

HARYANA STATE POLLUTION CONTROL BOARD Notification

The 1st April, 2010

No. HSPCB/2009/Policy/100 – In exercise of the powers conferred by section 25/26 and section 33-A of the Water (Prevention & Control of Pollution) Act, 1974, section 21,22 & section 31-A of Air (Prevention & Control of Pollution) Act, 1981 read with rule 22 of the Haryana (Prevention & Control of Water Pollution) Rules 1978 and rule 15 of the Haryana (Prevention & Control of Pollution) Rules, 1983 and rule 5 of the Hazardous Waste (Management & Handling) Rules, 1989 and in supersession of the Board's earlier notification No. HSPCB/98/2413 dated 24th July, 1998 regarding simplification of Consent Procedures, the Haryana State Pollution Control Board in its 147th meeting held on 23.12.2008 has resolved vide resolution No. 147.119S. decided to lay down the following procedure for Consent Management for obtaining Consent to Establish/No Objection Certificate (NOC) and Consent to operate under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981 and Hazardous Waste (Management & Handling) Rules, 1989 as amended from time to time for effective enforcement of Environmental Laws. In partial modification of Policy Notification issued by the Haryana State Pollution Control Board vide No. HSPCB/2009/Policy/ 100 dated 1st January, 2009, the following procedure for Consent Management shall be applicable w.e.f. 1st April, 2010 in view of resolution No. 148.12, 148.17, 149.7, 150.6, 152.9 & 153.5 passed by the Board;

I Procedure for grant of Consent to establish (NOC)

Case I

The industrial units falling under Case-I category shall apply for Consent to establish/No Objection Certificate (NOC) directly in the Head office on the prescribed form alongwith requisite fee in duplicate and each paper has to be signed by the authorized signatory to avoid delay.

For all projects listed in category A or B in the Environment Impact Assessment (EIA) notification issued by the Ministry of Environment & Forests, Govt. of India dated 14.9.2006, the issue of environmental clearance by the competent authority under the said notification shall be considered by HSPCB as deemed "consent to establish" required under the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (Management & Handling) Rules, 1989 subject to the fulfillment of two other requirements namely the payment of consent to establish/NOC fees as prescribed and submission of a performance bond signifying adherence to the prescribed standards under the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (Management &

Handling) Rules, 1989 in the form of an unconditional bank guarantee to the extent of 0.25%, of the specified project cost (Capital Investment, subject to minimum of Rs. 2500/- which includes land, building & machinery), along with an undertaking by the applicant indicating his awareness of the prescribed standards and his commitment to comply with the same. The bank guarantee shall also apply to Ex-post facto NOC cases. The performance bond shall be refunded/retired at one-fifth of the value after every year of successful adherence to prescribed standards subsequent to the date of coming into production/operation of the project. The (NOC) No Objection Certificate/consent to establish shall be provided within 10 days of the submission of the above documents along with the letter granting environmental clearance by the competent authority under the Environment Impact Assessment (EIA) notification dated 14.9.2006 (Ministry of Environment & Forests, Govt. of India for category A projects & the State Level Environment Impact Assessment Authority (SEIAA) for projects in category B) at the headquarter level after approval of the Chairman. The NOC so granted shall be valid for a period of two years or as mentioned in the project report whichever is earlier to be extended upto five years at the discretion of the Competent Authority. In case of specific projects like Power Plants, Fertilizers, Refineries etc. NOC shall be valid upto five years to be extended up to another five years. For extension of NOC units are required to deposit NOC fees on yearly basis.

All categories of project which are covered under 17 categories of industries defined by CPCB but do not fall under EIA Notification and project mentioned in EIA notification but not requiring environmental clearance, will be covered under consent management of case II category under policy notification dated 1.1.2009. The policy of deemed NOC after the environmental clearance is not applicable for those projects which fall under Aravali Notification dated 7th May, 1992 and prior clearance under Aravali Notification is mandatory in such cases before considering their NOC applications.

Case-II

The following projects which are not covered by the categorization specified in the Environment Impact Assessment (EIA) notification of 14.9.2006 but require regulation in view of discharge of polluting effluents or air emissions, such units are required to adhere to two additional conditions i.e. submission of performance bond (unconditional bank guarantee to the extent of 0.25%, of the specified project cost (Capital investment), subject to minimum of Rs. 2500/- along with an undertaking by the applicant indicating his awareness of the prescribed standards and his commitment to comply with the same) as indicated in the para above besides submitting following documents/fees etc.

- (i) Scheme for pollution control including ETP, APCM and Hazardous Waste Management, if applicable.
- (ii) Site Plan/Layout Plan (Not applicable in case of industry located in approved industrial area).

- (iii) Project report.
- (iv) Memorandum of Articles/Partnership Deed.
- (v) NOC fee.
- (vi) Flow Chart and Manufacturing process.

The bank guarantee shall also apply to Ex-post facto NOC cases. The performance bond shall be refunded/retired at one fifth of the value after every year of successful adherence to the prescribed standards.

The projects that fall in Case-II category are as under:-

1. Manufacturing of Inorganic Chemicals (Acids, Alkali, Metallic Compound, HF, Zinc Sulphate, CPW, Indigo Blue, Zinc Silicate, Lime Pigments & Caustic Soda etc.)
2. Dyeing and Printing process of Cotton and Synthetic Textile Industry, garment units with washing process.
3. Manufacturing of lubricating oil/grease and refining of waste oil.
4. Glue and Gelatine industries (using raw bones or animal material and basic manufacturing of detergents)
5. Foundries less than 5 tones/hour.
6. Cardboard mills (except cottage industries)
7. Surgical Cotton Industries
8. Stone crushers & pulverisers (except consent to establish in cases of notified crushing zones) & Screening plants.
9. Hot-mix plants.
10. Slaughter Houses.
11. Sugar Industry <5000 TCD cane crushing capacity
12. Explosives industry.
13. Industries involving electroplating, heat treatment involving cyanide baths, pickling & phosphating.
14. Plywood Industry
15. Forging /Rolling units
16. Mining activities < 5 hectares.
17. Brick Kilns
18. Fermentation Industries (Breweries & malt etc.)

Industry having boilers having capacity more than 5 tonnes per hour except boilers using LDO/HSD/gas as fuel provided they maintain stack height of 30 meters and use low sulphur fuel.

Note: Any other industry, if Authorities of the Board feel that such industries having pollution potential discharge of trade effluent/air emissions in excess of standards left uncovered, the same will be covered subsequently for Consent Management.

The NOC/consent to establish shall be granted/refused after examination at headquarters with the approval of the Chairman where the project cost is more than Rs 10 crore within one month of the submission of the above documents. The NOC/Consent to Establish cases under Water & Air Acts, having capital investment upto Rs. 10 (ten) crore of Case-II category of applicant units, shall be decided at the level of District Level Clearance Committees (DLCC) headed by Deputy Commissioner constituted under the Haryana Industrial Promotion Act, 2005 within 15 days and the NOC/Consent to establish shall be granted/refused by Regional Officer after approval of DLCC, except stone crushers to be set up in the zones notified by the State Government for which a State level Committee has already been notified. In case the meeting of the District Level Clearance Committee is not expected to be called within the period specified then the Regional Officer can obtain the approval of the Deputy Commissioner-cum-Chairman of the DLCC on file before issue of the No Objection Certificate (NOC)/ consent to establish and the decision should be ratified in the next meeting of the DLCC. The unit will submit application for Consent to establish in the office of GM,DIC and one copy in the office of Regional Officer, Haryana State Pollution Control Board.

The NOC so granted shall be valid for a period of two years or as mentioned in the project report whichever is earlier to be extended upto five years except for the Stone Crushers where the period will be as per Notification No. S.O.126 /C.A29 /86/S.5 & 7197 dated 18th December, 1997 issued by the Government of Haryana, Environment Department. For extension of NOC, units are required to deposit NOC fees on yearly basis.

Case-III

In case of projects that are not covered by the categorisation specified in the EIA notification dated 14.9.2006 or 18 industries listed above and which have a high water consumption in excess of 25 KL per day, the applicant shall provide a performance bond in the form of a unconditional bank guarantee of 0.1% of the project cost along with a waste water treatment & recycling usage plan (no other documentation required) and an undertaking for adherence to prescribed standards. The bank guarantee shall also apply to Ex-post facto NOC cases. The NOC/Consent to establish cases of units, having capital investment above Rs. 10 (ten) crore shall be decided at the level of Chairman, HSPCB. The NOC/ Consent to Establish cases under Water & Air Acts, having capital investment upto Rs. 10 (ten) crore of Case-III category of applicant units, shall be decided at the level of District Level Clearance Committees (DLCC) headed by Deputy Commissioner constituted under the Haryana Industrial Promotion Act, 2005. The NOC/consent to establish shall be granted/refused within 15 days of the submission of the above documents by the Regional Officer with the approval of the District Level Clearance Committee. In case, the meeting of the District Level Clearance Committee is not expected to be called within the period specified then the Regional

Officer can obtain the approval of the Deputy Commissioner-cum-Chairman of the DLCC on file before issue of the NOC/consent to establish and the decision could be ratified in the next meeting of the DLCC. The bank guarantee can be refunded/retired at one-half of the value after one year and full amount after two years of successful adherence to prescribed standards subsequent to the date of coming into production/operation of the project. The main emphasis shall be laid on treatment recycling/reuse of treated effluent. The NOC so granted shall be valid for a period of two years or as mentioned in the project report whichever is earlier to be extended upto five years. For extension of NOC units are required to deposit NOC fees on yearly basis.

Case IV

All projects other than that specified in Cases I, II & III above need not obtain NOC/consent to establish prior to commencement of the project/ industry. However all such projects/industries shall be expected to adhere to the prescribed standards notified under the Water Act & Air Act. In order to secure the compliance to standards and to launch proceedings in case of default on sampling/testing, directions shall be issued under section 33-A of the Water Act & section 31-A of the Air Act (enclosed at Annexure- A).

II. Procedure Regarding Grant of Consent to Operate

The first consent to operate shall be issued in two parts.

- (i) Consent to operate for trial production.
- (ii) Consent to operate for regular production.

The industrial units shall apply for consent to operate for trial production to the concerned Regional Office of the Board on the prescribed Common Consent Form under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 respectively along with documents as per check list given at Annexure 'B'. In case, the unit is covered under Hazardous Waste (Management & Handling) Rules, 1989, it shall simultaneously apply for the same.

Consent to operate for Trial Production

The Regional Officer after verification shall issue Consent to Operate for a period upto 1 to 3 months for trial production depending on the stabilization time required for ETP/APCM installed for each category of industries. There is no requirement of analysis report for consent to operate for trial production as Pollution Control Measures need some time for stabilization.

Consent to Operate for Regular Production

The powers of grant/refusal of consent to operate are delegated to a District Level Committee (Upper) headed by the Deputy Commissioner and District Level Committee (Lower) headed by Additional DC. The constitution of District Level Committee (Upper) is as under:-

Deputy Commissioner	Chairman
Additional Deputy Commissioner	Vice Chairman,
Divisional Forest Officer	Member
District Town Planner	Member,
General Manager DIC	Member,
Regional Officer	Member Secretary.

The quorum for the meeting shall be four members. The meeting of the committee shall be convened by the Deputy Commissioner and shall be regulated depending upon the pendency of the applications. In case Deputy Commissioner is unable to attend the meeting, he/she may authorize the Additional Deputy Commissioner to preside over the meeting in his/her absence.

This District Level Committee (Upper) is authorized to grant/ refuse Consent to Operate under Water & Air Acts and grant/refuse authorization under HWTM Rules in respect of applicant units of Case-II & Case-III categories having capital investment above Rs. 3 (three) crore and upto Rs.10 (ten) crore. Notwithstanding above the cases of Consent to Operate of Stone Crushers, Hot Mix Plants and Screening Plants, having capital investment upto Rs. 10 (ten) crore, will be decided by District Level Committee (Upper) headed by Deputy Commissioner.

A District level Committee (Lower) is constituted and authorized to grant/refuse consent to operate under Water & Air Acts and authorization under HWTM Rules, having capital investment upto Rs. 3 (three) crore in respect of Case-II & Case-III category applicant units, excluding those of Stone crushers, Hot Mix Plants & Screening Plants. The quorum of meeting of this committee shall be of two members. The composition of the committee is as under:-

Additional Deputy Commissioner	Chairman,
General Manger DIC	Member,
Regional Officer	Member Secretary.

The periodicity of the meetings be regulated as per pendency of the applications. The above District Level Committee (DLC) shall also deal with the Consent to Establish cases of Construction Projects which are not covered under EIA Notification upto the investment cost of Rs. 10 (ten) crore.

All cases relating to Case-I and other industries/project having capital investment of more than Rs. 10 (ten) crore will be decided at the level of Head Quarters within one month.

After first consent, the new units are required to obtain consent to operate within the expiry period of first consent which shall be granted by the Regional Office after approval by the DLC/Head Office after thorough technical scrutiny. All the units are required to submit the consent application complete in all respect alongwith test report. Balance sheet duly certified by the C.A (without depreciation value), affidavit of no change of process and consent fee etc. alongwith the checklist of documents and cess return to the Regional Officer. The Regional Officer will forward the consent to operate cases of Case-I and case of more than Rs. 10 Crore complete in all respects within 7 days to the Head Office alongwith his recommendation.

Period of grant of consent to operate

		Category A	Category B	
			Min	Max
Case I	Units covered under EIA Notification	2 years (As defined in EIA notification)	2 years (As defined in EIA notification)	3 years (As defined in EIA notification)
Case II	18 categories of Industries defined above	2 years (Electroplating, Hot mix plants, Pulverisers, Screening plants, manufacturing of inorganic chemicals)	3 years (Other than units mentioned in case 2 Category A)	5 years (Other than units mentioned in case 2 Category A) (except stone crushers where period is 3 years)
Case III	Units having 25 Kilo Litres or more Trade effluent discharge	-	3 years	5 years

The unit will supply analysis report once in every year i.e. by 30th April. The unit shall apply for consent in the Regional Office by the date as mentioned in the following schedule:

<u>Sr. No.</u>	<u>Category</u>	<u>Date</u>
1.	Case I category of industries	1st February
2.	Case II & III	28 th February

There will be no need to submit an analysis report for small boilers having capacity upto 2 tonnes per hour of steam generated where LDO/HSD/Gas is used as fuel provided the unit has minimum stack height of 10 meters. The Ambient Air Quality report is required only in the cases of large and medium units of Case I categories of industries or where there are specific complaints in case water is used for cooling purpose and being re-circulated completely there would be no requirement of test report. In case, there is 25% or more increase in trade effluent discharge quantity from the corresponding figures of previous year, the unit is required to deposit fresh consent fee.

In case the industry is found to create conditions that generate any type of pollution in excess of the standards or if there is any objection/ complaint from the surrounding

community & if on verification, it is found that such objection has some substance even after grant of NOC/Consent by the Board, the Board shall be at liberty to revoke/withdraw the NOC/Consent to operate already issued & to take legal action under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 as considered appropriate.

This notification will come into force with immediate effect.

**DR. A.S.CHAHAL
CHAIRMAN**

**HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR 6, PANCHKULA
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Directions under section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and section 31-A of the Air (Prevention & Control of Pollution) Act, 1981 regarding adherence to the prescribed standards laid down by the HSPCB from time to time under the provisions of the Water/Air Acts.

The following categories of industries are covered under consent management vide notification dated 24.7.1998. The matter was reviewed and re-examined in detail during Regional Officer's meeting held on 22.11.08 and 26.11.08 and it was felt that below mentioned categories of industries have low pollution potential & require installation of ETP/APCM and subject to inspection by the officers/officials of the Board, but these units shall remain out of consent management. In case these units do not install required pollution control devices (ETP/APCM) stringent action such as prosecution/closure shall be taken as per provisions of the environmental laws. This will apply to the following categories of units having effluent discharge less than 25 Kl/day. In case the discharge of effluent is 25 Kl/day or more than they are required to obtain consent to establish and consent to operate and come under consent management as per methodology mentioned in Case III.

1. Food Processing, Vanaspati & Oil refining process, solvent extraction plant, Vanaspati & Oil refining are required to provide multicyclone/wet scrubber and 100 feet stack.
2. Formulation of pharmaceuticals (not covered under EIA notification)
3. Manufacturing of tyres, tubes used for vehicles only, natural and synthetic rubber, Rubber reclaim etc.
4. Industries manufacturing Acetylene, Carbondioxide, etc.
5. Formulation of paint and varnish (above 5.00 lacs)
6. Food Processing, Milk Processing, Oil Processing units.
7. LPG Bottling Plant, Oxygen, Oxides of Nitrogen etc.
8. Any other industry having pollution potential & discharge effluent /air emissions in excess of the standards.

Therefore, in view of above stated facts, the Board in exercise of powers conferred on it under section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of the Air (Prevention & Control of Pollution) Act, 1981 direct all above mentioned categories of units to provide structurally adequate pollution control devices (effluent treatment plant/Air pollution control measures) and adhere to the prescribed standards laid down by the Board from time to time under the Water and Air Acts. These units are also directed to submit a copy of analysis report by 30th April each year from any of recognized laboratories of the Board in respect of effluent/air emissions, as applicable to the Regional officers of the Board. The Regional officers shall follow the policy in above categories of industries as laid down by the Board from time to time.

**Dated, Panchkula the
23rd December, 2008**

**Dr. A.S. Chahal
Chairman**

CHECK LIST FOR CONSENT APPLICATION

- i) Name of unit
- ii) Common consent form
- iii) Index Site Plan
- iv) Detailed layout plan of different processes showing position of stacks/points of waste water discharge
- v) Certified copy of balance sheet
- vi) Process flow chart
- vii) Latest Analysis report /testing fee (required at the time of consent to operate)
- viii) Details of ETP/APCM existing and proposed
- ix) Proof of authorized signatory
- x) Consent fee
- xi) Affidavit for no change in process for no trade effluent/no air emission (Wherever applicable)
- xii) Sanction letter of sewer connection to be submitted in specific cases where there are complaints or objections raised by concerned department or the public.
- xiii) Sanction letter from the Irrigation Department for discharging effluent in drain/river/ water body (Applicable only in 17 and 19 category of industries discharging their effluent directly or indirectly into water bodies/river/canal systems).
- xiv) Memorandum of Article/Partnership Deed of firm.

Note:

1. All documents required in duplicate duly tagged in separate file cover.
2. Incomplete application will not be accepted.
3. Bank drafts drawn in favour of 'Haryana State Pollution Control Board' payable at Chandigarh.
4. All the papers must be duly signed by Authorized Signatory.