

The Assam Brick Kilns Establishment and Regulation Rules, 2013

In exercise of Powers conferred under Section 54, Sub-section 2, clause (j) of the Air (Prevention & Control of Pollution) Act, 1981, the Government of Assam makes following rules to discharge its functions prescribed under clause (j), Sub-section 1 of Section 17 of the said act.

1.
 - i) These rules may be called "The Assam brick Kilns Establishment and Regulation Rules, 2013".
 - ii) They shall come into force with effect from the date of their publication in the Gazette.

2. Location:

A brick kiln unit can be established on a land owned by the promoter, or on such land taken on lease or agreement for atleast 10 years by the promoter provided that the following distance criteria is met.

- i) Brick kiln shall be established atleast 300 meters away from residential area having a minimum population of 100-150 people or 20 houses including both kachcha/thatched and pucca houses, 500 meters from a residential area having a population more than 150 or more than 20 houses including both kachcha/thatched and pucca houses. However, the distance from notified municipal area/town committee shall be not less than 1.0 Km.
- ii) The aerial distance of brick kilns shall be atleast 500 meters from the areas like registered hospital, school, public building, religious place or a place where flammable substances are stored. Brick kilns shall not be allowed within a radius of 1.0 Km in notified sensitive areas like zoo, wild life sanctuary, historic monuments, museum etc. The distance to be verified by an Officer not below the rank of Forest Range Officer/Revenue Circle Officer or the Board Official not below the rank of Assistant Executive Engineer.
- iii) Brick kilns shall not be constructed within 200 meters (aerial distance) from the sides of railway tracks.
- iv) The distance between two brick kilns shall not be less than 500 meters to avoid clustering of brick kilns in an area if a new brick kiln is being installed.
- v) Brick kilns should be constructed atleast 500 meters away from the path of any natural water flow as well as from river bank, water front of beels, lakes etc. More over no top soil from these areas within the vicinity of 500 meters, be extracted for making the green bricks (kutchra bricks), as the top soil is necessary for ensuing stability of river bank.

NOTE: (i) The distance criteria mentioned under para 2(i) to 2 (v) shall not be applicable for existing brick kilns which have been established with valid Consent of the Board prior to the date of issue of these Rules.

(ii) All distances in the above rules are from the stack of the brick kiln considering stack as the central point of the kiln.

- vi) No brick kilns shall be allowed within the co-ordinates of "No Development Zone" around the Numaligarh Refinery without the Consent of MoEF. The renewal of "Consent to Operate" in respect of existing units for their operation at present location would depend upon the final outcome of case pending with National Green Tribunal and decision of MoEF.

3. Restrictions on setting up of Brick Kilns:

- (i) The brick kiln shall be allowed only on such land which is certified as Non Agricultural Land by the concerned Circle Officer of Revenue Departments of the Government.
- (ii) For establishment of a new brick kiln, public hearing shall be conducted in the concerned Gaon Panchayat for assessing the acceptability of the unit by local people and without "No Objection" from Gaon Panchayat no new brick kiln shall be allowed.
- (iii) The clay collection/excavation area for the brick kiln shall not be an area falling within the restriction limits prescribed under Rule 7 of Assam Minor Mineral Concession Rules, 2013. The brick industry must have valid source for raw materials supply. An affidavit to this effect shall be submitted by the project proponent.

4. Operation of Brick Kilns:

- (i) The brick kiln shall be allowed to function subject to the compliance of the guidelines for operation of such units as prescribed by the Ministry of Environment & Forests, Government of India; Central Pollution Control Board, Delhi and Pollution Control Board, Assam as issued from time to time provided that valid Consent for establishment and operation has been obtained from Pollution Control Board, Assam under Air (Prevention & Control of Pollution) Act, 1981.
- (ii) Stack height of brick kiln and Emission Standard shall be as per notification of Ministry of Environment & Forests, Government of India under Schedule-I at Sl. No. 74 of Environment (Protection) Rules, 1986 vide G.S.R.543(E) dtd. 22.07.2009 (as amended from time to time). The ambient air quality shall conform to the National Ambient Air Quality Standards notified by Ministry of Environment & Forests vide No. G.S.R. 826(E) dtd. 16.11.2009 or as amended from time to time. The brick unit shall install permanent stack and the height of the stack must be atleast 30 meters. **Brick Kilns with moving chimney shall not be allowed.**
- (iii) The brick kiln shall be provided with port hole, platform, ladder etc. for purpose of monitoring and sampling. The port hole shall be made at a height of 2/3rd of the total height of the stack
- (iv) The emission sample shall be collected when the brick kiln is fully fired and in operation.

5. Other Requirements:

- (i) Green belt development shall be done all along the periphery of the brick field with local trees and bamboo etc.
- (ii) The brick unit shall use crushed coal for better burning efficiency.
- (iii) The brick unit shall install and operate adequate pollution control measures such as gravity chamber, water sprayers etc. at strategic locations.
- (iv) The brick unit shall use local agricultural wastes residues as a substitute to coal.
- (v) Fly ash shall be used in brick moulding in compliance of the notification (as amended) issued under the provision of Environment (Protection) Act, 1986 to manufacture soil-fly ash bricks. The non-hazardous industrial wastes such as stone dust, rice husk, ash, red mud etc. should be encouraged for mixing with soil in brick moulding.
- (vi) In the event of closing down of the brick field, the site shall be completely reclaimed before abandoning.

6. Application:

The Pollution Control Board, Assam shall issue detailed guidelines for application of these Rules.
