

GOVERNMENT OF HARYANA  
DEPARTMENT OF ENVIRONMENT

ORDER

NO. 16/42/2005-3ENV.

DATED 23-6-2016.

**Sub: Modalities/guidelines for implementation of Notifications dated 10<sup>th</sup> March, 2016 for the Screening Plants.**

Whereas the Government of Haryana has come up with a fresh Notification bearing No. S.O.5/C.A.29/1986/Ss.5&7/2016 Notifications dated 10<sup>th</sup> March, 2016, which supersedes all the other Notifications, amendments thereto, instructions issued there under, etc, and renders ineffective any other dispensations, concessions, relaxations, etc, availed either at the strength of the clarifications, interpretations, etc, issued by the Government/Board/Any other competent authority on the subject matter of the said Notification;

And, whereas now pertaining to all matters that have been dealt with/provided for in the said Notifications dated 10<sup>th</sup> March, 2016, it shall be the provisions of the said Notification with the situations as obtained, including as obtained on ground, as on 10<sup>th</sup> March, 2016 (unless those parameters are further revised or amended in times to come) would operate in determining as to whether the subject matter of the Notifications dated 10<sup>th</sup> March, 2016, i.e. the Screening Plants in Haryana, conform to the parameters laid down in the Notifications dated 10<sup>th</sup> March, 2016 or not;

And, whereas the Notifications dated 10<sup>th</sup> March, 2016 also prescribes a lawful means to all such Screening Plants which were rendered non-conforming any time in past or would be rendered non-conforming now as a consequence of fresh parameters as prescribed in the said Notification or change in ground/other relevant conditions over a period of time, by affording them to shift to a conforming location within the prescribed timeframe while adhering to the prescribed formalities;

And, whereas for the duration so prescribed for shifting, they have been permitted to continue to operate from the existing location as on 10<sup>th</sup> March, 2016, while observing the time frame and other stipulations prescribed either in the Notification or otherwise;

Therefore, now it has become imperative to articulate and lay down the road map and necessary compliances required to be adhered to by the Screening Plants for transition from the pre Notifications dated 10<sup>th</sup> March, 2016 era to post Notifications dated 10<sup>th</sup> March, 2016 era. Following are the said required compliances/conditions/modalities, etc, that are required to be adhered to in this regard:

**A. For District Faridabad :**

1. Those screening plant units which are '**either located or proposed to be located/established after the date of notification i.e. 10<sup>th</sup> March 2016 within the notified approved crusher zones in the District of Faridabad**', will be allowed to establish/continue its operations without insisting on the compliance/assurance to comply

with the 'Norms for siting of Screening Plants in Haryana' (in Schedule I of notification dated 10<sup>th</sup> March 2016). However, its establishment/ operation would be subject to all other legal and statutory requirements, including the requirements articulated and applicable on it in terms of the notification dated March the 10<sup>th</sup> 2016. The Units that are proposed to be established in this category will have to obtain prior consent to establish and consent to operate from the Board as per procedure laid down.

**B. For areas other than Faridabad District:**

1. Those screening plant units which are proposed to be '**established after the date of notification i.e. 10<sup>th</sup> March 2016**', will comply with all the provisions of the said notification.
2. Those screening plants which were '**existing and operating prior to the date of notification i.e. 10<sup>th</sup> March 2016, with the valid consent of the Board**', shall submit the re-verification report regarding siting parameters in terms of the provisions of Notification dated 10<sup>th</sup> March 2016, from the concerned authorities as specified in the Notification within a period of six months counted from the issuance of this Order.
3. Those existing screening plants which are lying closed due to any reason on the date of **Notification dated 10<sup>th</sup> March 2016**, but were operational at any/sometime in the past with the consent/permission of the Haryana State Pollution Control Board shall be allowed, irrespective of whether they meet the parameters prescribed in the Notification dated 10<sup>th</sup> March, 2016, to operate in terms of Item No. IV(i) of Schedule II appended to the said notification. Such a dispensation to operate even in want of meeting the parameters prescribed in the said Notification shall be available for a period of one year counted from the date of issue of the above said Notification dated 10<sup>th</sup> March, 2016, i.e. up to 9<sup>th</sup> March, 2017, subject to the following conditions:
  - i. They will submit an undertaking to comply with the stipulated conditions in 'Item Number III' and Item No. IV(i) of Schedule II of the Notification dated 10<sup>th</sup> March 2016. Such units would be given a time period of one month counted from the date of issue of this Order to furnish such undertaking in the format as is appended at Annexure-I. Such undertaking would be signed by all the Directors/Partners of the company/firm or, the sole proprietor or by the authorized person of the unit, as the case may be. In case of failure to adhere to the stipulations as included in the condition in 'Item Number III' and Item No. IV(i) of Schedule II of the Notification dated 10<sup>th</sup> March 2016 and/or the failure to comply with the assurance made by way of the said undertaking, the unit would invite automatic closure with or without any prior notice on the expiry of the grace period(s) as flowing out of the condition in 'Item Number IV(i)' of Schedule II of the Notification dated 10<sup>th</sup> March 2016. Further, the operation of such of units who fail to furnish satisfactory undertaking within the stipulated

period of one month counted from the date of issue of this Order, shall be closed on such an expiry of one month.

- ii. Prior to re-start their operations, the unit shall also apply for suspension of closure order following the due procedure, along with the undertaking, in the format as per Annexure-A and, in case it does not possess a valid one, the unit shall also apply for Consent to Operate simultaneously to the Board, following the due procedure, and shall commence operations only after possessing/obtaining the said the Consent to Operate.
- iii. The unit shall submit the report regarding siting parameters as per the provisions of Notification dated 10<sup>th</sup> March 2016, from the concerned authorities within a period of six months counted from the date of Notification. The actual distances obtained in case of any Screening Plant, as included in the criteria prescribed in the Table of 'Norms for Siting of Screen Plants in Haryana' (in Schedule I of the Notification dated 10<sup>th</sup> March, 2016) as appearing against S Nos. 4, 5 and 6 shall be verified by the concerned Tehsildar and as appearing against serial Nos. 8 and 11 shall be verified by the concerned Divisional Forest Officer. Rest of the distances as appearing in the 'Norms for Siting of Screening Plant in Haryana' (in Schedule I of the Notification dated 10<sup>th</sup> March 2016) as appearing in the Column 2 shall be verified by the concerned Regional Officer of the Board.
- iv. On such a verification, the units, which are not meeting the siting parameters as included in the Schedule I of the Notification dated 10<sup>th</sup> March, 2016, shall procure suitable piece of land for the said purpose at location that conforms to the siting norms as notified under Schedule I of the Notification dated 10<sup>th</sup> March within one year counted from the date of Notification i.e. 10<sup>th</sup> March, 2016 that happens to be any date on or before 9<sup>th</sup> March, 2017. Failure to procure the land at such location within such period of one year would result in closure of operation of such defaulting Screening Plant on this count alone. Thus the proof of timely acquisition/procurement of sufficient land must be notified to the Regional Officer of the Board on or before 9<sup>th</sup> March, 2017.
- v. Once the suitable land has been acquired/procured in time, the Unit shall undertake the process of shifting, in a phased manner, and shall complete the process within a further period of one year from 10<sup>th</sup> March, 2017 i.e. any date on or before 9<sup>th</sup> March, 2018. If successfully shifted the Unit to a location that meets the siting norms and on a land sufficient as per Notification on a date prior to 9<sup>th</sup> March 2018, the operation on the earlier location that was not meeting the parameters as prescribed in Notification dated 10<sup>th</sup> March 2016 shall cease from the date of such shifting.
- vi. The failure to comply with the assurance made by way of the said undertaking on count of acquiring/possessing sufficient land and, as the case may be, shifting the operation to the said conforming location, shall invite automatic closure with or without any prior notice on the expiry of the grace period(s) as flowing out of the

condition in 'Item Number IV(i)' of Schedule II of the Notification dated 10<sup>th</sup> March 2016.

4. The first Consent to Operate (provisional) to such eligible units will be granted up to 09.03.2017 effecting from the date of above said notification dated 10<sup>th</sup> March 2016. To such of the units that acquire/procure suitable land within the said period (up to 9<sup>th</sup> March, 2017), a second Consent to Operate (provisional) would be given for a duration up to 9<sup>th</sup> March 2018. Once the Unit is successfully shifted in the stipulated time and manner as prescribed in the Notification dated 10<sup>th</sup> March, 2016, subsequent Consent to Operate would be granted as per the provisions of the policy applicable.
5. The benefit of item no. IV(i) under Schedule-II of this notification regarding allowing the operation without fulfilling the parameters of the Notification dated 10<sup>th</sup> March, 2016 (in terms of the other stipulations in the said Notification) will be available only to those screening plant units which were operational at any time after the date of the previous notification dated 04.10.2007 superseded under the above said notification, with valid consent of the Board. To this extent, they will have to furnish proof to the satisfaction of the concerned Regional Officer of the Board.
6. To remove the possibilities of any doubt that may persist in this regard, the implication of the benefit of item no. III and IV(i) under Schedule-II of the Notification dated 10<sup>th</sup> March, 2016 is being clarified hereunder:
  - i. It is applicable on all Screening Plants which, on the date of issuance of Notification dated 10<sup>th</sup> March, 2016, fail to meet the parameters included in the Notification.
  - ii. The provision requires such of the units as are described in (i) above, to shift, in a phased manner to any location that conforms in terms of the parameters as laid down in the said Notification.
  - iii. For doing so, they will be allowed to continue to operate, but while doing so, in the First Phase, they shall, either procure suitable land (at least measuring up to one acre) for such a shifting at location that conforms to the siting norms as notified under Schedule I of the Notification dated 10<sup>th</sup> March within one year counted from the date of Notification i.e. 10<sup>th</sup> March, 2016 that happens to be any date on or before 9<sup>th</sup> March, 2019. Failure to procure the land at such location within such period of one year would result in closure of operation of such defaulting Screening Plant on this count alone.
  - iv. After so procuring such land, the Screening Plant shall apply to the Haryana Pollution Control Board for shifting the Unit.
  - v. After assessing the proposal, the Haryana Pollution Control Board would take an appropriate view on the same, and, in the event the proposal of shifting is approved, the Screening Plant shall further be afforded one year of time counted from 10<sup>th</sup> March, 2017 i.e. up to 9<sup>th</sup> March, 2018 to complete the shifting. In such circumstances, and irrespective of whether the process of shifting is completed or not, on the said 9<sup>th</sup> March, 2018, the Screening Plant shall either voluntarily close

its operation from the existing site or the Pollution Control Board shall get the operations closed. However, if the process of shifting is completed and the operations are commenced by the Stone Crushing Unit on a date earlier than the said 9<sup>th</sup> March, 2018, the operation at the existing site not meeting the siting norms shall cease to operate on the date on which operation on the new site commences on such a shifted location.

7. In the event of any difficulty is faced/clarification is needed/interpretation is required/etc, in giving effect to the intent of this Order, the matter shall be referred to the Government of Haryana in the Department of Environment seeking clarification/interpretation/guidelines/etc, and such clarification or guidelines issued by them shall be followed while overcoming the difficulty.

**S.N. Roy, I.A.S.**

Principal Secretary to the Government of Haryana,  
Department of Environment

Dated: 23-6-2016

Ends. No. 16/42/2005-3 Env.

A copy each is forwarded to the following for information and further necessary action with a request to upload the same on their official web-site at the earliest:

- ✓ 1. Chairman, Haryana Pollution Control Board, C-11, Sector: 6, Panchkula.
2. Director General, Environment Department, Chandigarh.

  
Superintendent Environment  
for Principal Secretary to the Government of Haryana,  
Department of Environment

23/6

Undertaking

**(To be submitted by the Owner/Proprietor of a Screening Plant unit which is not meeting the parameters as per provisions of Notification No. S.O.5/C.A.29/1986/Ss.5&7/2016 dated 10.03.2016. on Rs. 100/- Non Judicial Bond Paper)**

1. I/We \_\_\_\_\_ (Name of the Owner/s, Proprietor of the Screening Plant) is/are the owner/proprietor of \_\_\_\_\_ (Name of the Screening Plant Unit) established in \_\_\_\_\_ (Details of area where Screening Plant Unit is located).
2. I/We \_\_\_\_\_ undertake to abide by all the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, other relevant laws and rules framed there under and Notifications issued there under including Notification No. S.O.54/C.A.29/1986/Ss.5&7/2016 dated 10.03.2016 notified by Environment Department of Government of Haryana.
3. The \_\_\_\_\_ (Name of the Screening Plant Unit) is not presently meeting the prescribed parameters as per provisions of Notification No. S.O.54/C.A.29/1986/Ss.5&7/2016 dated 10.03.2016/assumes that it meets the prescribed parameters but is unable to establish it due to paucity of time.
4. I/We \_\_\_\_\_ do hereby undertake that if my/our operations are allowed to be continued/resumed after obtaining Consent to Operate and the Unit is not meeting the prescribe parameters, I/We shall be shifting our Unit to a site meeting the parameters as per the provisions of the Notification dated 10.03.2016 for which suitable land shall be procured by me/us within one year from the date of issuance of the said Notification i.e. on or before 9<sup>th</sup> March, 2017 and, as soon as the land is so procured in terms of the Notification for the purpose of shifting our Unit, we shall notify to the Regional Officer of the Board of the said procurement along with sufficient proof. We further undertake that failure on our part to procure the said land in said circumstances for the said purpose and failure to notify the Regional Officer of the Board in the said manner on any date on or before 9<sup>th</sup> March 2017 will render the continuance of our operation impermissible and our unit shall either be closed by us voluntarily or the Haryana State Pollution Control Board shall be at liberty to close it down.
5. I/We \_\_\_\_\_ do hereby further undertake that on submission of the proof of procuring the land as mentioned in the above para and on obtaining the acknowledgement of the same in form of the permission to go ahead for shifting as issued by the concerned Regional Officer of the Pollution Control Board, we shall, within the further extendable period of one year counted from 10<sup>th</sup> March 2017 i.e. on or before 9<sup>th</sup> March 2018, completely shift the said Screening Plant to such of the land procured by me/us that meets all the parameters laid down in Notification dated 10<sup>th</sup> March 2016. As a consequence, the operations at the existing site shall completely cease on or before such shifting is completed, but in all cases on before 9<sup>th</sup> March 2018. The concerned Regional Officer of the Pollution Control Board shall be notified of the shifting and consequent closure on the existing site, failing which, the Regional Officer of the Pollution Control

Board shall be at liberty to close down the operation at existing site on or after 9<sup>th</sup> March 2018 irrespective of whether the said shifting is completed or not.

6. I/We \_\_\_\_\_ further undertake, that failing to comply with any of the assurances made in para (4) and para (5) above within the respective time frame, I/We shall either voluntarily close my/our operations/Screening Plant or, the Haryana State Pollution Control Board (or any other its officer authorized by it on that behalf) shall have the liberty to cause the operations to be closed either on or after 9<sup>th</sup> March 2017 or, as the case may be, on or after 9<sup>th</sup> March 2018, depending up on the respective default.
7. I/We \_\_\_\_\_ (Name of the Owner/s, Proprietor of the Screening Plant Unit) further undertake that the Haryana State Pollution Control Board or any other officer authorized by it on its behalf shall be at liberty to review my/our consent to operate any time during the said period and shall, if any component of our operations are found to be deficient, be at liberty to revoke the Consent to Operate.

**Date :**

**Signature/s**

**(With full address of the Owner/s/Proprietor/s)**

**Place :**

**Attested by Notary**