at regular intervals and the collected dust should be stored in sacks for further sale or disposal.

iv. Plantation: 2-3 rows of tall trees should be planted around the periphery of crusher.

v. Housing should be open for movement of mechanical drivers, conveyor belts, etc. should be sealed properly with flexible rubber flaps.

vi. Name of the unit, contact details of the owner and address of the unit, plant capacity and date of issue of CTE/CTO from SPCBs/PCCs should be displayed on the display board at the entrance.

vii. *Transportation: Vehicles carrying any kind of material should be completely covered.*

viii. *Regular wetting of roads should be done to suppress dust within the premises to control dust emission re-suspension.*

ix. *Water consumption and handling: Unit should provide settling tanks of appropriate size and recycle & reuse of the water in process. Crusher should provide a water storage tank with adequate capacity. In case of use of groundwater, stone crushing unit should obtain permission to extract groundwater from the Central Ground Water Authority (CGWA)/Ground Water Department (GWD) of the State/UT. Unit should maintain proper log book of consumption of fresh water. Depending on availability, efforts may be made to use STP treated water instead groundwater to control emissions from process activities.*

6.0 Regulatory/Monitoring Mechanism for Stone Crushing Unit

i. *Stone crushing unit should obtain Consent to Establish (CTE) and Consent to Operate (CTO) from the concerned SPCBs/PCCs.*

ii. *Unit while applying for CTO/renewal of consent, should upload the duly filled checklist attached at Annexure-1 along with digitally tagged photographs and videos of the crushing unit to ensure compliance of the conditions mentioned in the guidelines. SPCBs/PCCs should digitally verify the said conditions before issuance of CTE/CTO/renewal of consent.*

iii. *CCTV/PTZ cameras should be installed at the entrance and all corners of the premises of the unit covering entire area with minimum of 30 days data storage.*

iv. *Stone crushing unit shall comply with emission norms prescribed under the Environment (Protection) Rules, 1986 and conditions laid down in CTO by concerned SPCB/PCC.*

v. *Online/manual ambient air monitoring systems to be installed in crusher zone as per CPCB/SPCB guidelines – in upwind and downwind directions.*

vi. *Stone crushing unit should develop green belt as per the plan approved by concerned Department of the State/UT.*

vii. *Local authorities should associate with stone crusher associations for the construction of metalled road in the entire crusher zone.*

viii. *A District Level Committee should be constituted under chairmanship of District Magistrate/Deputy Commissioner so that surprise inspections for surveillance of stone crushing units located under their jurisdiction can be carried out on regular basis.*

ix. *Health survey of workers should be carried out by the stone crusher on half-yearly basis.*

x. *New Crushers should be allowed to operate only in dedicated crusher zones as per the siting policies of SPCBs/PCCs.*

xi. *Stone crusher unit should be operated only during day time (i.e. 6.00 AM to 10.00 PM) to avoid inconvenience to the nearby residents due to ambient noise.”*

23. We are informed that in pursuance of the directions given by the National Green Tribunal, Eastern Zone Bench, Kolkata, on 01.05.2023 passed in Original Application No.72/2022, a Civil Appeal Diary No.50124/2023 (*Ministry of Environment, Forest and Climate Change Vs. Biplab Kumar Chowdhury & Ors.*) has been filed in the Hon’ble Supreme Court, wherein the following order has been passed by the Hon’ble Supreme Court on 03.01.2024 which reads as under:-

“.....xxx.....xxx.....xxx.....

UPON hearing the counsel, the Court made the following

O R D E R

Delay condoned.

Issue notice, returnable in the month of April 2024.

Notice will be served by all modes, including dasti.

The Central Pollution Control Board is impleaded as respondent no.16 to the present appeal.

Cause title be amended accordingly.

Till the next date of hearing, the direction in terms of paragraph '33' of the impugned judgment requiring the Stone Crushing Units to obtain environment clearance, is kept in abeyance.

In the meantime, we request the CPCB to examine the issue of pollution caused by the Stone Crushing Units and whether or not they should be brought under the Schedule of the Environment Impact Assessment (EIA) Notification, 2006 dated 14.09.2006.

The CPCB will obtain necessary data and conduct scientific studies on the aforesaid aspect(s) and file a report before this Court within a period of eight weeks from today. In case environment clearance is required by the Stone Crushing Units, the CPCB, notwithstanding the present order, would issue directions as may be required in accordance with law.

Our attention is drawn to the Environment Guidelines for Stone Crushing Units issued by the CPCB in July 2023. The CPCB will place on record necessary scientific data pursuant to which the said guidelines have been issued, and whether they had examined and decided that environment clearance is not required."

24. In the aforesaid order, the Hon'ble Supreme Court has given interim direction that "*Till the next date of hearing, the direction in terms of paragraph '33' of the impugned judgment requiring the Stone Crushing Units to obtain environment clearance, is kept in abeyance*". The order further discloses that the matter pending in

the said Civil Appeal was with regard to pollution caused by Stone Crushing Units and whether or not they be brought under the Schedule of the Environment Impact Assessment (EIA) Notification, 2006 dated 14.09.2006. The Hon'ble Supreme Court also directed the Central Pollution Control Board to obtain necessary data and conduct scientific studies on the aforesaid aspects as made out in the order and file report. The Hon'ble Supreme Court has further directed that in case environment clearance is required by the Stone Crushing Units, the Central Pollution Control Board, notwithstanding the present order i.e., 03.01.2024, would issue directions as may be required in accordance with law. The Central Pollution Control Board's Environmental Guidelines for Stone Crushing Units July, 2023, were also brought to the notice of the Hon'ble Supreme Court as would be evident from the order itself.

25. We, therefore, dispose of the present Original Application with a direction to the Respondent No.5 Unit to ensure compliance of the directions issued under the head 'Remarks' of para 11 above to be complied within a period of three months i.e., by **31st October, 2024**. The West Bengal Pollution Control Board shall re-inspect the Unit of Respondent No.5 within one week thereafter i.e., by **07.11.2024**, and ensure compliance of the directions given by it, failing which the State Board shall proceed to determine the appropriate Environmental Compensation against the Unit of Respondent No.5 and recover the same from it.
26. Needless to say, the question of requirement of Environment Clearance by the Stone Crushing Unit, shall be subject to any final order in the Civil Appeal Diary No.50124/2023, which is subjudice before the Hon'ble Supreme Court and would abide by any directions given by the Hon'ble Supreme Court in the said Appeal.
27. I.As. if any, stand disposed of accordingly.

28. There shall be no order as to costs.

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B. Amit Sthalekar, JM

July 09, 2024,
Original Application No.120/2023/EZ
AK

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Dr. Arun Kumar Verma, EM