

SPEED POST

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November 01, 2018

To

The Chairman
All SPCBs/PCCs

SUB: DIRECTIONS UNDER SECTION 18(1)(b) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 and THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 REGARDING STREAMLINING OF CONSENT MECHANISM.

WHEREAS, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974, and under Section 17 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive programme for the prevention, control or abatement of pollution of streams, wells and air pollution in the States/ Union Territory and to secure the execution thereof;

WHEREAS, under Section 16 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees and to provide technical assistance and guidance to SPCBs / PCCs;

WHEREAS, as per the Section 25 of Water Act, 1974, no person shall, without the previous consent of the State Board, establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage). Further as per Section 26, where immediately before the commencement of this Act any person was discharging any sewage or trade effluent into a stream or well or sewer or on land, the provisions of section 25 shall, so far as may be, apply in relation to such person as they apply in relation to the person referred to in that section subject to the modification that the application for consent to be made under sub-section (2) of that section shall be made on or before such date as may be specified by the State Government by notification in this behalf in the Official Gazette;

WHEREAS, as per the Section 21 of Air Act, 1981, no person shall, without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area;

WHEREAS, SPCBs/PCCs are responsible for prescribing consent application form and consent fees. It is observed that most of the SPCBs/PCCs are issuing Consent to Establish (CTE) followed by Consent to Operate (CTO);

WHEREAS, industries falling under 'Category A' and 'Category B' of the Schedule of EIA Notification, 2006, are required to take Environmental Clearance from MoEF&CC or State Level Environment Impact Assessment Authority;

WHEREAS, obtaining Consent to Establish (CTE) is not a pre-requisite for obtaining EC from State Level or Central Level EIA Authority, under EIA Notification, 2006;

WHEREAS, there may not be value addition in CTE after obtaining EC as most of the conditions laid down in EC and CTE are similar in nature;

WHEREAS, CPCB vide letter dated 02.02.2017 issued an advisory to all the SPCBs/PCCs to follow the modified mechanism for granting consent to various categories of industries which is given below:

"All the projects requiring Environmental Clearance may be exempted from obtaining the Consent to Establish (CTE). Such projects may be directly granted Consent to Operate subject to EC and installation of pollution control devices";

WHEREAS, CPCB re-categorised the industrial sectors into Red, Orange, Green and White Category, based on the pollution index and issued directions u/s 18(1)(b) of the Water and Air Acts to all the SPCBs/PCCs on 07.03.2016 for its adoption. Based on the pollution index, 63 industrial sectors are covered under green category and 36 industrial sectors are covered under newly introduced white category. Further, CPCB in its direction mentioned that addition of any new or left-over industrial sectors and their categorisation, which is not listed in the revised list of red, orange, green and white industrial sectors, shall be done at the level of concerned SPCB/PCC following the criteria and guidelines laid down by CPCB;

WHEREAS, Ministry of Environment, Forest and Climate Change, Government of India notifies standards for emission or effluent from various categories of Industries under the Environment Protection Act, 1986;

WHEREAS, State Pollution Control Boards and Pollution Control Committees in States and Union Territories respectively are required to ensure the compliance of these standards;

WHEREAS, it has been observed that SPCBs/PCCs have different mechanism for selection of industries for compliance verification of environmental norms;

WHEREAS, the issue of exemption of CTE for those projects, which require EC, again came up for discussion during 8th SPCBs/PCCs Review Meeting, held on 25.10.2018 through video conferencing, and while there was a general consensus that such an approach could be adopted, SPCBs/PCCs also raised the issue that they should be involved in the environmental clearance granting process;

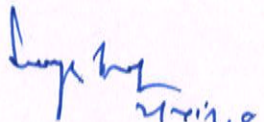
WHEREAS, it was agreed that SPCBs/PCCs shall categorize the new/left over industrial sectors under green and white category and issue the expanded

list of green and white categories of industries, which are being operated in their State/UT. It was also discussed that environmental surveillance of industries should be on random basis, and SPCBs/PCCs shall evolve mechanism for that;

NOW THEREFORE, in view of the above and exercising the powers conferred to Central Pollution Control Board under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981, following directions are issued for regulation of industries including MSMEs;

- a) For industries requiring EC, issuing of consent by SPCBs/PCCs shall be one-step process and EC will be deemed as CTE in such cases. SPCBs/PCCs shall be involved in the process of granting of EC.
- b) SPCBs/PCCs shall issue the expanded list of green and white categories of industries incorporating new/left over industrial sectors, which are being operated in their State/UT within a month.
- c) Inspections for compliance verification of environmental standards by SPCBs/PCCs shall be random and based on risk assessment. SPCBs/PCCs shall develop mechanism for random selection of industries for inspection purpose including self-certification.

The SPCBs/PCCs shall acknowledge the receipt of the directions and submit the action taken report (ATR) in compliance of these directions to CPCB within one month from receipt of directions.


(S. P. Singh Parihar)
Chairman


2/1/18

Copy to:

1. The Joint Secretary (CP Division)
Ministry of Environment, Forests & Climate Change
Indira Paryavaran Bhawan
3rd Floor, Prithivi, Aliganj, Jor Bagh Road
New Delhi -110 003

2. All Regional Directorates, CPCB
- ✓ 3. DH, IT Division, CPCB

(with a request to upload the copy of Directions on CPCB website)


(Prashant Gargawa)