

BIHAR STATE POLLUTION CONTROL BOARD

NOTIFICATION

Dated the 25th November, 2020

S.O. 10- **WHEREAS**, the Parliament enacted the Air (Prevention and Control of Pollution) Act, 1981 (No.14 of 1981) and which came into force in whole of India on the 16th of May, 1981;

AND, WHEREAS, the said Act was legislated with a view to providing for prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith;

AND, WHEREAS, Bihar State Pollution Control Board, constituted under Section 4 of the Water (Prevention and Control of Pollution) Act, 1974, read with Section 4 of the Air (Prevention and Control of Pollution) Act, 1981, was entrusted amongst other functions, with the function under clause(a) of sub-section(1) of Section 17 of the latter Act to plan a comprehensive plan for the prevention, control or abatement of air pollution and to secure the execution thereof;

AND, WHEREAS, Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 provides that notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under the Act, issue any directions in writing to any

person, officer or authority, and such person, officer or authority shall be bound to comply with such direction(s);

AND, WHEREAS, the Hon'ble National Green Tribunal, Principal Bench, New Delhi, in the case of Original Application No. 681 of 2018-News Item published in "The Times of India" authored by Sri Vishwa Mohan titled "NCAP with multiple timelines to clean air in 102 cities to be released around August, 2015", directed amongst several other directions, for taking further steps of prohibiting/ shifting polluting activities, which are found unsustainable/ non-conforming and beyond carrying capacity of 122 Non-Attainment Cities (NACs), to other locations, in the interest of public health and protection of environment to give effect to 'Sustainable Development' principle by the States;

AND, WHEREAS, long deliberations through several State Level Meetings, it was decided that establishment of new 22 category of polluting industries (list annexed with the notification), shall be banned in the Urban Areas of Non-Attainment Cities, namely Patna, Muzaffarpur and Gaya.

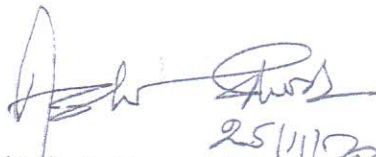
I therefore, in exercise of the powers conferred by Section 31A of the Air (Prevention and Control of Pollution) Act, 1981, direct all concerned in the State as hereunder:-

- (i) The new 22 category of polluting industries (list annexed with this notification) shall not be established in the "Master Plan Demarcation Area" of Patna and "Planning Area of Muzaffarpur and Gaya";

- (ii) Those existing industrial units in the above demarcated areas of Patna, Muzaffarpur and Gaya, may have to comply with more stringent conditions before they are allowed renewal of their Consent-to-Operate, failing which they may have to shift to some other suitable locations outside the aforesaid demarcated areas with prior Consent-to-Establish (CTE) and Consent-to-Operate (CTO) from Bihar State Pollution Control Board.

AND

IN DEFAULT THEREOF, suitable remedial action shall be taken, which may be filing of complaint and/or imposition of environmental compensation under the suitable provisions of environmental laws.


25/11/20
(Ashok Kumar Ghosh)
Chairman
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Annexure

Sl. No.	Industry Sector
1	Pyrolysis plant/ industrial carbon including electrodes and graphite blocks, activated carbon, carbon black
2	Recyclers - Hazardous wastes - Industries engaged in recycling/ reprocessing/ recovery/ reuse of Hazardous Waste under schedule iv of HW (M, H & TBM) rules, 2008 as amended - Items namely - Spent catalyst containing nickel cadmium, Zinc, Copper, arsenic, vanadium and cobalt
3	E-Waste-recyclers Industries/ Dismantiers/ mercury - switches/ activated glass cullets from cathode-ray tubes and other activated glass and PCB - capacitors, or any other component contaminated with schedule - 2 constituents that exhibit hazard characteristics indicated in part C of this schedule.
4	Paper & Pulp (waste paper based without bleaching process to manufacture Kraft paper)
5	Coal - Coke making, liquefaction, Coal Tar Distillation/ fuel gas making
6	Explosives, detonators Manufacturing of fuses including management and handling activities.
7	Asbestos and asbestos based industries
8	Cement
9	Lead acid Battery recycler - Industries engaged in recycling/ reprocessing/ recovery/ reuse of Hazardous Waste under schedule iv of HW (M, H & TBM) rules, 2008 as amended.
10	E-Waste-industries engaged in recycling/ reprocessing/ recovery/ reuse of Hazardous Waste under schedule iv of HW (M, H & TBM) rules as amended - items namely - integrated Recycling plants-
11	Thermal Power Plants
12	Slaughter house (as per notification S.O. 270(E) dated 26.03.2001) and meat processing industries, bone mill, processing of animal horn, hoofs and other body parts
13	Paper & Pulp (waste paper based unit with bleaching process to manufacture writing & printing paper)
14	Oil Refinery (mineral Oil of Petro Refineries)
15	Bone Mill
16	Rubber, Tyre, Tube components with boiler
17	Brickfields (excluding fly ash brick manufacturing using lime process)
18	Ceramics and Refractories
19	Coal-Dry coal processing, mineral processing, industries involving ore sintering pelletising, grinding & pulverization
20	Lime manufacturing (using lime kiln)
21	Stone Crushers
22	Cement Grinding