

TERMS OF REFERENCE (TOR) FOR THE CHARTERED ENGINEERS

A. SCOPE OF WORK:

1. Inspection / verification / certification of environmental data of all category of industries, construction / area development projects and other establishments for the purpose of obtaining "Consent to Establish" (NOC), "Consent to Operate" under the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981, Environment (Protection) Act, 1986 and the Rules made there under from the Punjab Pollution Control Board.

B. FUNCTIONS OF CHARTERED ENGINEERS

The Chartered Engineer(s) will be entitled to perform one or more of the following functions:

- a). Compilation & completion of documents required for applying for the consent to establish (NOC) / consent to operate / authorization / registrations and any other permission / approvals required under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 and the rules made there under, as prescribed by the Board from time to time.
- b). To facilitate and ensure filing of online applications by the project proponent for obtaining various consents / authorizations / registrations and other approvals, wherever required.
- c). Checking of feasibility reports for the proposed pollution control systems and its adequacy to meet with the standards and checking the adequacy of existing / installed pollution control systems provided.
- d). Visit to the proposed / existing site for verifying all the facts related to the application in question, including confirmation of the site meeting with the siting criteria laid down by the Board.
- e). Coordinate and facilitate the project proponent for getting the sampling / monitoring done from the Labs approved for consent purposes by the Board.
- f). Any other issues asked to be reported by the board from time to time.

C. SUPPLEMENTARY DUTIES OF CHARTERED ENGINEER

The Chartered Engineer, in addition to the functions prescribed above, shall also carry out following supplementary duties, wherever applicable or specifically asked by the Board.

a) Checking of various technical details, examine production and treatment processes of the industrial unit/project and suggest measures which can be adopted by it for achieving the following:

- (a) Energy efficiency
- (b) Conservation of resources
- (c) Waste minimization
- (d) Technology up gradation

This should be reported at the time of submitting the application for consent to establish / consent to operate / varied consents (renewal) on behalf of the industrial unit / project.

- b) The Chartered Engineer will calculate the total water balance, material balance of industrial process and optimize its operation. They will also study the energy consumption and fuel consumption to optimize the operation of boilers, thermo packs and prime movers installed in the industry.
- c) The Chartered Engineer shall calculate the pollution load in terms of Water, Air and hazardous waste generated by the project and check the adequacy & efficacy of pollution control devices / equipments and certify that treated effluent / emissions shall meet with the standards prescribed for such type of industries and hazardous waste is disposed off in an environmentally sound manner.
- d) The Chartered Engineer will check the Environment Audit Statement (EAS)/Environment Audit Report (EAR) of any industry as referred to it by the board from time to time and give his report / findings / recommendations to the Board free of cost provided that Board shall not refer more than 10 EAS/EAR per Chartered Engineer per Annum unless and until agreed so by the Chartered Engineer and the Board mutually.

D. PROCEDURE FOR PREPARATION AND SUBMISSION OF APPLICATIONS:

- a) The Chartered Engineer shall obtain and submit an authority letter from the concerned industry / project proponent to deal with the Punjab Pollution Control Board on their behalf.
- b) The Chartered Engineer will compile & complete the application in all respects as per the requirements of the Board and thereafter submit the same to the concerned Regional Office of the Board. He must ensure that all the documents are duly signed and authenticated by the project proponent as well as by him / her. However, he is not authorized to sign the application, which should be signed by the industry / project proponent only.
- c) The application shall also be accompanied with a Checklist-cum-Assessment report incorporating all the details of the visit as per the relevant performa

the relevant date related to that case. This report should be duly signed by the project proponent as well as the Chartered Engineer.

- d) The Chartered Engineer while processing the application on behalf of the industry / project proponent shall certify that the project fulfills all the applicable Laws / Acts / Rules / Guidelines / Directions issued by the Government / Board from time to time.

E. PROCEDURE FOR INSPECTION OF INDUSTRIES / PROJECTS:

- a) The Chartered Engineer shall verify the contents of the application submitted by the industries / project proponent. In case of any variation, he will get it corrected by the industry / project proponent before submitting to the Board.
- b) The Chartered Engineer shall carryout photography of the site conditions and pollution control equipments / outlets / mode of disposal / energy meter / flow meter etc. and will submit the same alongwith the visit report / consent application.
- c) The validity of the visit report will be 15 days from the date of visit till the submission of the same to the Board. Thereafter, the Chartered Engineer will have to re-visit the site / industry and prepare a fresh visit report / agenda note.
- d) The Chartered Engineer is not allowed to authorize any other person to visit the site / industry on his / her behalf unless and until such persons are authorized by the Punjab Pollution Control Board.

F. GENERAL TERMS & CONDITIONS:

1. The Chartered Engineer should have a complete knowledge of all the Environmental Laws / Acts / Rules and notifications / circulars / documents regarding Environmental laws issued by the State Pollution Control Board, State Government, Central pollution Control Board and Ministry of Environment & Forests, New Delhi and other related Departments.
2. The Chartered Engineer will certify personally with seal that all the documents and applications, which have been submitted to the Board, are true copies of the originals and no forged / false information is being supplied to the Board.
3. The Chartered Engineer shall inform the Board, if false / wrong / incorrect / misleading information has been given to them by the industry or otherwise action will be initiated against the Chartered Engineer as deemed fit including cancellation of the recognition certificate. Chartered Engineer shall be liable for errors of commission and / or omission as per provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 and Rules made there under as amended from time to time or any other law as applicable.

5. The Chartered Engineer will have proper office and transport facilities. The Board will not provide any such facilities.
6. The Chartered Engineer will not sublet or delegate the functions entrusted to it by Punjab Pollution Control Board to any other person.
7. All the responsibility of false information / documents or concealment of any fact lies jointly and severally with the industry and the Chartered Engineer.
8. All the recognized Chartered Engineers shall submit the Bank Guarantee amounting to Rs.2,00,000/- only (Rupees two lacs only) as an assurance to comply with terms of reference prescribed for Chartered Engineers and for ensuring proper working by them. It is to be furnished in the format as prescribed by the Board and as amended from time to time.
9. The Chartered Engineer will maintain all the record for inspection and for providing the same under the provisions of RTI Act, 2005.
10. The Chartered Engineer will be liable to submit the report and their certification to the Board on the format as prescribed by the Board from time to time.
11. The Chartered Engineer will be bound to perform such duties/ functions as assigned by the Board from time to time.
12. In case of any wrong reporting, harassment to industry / project proponent or doing of any other unauthorized activity not covered under TOR by the Chartered Engineer, the Board will be at liberty to encash the Bank Guarantee and revoke / cancel the recognition certificate / authorization given to the Chartered Engineer.

G. FEE TO BE CHARGED BY THE CHARTERED ENGINEER

The Chartered Engineer is allowed to charge fee for the inspection / processing of an application from various industries as follows:

S.N.	Scale of the industry	Rate
1.	Large / Medium Units	Rs. 5,000/- per application
2.	Small Scale Units (Red Category)	Rs. 3,000/- per application
3.	Small Scale Units (Green Category)	Rs. 1,000/- per application

H. VALIDITY OF EMPANELMENT:

- i) In the first instance, the period of this recognition certificate will be valid for a period of two years, which may be further extended from time to time after assessing the performance of the Chartered Engineer.
- ii) The Chartered Engineer will not perform the function unless & until it has valid recognition certificate of the Board.
- iii) The recognition certificate issued by the Punjab Pollution Control Board can be suspended / revoked / cancelled during the validity period by the Competent Authority without assigning any reason.

I. JURISDICTION:

The Chartered Engineer shall be authorized to work in an area of jurisdiction for which he has been authorized by the Board. The number of Chartered Engineers to be authorized will be decided by the Board and shall be reviewed from time to time.

J. DISPUTES:

- a) Any dispute arising between the Chartered Engineer and the owner of the industrial unit shall be decided by such officer of the Board who has been authorized by the Board in this behalf, on the receipt of the application from either party.
- b) The original copy of this Agreement shall remain with the Board and photocopy thereof by the Chartered Engineer for his/her record/reference.