



## HARYANA STATE POLLUTION CONTROL BOARD

C-11 Sector-6, Panchkula

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### Office Order

Whereas, procedure for grant and refusal of consent to establish and consent to operate under Water Act, 1974 & Air Act, 1981 was issued vide Head Office order Endst. No. HSPCB/2014/10195-10218 dated 07.03.2014 which was notified in the Haryana Government Gazette on 15.04.2014;

Whereas, Industries and Commerce Department Haryana has Notified Haryana Enterprise Promotion Policy 2015 vide Notification No. 49/43/2015-4IB1 dated 14.08.2015 which envisages for simplification of procedure for obtaining the clearances from various Departments by the industries. Further Department of Industrial Policy and Promotion, Ministry of Commerce and Industries, Government of India has also laid emphasis on "Ease of Doing Business" for providing efficient, convenient, transparent and integrated electronic services to the applicants seeking clearances from various Govt. Departments and the Business Reform Action Plan 2016 and 2017 has been issued by Industries and Commerce Department;

Whereas, in compliance of the above said Haryana Enterprise Promotion Policy 2015 and Business Reform Action Plans 2016 and 2017 for ease of doing business in the State, the Board has altered and amended the policy for dealing with the applications of entrepreneurs for grant of clearances under various Environmental Acts/Rules and accordingly issued the various policy orders from time to time;

Whereas, further Central Pollution Control Board (CPCB) has superseded the earlier directions issued in June, 2012 in context to categorization of industrial sectors and revised the categorization of industrial sectors under Red, Orange, Green and White categories based upon the range of pollution index, through modified directions issued under section 18 (1) (b) of Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 vide letter no. B-29012/ESS(CPA)/2015-16/8571 dated 07.03.2016 for the purpose of consent management under these Acts;

Whereas, based on the revised criteria of categorization of industrial sectors and revised lists of Red, Orange, Green and White categories of industrial sectors as mentioned in the final report attached with the above said modified directions of the CPCB and further based on report and recommendations submitted from time to time by the committee constituted by this Board on 01.07.2016 as per provisions of the said CPCB directions, consolidated list of industrial sectors/projects covered under Red, Orange, Green and White categories, was finalized for the purpose of consent management under Water Act, 1974 and Air Act, 1981 which has been adopted and implemented by the Board vide order Endst. No. HSPCB/PLG-135/2016/546-572 dated 14.07.2016 in supersession of earlier categorization of industrial sectors/projects notified by the Board vide notification dated 15.04.2014 and further amendments issued thereafter from time to time in the categorization of industrial sector;

Whereas, in view of the above and various decisions taken by the Board from time to time after issue of the procedure for consent management through notification dated 15.04.2014 as mentioned above, it has become expedient to issue a comprehensive procedure for processing the applications for grant of consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 in supersession of earlier procedure issued through the said notification dated 15.04.2014;

Whereas, the Technical Advisory Committee (TAC) of the Board in its meetings held on 10.08.2017, 09.10.2017 and 16.11.2017 examined and finalized the revised comprehensive procedure for grant and refusal of the consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981, after incorporating all the policy orders and instructions and new categorization of industrial sectors issued by the Board from time to time and the recommendations of TAC were accepted by the competent authority of the Board;

Whereas, the Board in its 178<sup>th</sup> meeting held on 30.01.2018, vide agenda item no. 178.22 has approved the above procedure for grant and refusal of consent to establish and consent to operate

under Water Act, 1974 and Air Act, 1981, finalized by the TAC of the Board which is enclosed as **Annexure-P**.

In view of above and in pursuance of the provisions of section 25, 26 and 27 of Water (Prevention and Control of Pollution) Act, 1974 read with Rule 22 of the Haryana Water (Prevention and Control of Pollution) Rules, 1978 and section 21 of the Air (Prevention and Control of Pollution) Act, 1981 read with Rule 15 of the Haryana Air (Prevention and Control of Pollution) Rules, 1983 as amended from time to time, it is hereby ordered that in supersession of earlier procedure for grant of consent to establish and consent to operate under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 issued vide Head Office order Endst. No. HSPCB/2014/10195-10218 dated 07.03.2014 notified in the Haryana Government Gazette on 15.04.2014 and all other orders issued in this regard before issue of this procedure, the revised procedure attached herewith as **Annexure-P** shall be applicable in the Board for grant and refusal of consent to establish and consent to operate under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

These orders shall come in to force with immediate effect.

Dated Panchkula, the  
22<sup>nd</sup> February, 2018

Ashok Kheterpal,  
Chairman

Endst. No. HSPCB/2018/517-519

Dated: 26.02.2018

A copy of the above is forwarded to the following for information please:-

1. The Principal Secretary to Govt. Haryana, Industries & Commerce Department Chandigarh.
2. The Principal Secretary to Govt. Haryana, Environment Department, Chandigarh.
3. The Director, Environment Department, Chandigarh.

-Sd/-  
Sr. EE-I (HQ)  
For Chairman

Endst. No. HSPCB/2018/520-544

Dated: 26.02.2018

A copy of the above is forwarded to the following for information and further necessary action:-

1. All section Incharges dealing with consent management in Head Office of the Board.
2. All Regional Officers of the Board in the field.
3. Environmental Engineer -cum- Nodal Officer of the HSPCB, Haryana Enterprises Promotion Centre (HEPC) Bay No. 63-64-65-66, Sector 2, Panchkula.
4. Nodal Officer (IT) for uploading the orders on the website of the Board for the notice of all concerned.

-Sd/-  
Sr. EE-I (HQ)  
For Chairman

Endst. No. HSPCB/2018/545-546

Dated: 26.02.2018

A copy of the above is forwarded to the following for information of the officers:-

1. PS to Chairman
2. PA to Member Secretary

-Sd/-  
Sr. EE-I (HQ)  
For Chairman

## Haryana State Pollution Control Board

### **Procedure for obtaining consent to establish and consent to operate under Water Act, 1974 & Air Act, 1981.**

In pursuance of the provisions of section 25, 26 and 27 of Water (Prevention and Control of Pollution) Act, 1974 read with Rule 22 of the Haryana Water (Prevention and Control of Pollution) Rules, 1978 and section 21 of the Air (Prevention and Control of Pollution) Act, 1981 read with Rule 15 of the Haryana Air (Prevention and Control of Pollution) Rules, 1983 as amended from time to time and approval of the Board in its 178<sup>th</sup> meeting held on 30.01.2018, vide agenda item no. 178.22, the following revised comprehensive procedure for grant and refusal of the consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 after incorporating all the policy orders and instructions and new categorization of industrial sectors issued by the Board from time to time, is laid down in supersession of earlier procedure for grant of consent to establish and consent to operate under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 issued vide Head Office order Endst. No. HSPCB/2014/10195-10218 dated 07.03.2014 notified in the Haryana Government Gazette on 15.04.2014 and all other orders issued in this regard before issue of this procedure:-

#### **1. General Provisions.**

- 1.1 All the industrial sectors/projects have been categorized under Red, Orange, Green and White categories based upon their pollution potential and range of pollution index for the purpose of consent management under Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of pollution) Act, 1981 on the direction of CPCB issued under section 18 (1) (b) of Water Act, 1974 and Air Act, 1981 vide letter no. B-29012/ESS(CPA)/2015-16 /8571 dated 07.03.2016 in supersession of earlier categorization of industrial sectors/projects issued vide notification dated 15.04.2014 and amended from time to time. The revised list of industrial sectors/projects categorized under Red, Orange, Green and White categories for the purpose of consent management and inventrization of industries under these categories under Water Act, 1974 and Air Act, 1981, has already been adopted by this Board and implemented vide Head Office order Endst. No. HSPCB/PLG-135/2016/546-572 dated 14.07.2016 and subsequently vide order Endst. No. HSPCB/PLG-171/2017/4081-4106 dated 19.05.2017 and Endst. No. HSPCB/PLG-171/2017/4295-4320 dated 08.06.2017 and consolidated lists of industrial sectors/projects covered under Red, Orange, Green and White categories, are given at **Annexure-I to IV** respectively.
- 1.2 The industries/projects categorized as Red, Orange and Green, have been covered under consent management for obtaining prior consent to

establish (CTE) and consent to operate (CTO) under section 25/26 of the Water Act, 1974 and under section 21 of the Air Act, 1981.

- 1.3 The industrial units/projects falling under white Category as per **Annexure-IV**, are exempted from Consent Management for the purpose of obtaining CTE and CTO under Water Act, 1974 and Air Act, 1981 and there is no necessity for obtaining the CTE and CTO by the industries covered under white category and other units not covered under Red, Orange and Green categories and intimation to the Board in this regard shall suffice.

However, this type of units will have to provide required pollution control devices to meet the prescribed standards for discharge of environmental pollutants, where ever required, depending upon their process and activities and these industrial units/projects shall be governed by self regulatory regime and are not permitted to pollute the environment.

No inspection of White category of industries will be carried out by the Board officials except in the cases where any complaint is received against such type of industries for causing pollution.

- 1.4 The industries/ projects already existing and not covered previously under consent management as per notification dated 15.04.2014 or earlier but have been covered under consent management now as per new categorization of industrial sectors appended with this procedure, shall obtain only CTO and will not require to obtain the CTE.
- 1.5 Siting of the industries / projects shall be only in confirming areas and no industry/project shall be permitted to establish or operate in the ecologically fragile area / protected area or in any non confirming areas or in the residential areas of MCs / HUDA / villages and in any other approved residential colonies / areas.
- 1.6 The units covered under Environment Impact Assessment (EIA) Notification dated 14.09.2006, as amended from time to time, shall apply for Consent to Establish to the Board only after obtaining prior Environmental Clearance from the Competent Authority.
- 1.7 The industrial units/projects falling in the area prescribed in the Aravali Notification dated 7<sup>th</sup> May, 1992 issued by MoEF & CC, shall require prior clearance from competent authority prescribed under the Aravali Notification, before applying to the Board for CTE or 1<sup>st</sup> CTO in case of new units covered under consent management as per new categorization of projects listed in this procedure.
- 1.8 The report regarding siting of the projects outside the Aravali area in the Districts of Gurgaon & Mewat, shall also be taken for the purpose of Consent to Establish (CTE) or first CTO in case of new units covered under consent management as per new categorization of projects listed in this procedure, from Tehsildar and District Forest Officer through the concerned Deputy Commissioner, to ensure the compliance of the provisions of Aravali Notification dated 7<sup>th</sup> May, 1992 in addition to other prescribed documents.