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GOVERNMENT OF THE PUNJAB LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT

NOTIFICATION (96 of 2023)

07 JUNE 2023

Notification No.SO(T)/EPD/1-215/2023, dated 06.06.2023 issued by the Environment Protection Department, is hereby published in the Punjab Gazette (Extraordinary) for general information:



**"GOVERNMENT OF THE PUNJAB
ENVIRONMENT PROTECTION DEPARTMENT**

Dated the Lahore 06th June, 2023

NOTIFICATION

No.SO(T)/EPD/1-215/2023.- In exercise of the powers conferred under section 31 of the Punjab Environmental Protection Act, 1997 (XXXIV of 1997), Governor of the Punjab is pleased to make the following rules:

1. Short title and commencement.- (1) These rules may be cited as the Punjab Environmental Protection (Smog Prevention and Control) Rules 2023.

(2) They shall come into force at once.

2. Definitions.- (1) In the rules, unless the context or subject otherwise requires:

- (a) "Act" means the Punjab Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) "administrative penalty" means the penalty as mentioned in subsection (7) of section 17 of the Act;
- (c) "Agency" means the Environmental Protection Agency, Punjab;
- (d) "authorized officer" means an officer of the Agency or Government Agency, not below the rank of BS-17, authorized as such by the Director General or Government Agency;
- (e) "brick kiln" means a kiln in which bricks are baked or burnt underneath the fuel, including kneading, molding, piling, baking, releasing, stacking and any other work ancillary to or connected with the manufacturing processes, irrespective of the workplace connection;
- (f) "Director General" means the Director General of the Agency;
- (g) "inspection team" means the inspection team constituted by the Director General or Government Agency constituting of two or more officers of the Agency or Government Agency, not below the rank of BS-17;
- (h) "motor vehicle" means any mechanically propelled vehicle adapted for use upon roads whether the powers of propulsion is transmitted thereto from an external or internal source, and includes a chassis to which a body has not been attached, a tractor and a trailer, a combined harvester, a rig, a fork lifter, a

road roller, construction and earth moving machinery such as a wheel loader, a crane, an excavator, a grader, a dozer and a pipe layer, a road making and a road/sewerage cleaning plant;

- (i) "resource recovery unit" means a unit where recovery of material or energy is made from solid waste by way of collecting, separating, recycling and recovering of solid wastes including disposal of non-recoverable waste residue;
- (j) "rules" means the Punjab Environmental Protection (Smog Prevention and Control) Rules 2023;
- (k) "Schedule" means the Schedule appended to the rules;
- (l) "smog" means an intense air pollution which composed of nitrogen oxides, sulfur oxides, ozone, smoke and other particulates and derived from coal combustion emissions, vehicular emissions, industrial emissions, forest and agricultural fires and photochemical reactions of these emissions;
- (m) "stubble burning" means the setting fire to the straw stubble that remains after grains, such as rice and wheat, have been harvested; and
- (n) "substandard fuel" means hard coke, tyres, plastic, rubber, latex, lather, rexene, tyre carbon, pyro-oil, rags, plastic waste lumps, hospital waste, hazardous waste or any other such fuels as specified by the Agency.

(2) A word or expression used but not defined in the rules shall have the same meaning as assigned to it in the Act.

3. Standard operating requirements for brick kiln.- The proprietor shall operate the brick kiln by ensuring the following requirements:

- (a) compliance of Environmental Quality Standards;
- (b) brick kilns with zigzag firing technology;
- (c) prohibition on use of substandard fuels;
- (d) induced draught zigzag kiln having zigzag brick stacking, induced fan or suction blower and crushed coal as fuel; and
- (e) display of signboard having name of the brick specifying the word zigzag brick kiln, where applicable, address and ownership at its prominent place or at entry point.

4. Standard operating requirements for industrial unit.- The industrial unit or activity shall ensure compliance of the following operating requirements:

- (a) air pollution control system or device complying with the Punjab Environmental Quality Standards;
- (b) prohibition on use of substandard fuels;
- (c) maintaining inventory of environmental management including compliance reports with Punjab Environmental Quality Standards, brief of system or device for air pollution control measures, capacity of mill and approvals or no objection certificate by the Agency and line Departments; and
- (d) installation of online access through CCTV Cameras for emission control monitoring system in air pollution causing industrial units for live monitoring of the industrial unit.

5. Standard operating requirements for resource recovery unit.- The resource recovery units shall ensure compliance of following operating requirements:

- (a) obtaining mandatory environmental approvals from the Agency;
- (b) no open burning of wastes for resource recovery;
- (c) use of substandard fuels is not allowed;
- (d) installation of effective pollution control system or device complying with the environmental emission standards; and
- (e) maintaining inventory of environmental management including compliance reports with Punjab Environmental Quality Standards, brief of system or device for air pollution control measures, capacity of mill and approvals or no objection certificate by the Agency and line Departments.

6. Standard operating requirements for tyre pyrolysis plants.- (1) No person shall be allowed to operate tyre pyrolysis plants in the province.

(2) In case of violation of sub-rule (1), the administrative penalty as mentioned in the Schedule shall be imposed upon the owner or occupier of the plants.

7. Stubble burning.- (1) No person shall be allowed to burn the stubble in the province .

(2) In case of violation of sub-rule (1), the administrative penalty as mentioned in the Schedule shall be imposed upon the owner or occupier of the agriculture land where stubble burning was made.

8. Solid waste.- (1) No person shall be allowed to burn the solid waste in the province.

(2) In case of violation of sub-rule (1), the administrative penalty as mentioned in the Schedule shall be imposed upon such person.

9. Motor vehicles emission.- No motor vehicle shall exhaust emissions beyond Punjab Environmental Quality Standards or the standards established by the Government Agency.

(2) In case of violation of sub-rule (1), the owner of the motor vehicle shall be imposed such administrative penalty as mentioned in the Schedule.

10. Powers and functions.- The Director General, authorized officer or inspection team, as the case may be, shall:

- (a) make regular visits of brick kiln, industrial units and resource recovery units and any agriculture land to check compliance report with the Punjab Environmental Quality Standards;
- (b) initiation of punitive action against the pollution causing industries and stoppage of pollution generating sources;
- (c) take steps for promotion of reliance on environment friendly fuel, green projects and renewable energy;
- (d) promote and oversee tree plantation campaign;
- (e) ensure improvement in public transportation sector to reduce private vehicle load on roads;
- (f) engage stakeholders (industrial units, chamber of commerce, public and private sector) through consultative sessions;
- (g) ensure frequent public awareness campaigns regarding smog; and
- (h) make inspection of the motor vehicles on spot for the exhaust emissions.

11. Administrative penalty.- In case of violation of standards as mentioned under the rules or any serious threat to the public health, safety or welfare or danger to life and property, the Director General, authorized officer or inspection team, as the case may be, may, subject to notice of seven days, impose such administrative penalty as provided in the Schedule.

12. Preventive measures.- (1) In addition to the penalty provided under rule 11, the Director General, authorized officer or inspection team, as the case may be, may, subject to notice of seven days, order for any of the following preventive measures:

- (a) immediate stoppage of pollution causing activity;
- (b) suspending any work;
- (c) seize the goods;
- (d) seal the premises involved in commission of violation;
- (e) demolish or remove work;
- (f) impounding or taking into custody of goods;
- (g) registration of criminal case against violator;
- (h) impound the motor vehicles, in case the exhaust emissions are found beyond Punjab Environmental Quality Standards for motor vehicle exhaust, in

collaboration with Transport Department or Traffic Police shall impound the motor vehicles; and

(i) issue other directions for taking corrective measures.

(4) Any person, against whom action under rule 11 and sub-rule (1) have been taken by the Director General, an authorized officer or inspection team, as the case may be, may file application along with affidavit for compliance of standards through installation of pollution control measures or file undertaking to refrain from such polluting activities before the Director General or an authorized officer or inspection team.

(5) The Director General, an authorized officer or inspection team, as the case may be, may allow reasonable time to the applicant for required compliance of direction regarding pollution control measures and in case of failure, the action taken under rule 11 and sub-rule (1) shall be final.

(6) Any person who has been subjected to administrative penalty more than once shall be subjected to penalty as specified at serial No. 1, 2 and 6 in the Schedule.

(7) The Director General, an authorized officer or inspection team, as the case may be, may initiate the proceedings under rule 11 and sub-rule (1) on their own knowledge during visit or upon complaint in writing by any person, or upon information from any source.

13. Police assistance.- The Director General, authorized officer or inspection team, as the case may be, may require police assistance as provided under Article 34 of the Police Order, 2002 (22 of 2002) for implementation of functions provided under the rules.

14. Appeal.- (1) An appeal against the order issued under the rules shall be preferred before the Environmental Tribunal within thirty days of the impugned order.

(2) The Environmental Tribunal shall, decide an appeal preferred under sub-rule (1) in a summary manner within fifteen days from filing of such appeal:

Provided that the Tribunal shall hear the appeal on day to day basis and no adjournment shall be granted for hearing and decision of appeal.

SECRETARY
GOVERNMENT OF THE PUNJAB
ENVIRONMENT PROTECTION DEPARTMENT"

(AHMAD ALI KAMBOH)
SECRETARY
Government of the Punjab
Law and Parliamentary Affairs Department

SCHEDULE

Sr. No.	Nature of Violations	Amount of administrative penalty (in Rupees)	
		1 st Occurrence	on each subsequent occurrence of violation
1.	Operating brick kiln on technology other than zigzag	Rs.100,000/- to Rs. 500,000/-	Demolition of the brick kiln
2.	Non-conversion of brick kiln to zigzag technology	Rs. 100,000/- to Rs.500,000/-	Demolition of the brick kiln
3.	Operating smoke emitting vehicles on road	Rs. 2000/-	Rs. 4000/-
4.	Burning solid, litter or other waste material in open space	Rs. 5000/-	Rs. 10,000/-
5.	Operating excessive smoke emitting factory, unit, project, business concerns, which makes the air unclean or impure or smoggy or health hazard	Rs. 100,000/- to Rs.500,000/-	Rs. 600,000/- to 1,000,000/-

6.	Emitting toxic & poisonous gases in atmosphere	Rs. 200,000/- to Rs.500,000/-	Demolition of the object emitting toxic & poisonous gases
7.	Causing damage to human health, safety, biodiversity & to natural environment	Rs. 200,000/- to Rs.500,000/-	Rs. 600,000/- to Rs.1,000,000/-
8.	Operating tyre pyrolysis plant	Rs. 100,000/- to Rs.500,000/-	Rs. 600,000/- to Rs.1,000,000/-
9.	Stubble Burning or toxic agricultural waste burning	0 - 1 acre Rs. 15,000/- 1 - 2 acres Rs. 30,000/- 2 - 3 acres Rs. 45,000/- 3 - 4 acres Rs. 60,000/- 4 - 5 acres Rs. 75,000/- 5 - 6 acres Rs. 90,000/- 6 - 7 acres Rs. 105,000/- 7 - 8 acres Rs. 120,000/- 8 - 9 acres Rs. 135,000/- 9 - 10 acres Rs. 150,000/- Per acre rate of penalty from 10 - 20 acres would be Rs 20,000/- as follows: 10 - 11 acres Rs. 170,000/- 11 - 12 acres Rs. 190,000/- 12 - 13 acres Rs. 205,000/- 13 - 14 acres Rs. 225,000/- 14 - 15 acres Rs. 245,000/- 15 - 16 acres Rs. 260,000/- 16 - 17 acres Rs. 280,000/- 17 - 18 acres Rs. 300,000/- 18 - 19 acres Rs. 320,000/- 19 - 20 acres Rs. 340,000/- 20 - 25 acres Rs. 400,000/- above 25 acres Rs. 500,000/- base penalty plus Rs. 30,000/- per each additional acre above 25 acres.	double of the penalty