

**Uttar Pradesh Shasan,  
Paryavaran Anubhag**

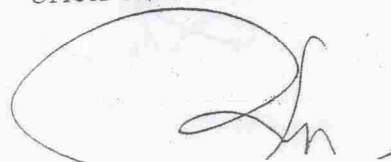
In pursuance of the provisions of clause (3) of Article 348 of the constitution, the Governor is pleased to order the publication of the following English translation of notification no. 921/55-परा/12-94(परा)/11 2012 dated June 27, 2012

No. 921/55-परा/12-94(परा)/ 2012  
Dated Lucknow, June 27, 2012

In exercise of the powers under sub section (1) of section 54 read with clause (z) of sub section (2) of the said section and sub section (1) of section 21 of the Air (Prevention And Control) of Pollution) Act, 1981 (Act no.14 of 1981) the Governor, after consultation with the Uttar Pradesh Pollution control Board and after considering the objections and suggestions received from concerned person, is pleased to make the following rules with a view to regulating the siting criteria for the establishment of new brick kilns in the State of Uttar Pradesh:-

**THE UTTAR PRADESH BRICK KILNS (SITING CRITERIA FOR ESTABLISHMENT) RULES, 2012**

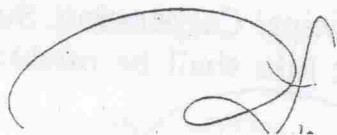
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| Short title and Commencement  | 1.  | (1) These rules may be called the Uttar Pradesh Brick kiln (Sitting Criteria For Establishment) Rules, 2012  |
|   | (2) | They shall come into force with effect from the date of their publication in the Gazette.  |
| Distance from residential area/ population /sensitive area/mango or fruit orchard | 2.  | Subject to provisions of the Uttar Pradesh Promotion and Protection of Fruit Trees (Regulation of Harmful Establishment and Housing Schemes) Act, 1985 (U.P. Act No. 18 of 1985, a brick kiln shall not be established which does not fulfill the following conditions:- |
|   | (i) | a brick kiln shall not be established within a distance of 5.0 kilometers from the area of a Municipal Council or Municipal Corporation. Subject to the above restrictions a brick kiln shall be established at least 500 meters away                                    |



from residential area having minimum population of 150 persons or 20 houses either kachha or pucca house within 1.0 kilometer from a residential area having population more than 150 persons or more than 20 houses whether kachha or pucca;

- (ii) a brick kiln shall not be established at a place within a distance of 1.0 kilometer from registered hospital, school, public building, religious places or a place from where flammable substances are stored; a brick kiln shall not be established within a radius of 5.0 kilometers in notified sensitive areas of a zoo, wild life sanctuaries, historical monuments, museum and the like:  
Provided that in case of Taj Trapezium Zone Area (T.T.Z.) the directions/ guidelines given by the Supreme Court from time to time, shall apply;
- (iii) a brick kiln shall not be established within a distance of 200 meters from the sides of the railway tracks;
- (iv) a brick kiln shall not be established within the distance of 300 meters from both sides of the National and State Highways;
- (v) a brick kiln shall not be established within a distance of 100 meters from both sides of a main district road /public works department roads;
- (vi) a brick kiln shall not be established within 800 meters from a brick kiln already established;
- (vii) a brick kiln should not be allowed to install in the 'Buffer zone' of a notified fruit belt area as defined in 'The Uttar Pradesh Promotion and Protection of Fruit Trees (Regulation of Harmful Establishments And Housing Schemes) Act, 1985' and the restriction made by competent authority concerned or decision of court on case to case basis, if any.

Distance from sides of mango orchard/Mixed fruits (mango and other) orchard (having at least 100 fruiting trees)/ joint nursery from brick kiln shall not be less than 800 meters in each direction. The mentioned distances are applicable irrespective of the variety/type of



fruit whose area individually or collectively should not be less than 2.5 acre.

Distance will be measured from the chimney of the brick kiln to the first/nearest row of the tree mango/fruit orchard towards the kiln.

Permission for the establishment of the brick kiln

3. No license in respect of firing of brick kiln or for mining lease shall be granted by the Zila Panchayat/concerned district administration until and unless a valid previous consent (NOC) is obtained by the owner of the brick kiln, issued by the State Board.

Emission Standards

4. The emission standards and Pollution Control System including height of Chimney for Brick Kilns as notified by Ministry of Environment and Forest (MOEF) Government of India vide serial no. 74 of schedule I in notification no. GSR 543 (E) dated 22nd July, 2009 shall be applicable in case of Brick kilns, issued under the Environment (Protection) Rules, 1986

Materials to be used in Brick Kilns

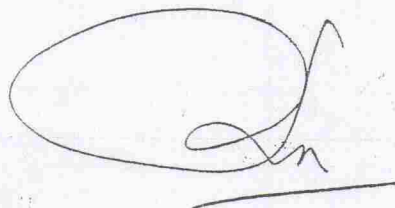
5. The following materials may be used in Brick Kiln established under these Rules:-

- (a) Local agro industrial waste residue to replace coal as internal fuel such as cotton stalk, mustard stalk etc;
- (b) Non hazardous waste such as stone dust, rice husk ash and red mud etc. may be mixed with top soil;
- (c) Fly ash in brick moulding in compliance with the notification issued under the Environment (Protection) Act 1986, as applicable;

Provided that the spent organic, solvent, oily residue, pet coke, filter press cake (hazardous waste) and other waste such as plastic rubber, leather shall not be used as fuel in the brick kiln.

Duties of the proprietor of a Brick Kiln.

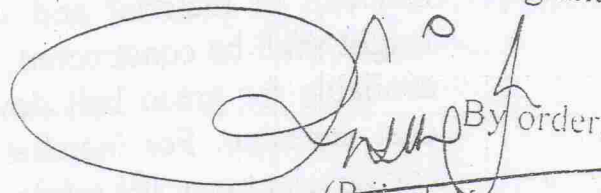
6. (1) Multi layer and multi storey green belt of 10 meters width shall be constructed along the periphery of brick kiln leaving two 10 meters wide gaps in the boundary for entry and exit of material and vehicles. A wall of 3 meters height shall be constructed on the sides where land is not available for green belt development to prevent fugitive dust emission. For installation of brick kiln with green belt development, the minimum area required is 2.0 acre.
- (2) Lighting arrestor as per the PWD norms or, any other standard design shall be installed for brick kiln to avoid the damage to stacks/chimney caused due to lightning attack.



Permission for  
operation of the  
brick kiln

- (3) In Brick Kiln besides the above Good House Keep practices including disposal of coal ash, provision double wall around the kiln, proper layout, Brick lining passage, use of properly graded coal, proper firing practices, protection from noise pollution and all measures should be followed by all Brick Kiln Owners.
- (4) While digging the earth for making bricks in the area marked for the same, the straight cutting of earth should be avoided, instead the cutting should be done in a slant manner in the proportion of 1:3, so that there should be minimum soil erosion of the agricultural land.
7. A person who want to operate a brick kiln shall make an application with requisite fee separately to the State Board to furnishing mining lease from district administration, permission for firing from Zila Panchayat/Zila Parishad and No Objection Certificate/ License as the case may be from the Horticulture Department, under the Uttar Pradesh Air (Prevention and Control of Pollution) Rules, 1983, and the Uttar Pradesh Water (Consent for discharge of Sewage and Trade Effluent) Rules, 1981, for the permission for the operation of the brick kiln. On receipt of such application the State Board may reject such permission after making necessary enquiry as prescribed under the aforesaid Rules,

Provided that a brick kiln which was established/operated previously but not being operative in the last season, want to operate or change the name/ ownership and have valid consent under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, may operate the same if it informs in writing to the State Board but shall be bound to comply with all the conditions subject to which consent was granted.

  
By order,  
(Rajesh Kumar Singh)  
Secretary