

Punjab Pollution Control Board

Vatavaran Bhawan, Nabha Road, Patiala

Ampraxue

for further
See HQ-1/2011/2.70
Date 10.10.11
S/L

OFFICE ORDER

Sub: Regularization of consents for operation of Additional Machinery/Modification/Increase in production capacity by industries/project proponent under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.

It has been observed that there are some industries, which had been established and commissioned without obtaining the consent to establish / operate of the Board required under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981. Some of the industries had carried out expansion of their existing industrial plants without the prior approval of the Board. Some of such units are also covered under the First Schedule of The Factories Act, 1948 and / or Press Note 17 (1984 series) but they have not obtained site clearance / environmental clearance from SCA-cum-SAC as required under the Law. Later on, such units have voluntarily approached the Board for obtaining the consent to operate and / or SCA-cum-SAC for obtaining site clearance / environmental clearance for regularization of their establishments. Furthermore, many other such units are still operating without approaching the Board and / or SCA-cum-SAC. The matter was considered by the Board in its 153rd meeting held on 9.9.2011 and it has been decided as under:-

i) **Units covered under the First Schedule of Factories Act, 1948 and / or Press Note 17 (1984 series) as well as EIA Notification dated 14.9.2006:**

In case, such units are established and commissioned without obtaining the consent to establish / operate of the Board / have carried out expansion of their existing industrial plants without the prior approval of the Board / have made alterations or variations without the consent to establish of the Board, then such units should be granted consent to operate by the Board only after they obtain site clearance / environmental clearance from SCA-cum-SAC as well as environmental clearance under the provisions of EIA Notification dated 14.9.2006, if required. However, the consent fee for the period prior to submission of consent application to the Board should be charged at a higher rate i.e. 2 times of the normal fee presently being charged by the Board for each financial year. The fraction of a year shall be counted as a full financial year.

ii) **Units covered under the First Schedule of Factories Act, 1948 and / or Press Note 17 (1984 series) but not under EIA Notification dated 14.9.2006:**

In case such units are established and commissioned without obtaining the consent to establish/operate of the Board/have carried out expansion of their existing industrial plants without the prior approval of the Board/have made alterations or variations without the consent to establish of the Board, then such units should be granted consent to operate by the Board only after they obtain site clearance/environmental clearance from SCA-cum-SAC, as the case may be. However, the consent fee for the period prior to submission of consent application to the Board should be charged at a higher rate i.e. 2 times of the normal fee presently being

charged by the Board for each financial year. The fraction of a year shall be counted as a full financial year.

iii) Units covered under EIA Notification dated 14.9.2006 but not under the First Schedule of Factories Act, 1948 and / or Press Note 17 (1984 series):

In case such units are established and commissioned without obtaining the consent to establish/operate of the Board/have carried out expansion of their existing industrial plants without the prior approval of the Board/have made alterations or variations without the consent to establish of the Board, then such units should be granted consent to operate by the Board only after they obtain environmental clearance under the provisions of EIA Notification dated 14.9.2006, if required. However, the consent fee for the period prior to submission of consent application to the Board should be charged at a higher rate i.e. 2 times of the normal fee presently being charged by the Board for each financial year. The fraction of a year shall be counted as a full financial year.

iv) Units neither covered under the First Schedule of Factories Act, 1948 and / or Press Note 17 (1984 series) nor the EIA Notification dated 14.9.2006:

In case such units are established and commissioned without obtaining the consent to establish/operate of the Board/have carried out expansion of their existing industrial plants without the prior approval of the Board/have made alterations or variations without the consent to establish of the Board/have failed to get the consent renewed in time, then such units should be granted consent to operate by the Board only in case such industrial units are meeting with the prescribed siting criteria prescribed by the Board and they have taken adequate and appropriate pollution control measures. However, the consent fee for the period prior to submission of consent application to the Board should be charged at higher rate i.e. one and half times of the normal fee presently being charged by the Board for each financial year. The fraction of a year shall be counted as a full financial year.

In case such units are not meeting with the prescribed siting criteria of the Board, then such units should be issued directions for closure of their units or revert back to the sanctioned capacity, as the case may be.

These orders shall come into force with immediate effect.

Encls No. 40038-82

Dated 19/10/11

Chairman

action:-

1. The Chief Environmental Engineer-I/II/III, Punjab Pollution Control Board, Head Office, Patiala.
2. The Sr. Environmental Engineer, Punjab Pollution Control Board, Zonal Office, Patiala -I/2, Amritsar/Bathinda/Jalandhar/Ludhiana-III, HQ-1 & HQ-2
3. The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Amritsar / Bathinda / Fatehgarh Sahib / Faridkot/ Hoshiarpur / Jalandhar / Ludhiana-I/II/III/IV/ Patiala/ Sangrur & Mohali.
4. The Environmental Engineer, Punjab Pollution Control Board, HQ-1/HQ-2/ Mega/ HWM/ Const. Head Office, Patiala.
5. The Additional Secretary(G&P), Punjab Pollution Control Board, Camp Office, Mohali.
6. The Deputy Director (PR), Punjab Pollution Control Board, Patiala.
7. The Deputy Controller (F&A) /Administrative Officer, Punjab Pollution Control Board, Patiala.
8. All Asstt. Environmental Engineers of Punjab Pollution Control Board
9. Law Officers, Punjab Pollution Control Board, Patiala
10. P.S. to Chairman/P.A to Member Secretary, Punjab Pollution Control Board, Patiala.

Member Secretary