

PUNJAB POLLUTION CONTROL BOARD

VATAVARN BHAWAN, NABHA ROAD, PATIALA.

No.GPC/NIP/F-10/2010/...4...

Dated...17.2.2010

OFFICE ORDER

Subject: *Policy guidelines regarding categorization of industries & procedure for Consent Management mechanism and validity period for various categories of industries.*

The Punjab Pollution Control Board in its 145th meeting held on 30/11/2009 and 146th meeting held on 12/1/2010 considered the matter cited above and decided to categorize the industries into red, orange & green category. The industries categorized as Red & Orange are as per Annexure- 1 & 2 respectively. The industries, which are not covered under the list of Red & Orange category, may be termed as green category. The Board further decided as under:-

A. Delegation of powers:

Sl. No.	Designation of the Officer	Competency
1	Chairman	To decide consent to establish/operate of all categories of large and medium scale Industries.
2	Senior Environmental Engineer	To decide consent to establish/operate of all small Red/Orange category of Industries.
3	Environmental Engineer, Regional Office/Nodal Office:	<ul style="list-style-type: none"> • To decide consent to establish/operate of all small scale green category of industries. • Grant of consent to establish/operate to dry rice shelling units without mechanical dryer. • Grant of consent to establish/operate to brick kilns.

NOTE:

- ❖ Cases of all categories of large and medium scale industries will be routed through Member Secretary of the Board.

- ❖ Notice/directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and 31-A of Air (Prevention & Control of Pollution) Act, 1981 will be issued with the approval of Chairman of the Board.
- ❖ Directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and 31-A of Air (Prevention & Control of Pollution) Act, 1981 of all large and medium Red category of Industries will be signed by the Member Secretary of the Board.
- ❖ Notice/directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and 31-A of Air (Prevention & Control of Pollution) Act, 1981 of all categories except directions under the said acts to large and medium Red category Industries will be signed by the Senior Environmental Engineer.

B. Siting criteria:

- ❖ All Red/Orange/Green category of Industries will only be allowed to set up in the designated Industries zones in the cities/towns where statutory/non-statutory Master Plan/Local Planning area have been prepared/notified by the Town & Country Planning Department, Punjab and designated Industrial areas /FEZ declared by the Govt. of Punjab, Department of Industries/PSIEC/PSIDC/any other Govt. Authority.
- ❖ All Red/Orange/Green categories of Industries will only be allowed to set within the Local Planning area, where the statutory/non-statutory Master Plan of the said area is yet to be prepared/notified, after getting change of land use/NOC from the Town & Country Planning Department, Punjab/Competent Authority of the State. Furthermore, in case, any existing industry of red/orange/green category within the municipal limits/local planning area intends to carryout expansion/ modification, where the statutory/non-statutory master plans have not been prepared/notified by the Town and Country Planning Department, Punjab, after getting change of land use/NOC from the Town and Country Planning Department, Punjab/Competent Authority of the State.
- ❖ All Red/Orange/Green category of Industries, where statutory/non-statutory Master Plans/Local Planning area have not been prepared/

notified by the Town & Country Planning Department, Punjab, will be allowed to set up at a distance of 100m outside the Municipal Council limits/ phirni of village/ designated residential area approved by the Competent Authority of the State.

NOTE

- ❖ Office order no. 198 dated 21/11/1995 stands omitted.
- ❖ Office Order No. GPC/1999-2000/Gen-434/F-1 dated 16/08/2000 as amended from time to time will remain operative copy of which is annexed herewith as **Annexure-3**.
- ❖ Orange category of industries will be treated at par with Red category of Industries as far as siting criteria/shifting of industries from non-designated area to designated industrial area is concerned. As such, all circulars/office orders/notifications/clarifications issued by the Board for siting criteria for Red category of Industries, will be applicable to Orange category of industries.
- ❖ The siting guidelines issued for rice shelling units/parboiling plants/cement plants including cement grinding units/hot mix plant/brick kilns/stone crushers will remain operative and implemented independently from the aforesaid siting criteria.

C. Consent Fee:

- a) **Consent to Establish/Operate fee to be charged w.e.f. 22/10/2009.**

Consent to establish/operate fee from large/medium/small scale Red/Orange/ Green category of industries will be charged as specified by the Board vide office order No. Admn./SA-2/F.No.563/2009/6 dated 22/10/2009 (**Annexure-4**).

- b) **Criteria for calculating the consent to operate fee prior 22/10/2009.**

- ❖ The credit of consent fee already deposited prior to 1/10/2004 under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention

& Control of Pollution) Act, 1981 for 15 years will be calculated by using the following formula:

$$A - A (1 \times T / 15)$$

Where

T is time period from the date of deposit of consent fee for 15 years upto 30/9/2004.

A is the Amount of Consent fee deposited for 15 years prior to 30/9/2004.

- ❖ In case any industry had not deposited consent fee for 15 years prior to 30/9/2004, then for calculating the consent fee of such industry, yearly consent fee applicable to the industry as per slab will be taken into account. Similarly, consent to operate fee will be charged on yearly basis for the period 1/10/2004 to 22/10/2009.
- ❖ In case consent to any industry is refused/revoked/cancelled due to violation of the provisions of the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981, the consent fee will be deducted from already deposited amount or the industry will deposit the fee equal to the amount applicable to the industry for one year, if the industry applies for the same afresh within one year. In case, the industry applies for obtaining the said consent after the elapse of one year but before the elapse of two years, then such amount will be equal to the double the yearly fee applicable to the industry and so on.
- ❖ The consent fee for the period 1/4/1992 to 9/10/1994 will be calculated as per fee criteria given in **Annexure-5**. The consent fee for the period 10/10/1994 to 30/9/2004 will be calculated as per fee criteria given in **Annexure-6** and consent fee for the period 1/10/2004 to 21/10/2009 will be calculated as per fee criteria given in **Annexure-7**.

D. Application form for consent to establish/operate & the procedure for processing the cases:

- ❖ The application form presently prescribed for Red category of industries for consent to establish/operate will be applicable for Red and Orange category of industries. All Green category of industries, irrespective of

their scale, will apply for consent to establish/operate on the proforma presently prescribed for small scale Green category of Industries.

- ❖ The application for consent to establish/operate/clearance certificate under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 shall be attached with documents as mentioned in Board's letter no. 4441-51 dated 3/5/2002 (**Annexure-8**). The case will be processed by all the Regional Offices/Nodal Office as per circular no. 14442-52 dated 26/11/1999 (**Annexure-9**).
- ❖ Restoration cases of supply of electricity will be processed as per Board's circular no. 975-96 dated 9/3/2000 as amended on 3/5/2001. A copy of these circulars is annexed herewith as **Annexure -10 & 11**.
- ❖ Circular no. CSA/03/21st meet/10149-63 dated 8/3/2005 (**Annexure-12**) for grant of NOC from pollution angle to the industries, which are covered under the Factories Act, 1948, will remain operative.

E. Validity period of consent to operate:

The validity period of consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 for various categories of Industries is as under:

Category	Validity Period	
	Large/Medium scale	Small scale
Red	3 years	4 years
Orange	4 Years	5 years
Green	5 Years	10 Years

The consent to operate alongwith clearance certificate irrespective of category of industries shall be initially granted for 6 months and shall be extended after commissioning/expansion/modernization of the industrial unit under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 for the period as mentioned above, only after assessing the adequacy of the pollution control devices within the validity period of 6 months.

F. Frequency of visit/sampling:

Frequency of visit/sampling of the units shall be as under:

Sr. No.	Category of industry	Frequency of visit/sampling
1.	Large and medium Red category	Four times in a year.
2.	Large and medium Orange category	Two times in a year.
3.	Large & Medium Green category	Once in a year
4.	Small Scale Red category	Two times in a year
5.	Small Scale Orange category	One in a year
6.	Small scale Green category	Once in 5 years or as and when public complaint is received against the industry.

G. Procedure for industries exempted from consent management:

The Board's order no. EE-I/Gen-214/F-2 dated 31/8/2000 as partially amended vide office order no. 2 dated 16/9/2002 will remain operative as far as exemption of 95 category of tiny/ small scale industries are concerned. The list of which is annexed herewith as **Annexure 13 & 14.**

H. Procedure for power load to the existing industries:

- The existing industries may be permitted an extension in power load upto 25% of the sanctioned load for the purpose of modernization/expansion as per procedure laid down in circular no. Gen./F. No. GEN-192/2001/3001-3100 dated 10/8/2001 & no. 5558-68 dated 24/7/2002. A copy of the said circulars is enclosed herewith as **Annexure-15 & 16.**
- The circular no. GPC/Gen/F. No. 434/2005/173 dated 7/3/2005 for power load to green category of industries located in non-designated areas, will remain operative. A copy of the said circular is enclosed herewith as **Annexure-17.**
- For increase in the power load for running of effluent treatment plants/ air pollution control devices, each industry shall apply for consent to establish

(NOC)/ clearance certificate at Regional Office of the Board containing information in respect of following points:

- i) Detail of the existing power load with each component of the effluent treatment plant/ air pollution control device.
- ii) Additional components of the effluent treatment plant/ air pollution control device installed and detail of power load for each component.
- iii) Completion certificate of the consultant regarding upgradation/ installation of the effluent treatment plant/ air pollution control device.
- iv) An undertaking to the effect that the industry will not utilize this electric load for any other purposes except for running of effluent treatment plant/ air pollution control devices and its standby motors meant for this purpose only.

The Regional Office will examine the case thoroughly and the case will be decided by the respective Competent Authority of the Board as per delegation of powers given in Para-A above.

I. Period prescribed for grant of consent to establish/ operate

The Govt. of Punjab has prescribed the following time period for deciding the application for consent to establish/ operate under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 under the Punjab Industrial Facilitation Act, 2005:

S. N.	Approval/ clearances required	Time limit.
1.	Consent to establish (NOC)	<ul style="list-style-type: none">• Green Category 15 days• Red Category Large & Medium 21 days• Small Scale 15 days• SAC-Cum-CSA 21 days
2.	Clearance certificate and consent to operate	<ul style="list-style-type: none">• Green Category 15 days• Large & Medium 30 days

All Regional Offices will ensure that the application for consent to establish/ operate under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 and clearance certificate

will be processed within the time frame prescribed vide Office Order no. 21 dated 12/6/2003. A copy of which is enclosed as Annexure-18.

Provided the facts which are not covered under paragraph A to I of this order above, with regard to any specific parameter/condition/procedure etc., provided for orange category of industries, will be treated at par with that of Red category of industry.

The Office Order No. Admn./A-2/F.No. 178/94/93 dated 26/5/1994, Office Order no. GPC/GEN/2004/214/8 dated 11/10/1994 & Office Order no. Admn./A-2/F.No. 178/94/176 dated 9/11/1994 stands superseded by the present order.

This order will take immediate effect.



Chairman

Endst No. GPC/NIP/F-10/2010/...1122-44

Dated...17-2-2006

A copy of the above alongwith Annexures-1 to 18 as mentioned in the order is forwarded to the following for information and necessary action:

1. The Senior Environmental Engineer, Punjab Pollution Control Board, Zonal Office, Patiala-I/Patiala-II/Jalandhar/Ludhiana/ EPA & HQ.
2. The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Patiala/ Ludhiana-I/II/III/ Sangrur/ Faridkot/ Hoshiarpur/Jalandhar/ Amritsar/ Batala/Bathinda & Nodal Office, Mohali.
3. The Environmental Engineer (P-I/II, J/L/Const./HWM/CSA/ GPC/EPA, Punjab Pollution Control Board, Patiala.
4. The Deputy Secretary, Punjab Pollution Control Board, Camp Office, Mohali/Head Office, Patiala/Deputy Director (PR).
5. The Deputy Controller (F&A)/Administrative Officer, Punjab Pollution Control Board, Patiala.
6. All Asstt. Environmental Engineers of Punjab Pollution Control Board.
7. Law Officers, Punjab Pollution Control Board, Patiala.
8. P. S. to Chairman/P. A. to Member Secretary, Punjab Pollution Control Board, Patiala.

D.A/ Order alongwith
Annexures-1 to 18



Member Secretary