



TAMIL NADU POLLUTION CONTROL BOARD

TNPCB - Revision of validity period of Consent to Establish & Consent to Operate issued under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 – Approved by the Board – Orders issued. – Reg.

B.P. No. 05

Dated: 02.08.2016

- Read:** 1. CPCB Letter No. B.29012/ESS(CPA)/2015-16.
2. Board Resolution No.CA/BM/10/2016 dated 29.7.2016.

Under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974, the industries are required to obtain consent of the SPCB for discharge of sewage / trade effluent into any stream or well or into sewer or land and under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, the industries are required to obtain consent to operate the plant in air pollution control area. TNPCB grants consent to the industries under Water (P&CP) Act, 1974 & Air (P&CP) Act, 1981, after collection of necessary consent fee.

The Board vide B.P.No. 61 dated 01.11.1993 issued orders for grant of consent to the industries in two stages. In the first stage, 'Consent to Establish' is issued under the Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 for establishing the industry with adequate pollution control measures. Once the unit has established the plant with pollution control measures, Consent to Operate shall be issued as second stage. Accordingly Consent to Establish is issued to the units with validity period of Two Years after collection of necessary consent fee. Further extension is considered for another two years (or) till the establishment of the unit whichever is earlier. Consent to Operate is issued to all categories of industries with validity period of one year ending 31st March of the succeeding year. The renewal consent is issued to the industries on remittance of consent fee and compliance of consent conditions. As per B.P. No. 326 dated 28.6.1989, the periodicity of renewal consent is one year for all red category, two years for all Orange and Green category industries. In order to have effective consent management and

76, MOUNT SALAI, GUINDY, CHENNAI - 600 032.

Tel : 22353134, 22353135, 22353136, 22353137, 22353138, 22353139, 22353140, 22353141

Fax : 044-22353068

Email : tnpceb@md3.vsnl.net.in Web : www.tnpceb.gov.in

strengthening of monitoring, the Board vide B.P. Ms. No. 49 dated 21.11.2007 offered the facility of extending the consent renewal for additional terms.

In March 2016, the Central Pollution Control Board has issued direction to all the Chairman, State Pollution Control Boards / Pollution Control Committees under the section 18(1) (b) of the Water (P&CP) Act, 1974 and under the Air (P&CP) Act, 1981, regarding harmonization of classification of industrial sectors under Red / Orange / Green / White Categories. In the directions the CPCB has mentioned about the period of validity of consent issued to the Red, Orange, Green category of industries. The CPCB has also mentioned that there shall no necessity of obtaining the Consent to Operate for White category of industries and an intimation to SPCB shall suffice.

The Ministry of Environment, Forest and Climate Change vide Notification No. S.O 1141 (E) dated 29.04.2015 has extended the period of Environmental Clearance (EC) from 5 years to 7 years for all projects & activities which are covered under EIA Notification 2006.

In order to examine the above validity periods of consent, the subject was discussed in the HODs meeting held on 2.7.2016, convened by the Chairman. In the meeting the CTE & CTO validity periods adopted by the others SPCBs consequence to the directions issued by CPCB was discussed. After detailed discussion, recommendations were made for revision of validity period of CTE and CTO issued by the Board. The subject was placed before the Board.

The Board vide resolution No. CA/BM/10/2016, dated 29.7.2016 resolved to approve the proposal for revision of validity period of Consent to Establish and Consent to Operate issued under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981, subject to the following conditions.

1. a) **Consent to Establish** validity period shall be as follows:

Projects	Validity Period
All EIA Projects	7 Years (1 Fee)
All Non-EIA Projects	5 Years (1 Fee)

b). **Consent to Operate** validity period shall be as follows:

Red	Orange	Green
5 Years (5 Fees)	10 Years (5 Fees)	14 Years (7 Fees)

2. For further extension of consent to establish, the project proponent shall apply 60 days prior to expiry of validity period of consent to establish issued.
3. Consent to establish will be issued after the remittance of one fee by the project proponent.
4. **Consent to operate will be issued on remittance of no. of fee mentioned against the category of industries in the above table.** The revised periodicity will be applicable only for industries which pay the total consent fee for the entire period in advance. Or else the validity period of consent to operate will be restricted accordingly to the no. of fees remitted.
5. The Consent fee slab for industries under Red, Orange and Green category is considered for one year, two years and two years respectively. (i.e). Red category industry one fee is for one year. Orange category industry one fee is for two years. Green category industry one fee is for two years period.
6. The consent fee payable under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, will be collected as per the G.O. Ms. No. 97 & 98, E&F (EC.1) Department Dated 17.8.2009 and G.O.Ms. No. 71 & 72 E&F (EC.1) Department Dated 26.5.2010 and as per revision thereof as and when approved.
7. All the Consent to Establish and Consent to Operate orders will be issued with validity date ending 31st March.
8. The Project Proponent shall apply for consent to operate 60 days prior to commencement of production. The unit shall not commence even trail operation without getting consent to operate.
9. **Consent to Operate (Renewal)** will also be issued with validity period for Red / Orange / Green category industries for 5 / 10 / 14 Years respectively on remittance of total consent fee for the entire period in advance as mentioned in sl.no.1 (b) above. Or else the validity period of consent to operate (Renewal) will be restricted accordingly to the number of fees remitted.

10. The implementation of the above system shall be reviewed after two years.

Sd/xxxxx
Member Secretary

To

- 1 All JCEEs (Monitoring), TNPCB
- 2 All DEEs, TNPCB
- 3 All HODs in Board Office

They are requested to provide a copy of this B.P to all the Engineers working under them

Copy to

- 1 PS to Chairman
- 2 PS to Member Secretary
- 3 BMS
- 4 File
- 5 Spare

R. Rajendran. 2/8/2016
For Member Secretary

mb
2/8/2016