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HARYANA STATE POLLUTION CONTROL BOARD
C-11 Sector-6, Panchkula

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Office Order

Whereas, the Haryana State Pollution Control Board (HSPCB) had issued the procedure vide policy order endst no. HSPCB/2009/8853-75 dated 12.10.2009 regarding action to be taken against the units after failure of samples of effluents/air emissions collected under Water Act, 1974 & Air Act, 1981 which was further amended from time to time vide order endst. No. HSPCB/PLG-22/3365-88 dated 01.03.2012, HSPCB/PLG-74/652-671 dated 03.05.2012, HSPCB/PLG-22/784-802 dated 11.05.2012, HSPCB/PLG/2014/10058-79 dated 11.02.2014, HSPCB/PLG-142/2016/5371-5395 dated 24.02.2016 and HSPCB/PLG/2019/5520-43 dated 25.02.2019;

Whereas, vide order endst. No. HSPCB/PLG/2019/5520-43 dated 25.02.2019 issued in partial modification of this office orders endst. No. HSPCB/PLG-22/3365-88 dated 01.03.2012 and HSPCB/PLG-74/652-671 dated 03.05.2012, it was ordered that the units having structurally inadequate pollution control devices and found non complying the standards prescribed for discharge of pollutants and/or closed by the Board due to the said non compliance, shall not be allowed to operate and shall not be given time for modification/up-gradation of pollution control devices till installation of structurally adequate pollution control devices;

Whereas, HSPCB had amended the categorization of projects/industrial sectors for consent management under Water Act, 1974 and Air Act, 1981 vide Notification dated 01.04.2012 and subsequently vide order endst. No. HSPCB/PLG/2012/2936-56 dated 16.11.2012 and accordingly procedure was issued vide policy order endst no. HSPCB/PLG/2014/10797-10814 dated 28.08.2014 for dealing with the applications for consent to operate submitted by the units covered under consent management of the Board, before and after 01.04.2012/16.11.2012;

Whereas, vide order endst. No. HSPCB/PLG-135/2016/546-572 dated 14.07.2016, the HSPCB has further revised/modified the categorization of industrial sectors/projects for consent management under Water Act, 1974 and Air Act, 1981 but the procedure issued vide policy order endst no. HSPCB/PLG/2014/10797-10814 dated 28.08.2014 was not modified;

Whereas, the HSPCB has amended and laid down the procedure for obtaining consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 vide order endst. No. HSPCB/2018/517-546 dated 26.02.2018 and thereafter revised vide order endst. No. HSPCB/PLG/2020/1767-1797 dated 04.12.2020;

Whereas, the matter was examined by Technical Advisory Committee (TAC) in its meeting held on 23.06.2020 and 24.11.2020, wherein the policies and procedure issued by the Board from time to time with regard to action to be taken against the defaulting units under Water Act, 1974 & Air Act, 1981 were reviewed and after detail deliberations, the following decisions were taken to amend and modify the existing policies / policies further, for effective implementation of the relevant provisions of the Water Act 1974 and Air Act, 1981:-

1. Action against the units after failure of the samples of effluent/air emissions.

- i. In case any unit is found by-passing the effluent/air emissions from pollution control devices or discharging untreated effluent/air emission without installing ETP/APCD or any part of ETP/APCD is found abandoned/not working or found discharging effluent through borewell(s) directly in the aquifer and results of samples collected found beyond prescribed limits, closure and prosecution action may be initiated immediately against such units besides the revocation/withdrawal/cancellation of the consent to operate as per prescribed procedure/Rules/Law.
- ii. In case of units having adequate pollution control devices, if sample (s) effluent /air emissions is found exceeding beyond prescribed permissible limits due to operational deficiencies as declared by the sample collecting officer(s) in sampling performa and also claimed by such units within the period of show cause notice with documentary proof and photographs etc alongwith their request for sampling. In such kind of cases, closure and/or prosecution action may be

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initiated against such units on case to case basis. However, in such cases Regional Officer is required to give his recommendation, keeping in view the reply of the unit submitted in reference to the show cause notice alongwith other relevant documents and fact of the case with his clear report to the effect that effluent discharge/emission beyond prescribed limits happened knowingly or due to other circumstances. Accordingly, RO will submit the proposal to Head Office alongwith his reasoned recommendation and all relevant documents either for grant of permission for fresh sampling or to initiate action on the prescribed performa with rational justification as per merit of the case following the due procedure prescribed by the Board in this regard.

The sampling in such cases will be carried out by the two officers other than officer (s) previously collected the sample and the samples so collected will be analyzed in the Head Office Laboratory and if unit is still found violating the prescribed standards after sampling, closure/prosecution action will be initiated against such unit beside the revocation/withdrawal/cancellation of the consent to operate as per prescribed procedure/Rules/Law.

- iii. The collection, testing and preservation of samples will be carried out as per guidelines/protocols issued/adopted by the board from time to time.
2. Procedure for dealing with the applications for consent to operate (CTO) under Water Act, 1974 and Air Act, 1981 submitted by the non applicant units for the first time to the Board and action to be taken against such units.

Sr. No.	Type of case	Procedure	Remark
1.	<p>Projects already covered under consent management before re-categorization of industrial sectors/projects under consent management vide order endst. No. HSPCB/PLG-135/2016/546-572 dated 14.07.2016 or onward.</p> <p>i. Not obtained consent to establish (CTE) and consent to operate (CTO) previously and applied afresh but having installed required pollution control devices and complying with prescribed discharge standards.</p> <p>ii. Not obtained CTE and CTO previously and applied afresh but not having installed required pollution control devices and not complied prescribed discharge standards.</p>	<ul style="list-style-type: none"> • Prosecution action under relevant acts for past violation and the application to be processed as per existing policy and 300% additional prescribed consent fees will be charged. • Specific condition will be imposed in CTO of the unit that CTO so granted is without prejudice to the action taken for prosecution in respect of past violation committed by the unit • Application will be rejected after following the due procedure followed by closure & prosecution action under relevant acts for past violation and non compliance. • Legal samples of effluent/air emissions/noise as the case may be, are required to be collected before rejection of application and taking of legal action. 	<ul style="list-style-type: none"> • No ex-post facto CTE will be given in such cases of past violation. • Before deciding the application of the unit, inspection may be carried out as per procedure mentioned in order dated 26.02.2018 and revised vide order dated 04.12.2020. • Prosecution action may not be taken against green category of non polluting units having no polluting process and not generating any trade effluent or having no source of air emissions except DG sets which are found established and operating without CTE and CTO. However, the cases of CTO and suspension of closure orders, if closure action stands taken, of this type of units, may be considered after taking closure action against the these type of defaulting

Sr. No.	Type of case	Procedure	Remark
			units by following the rest of the provision of the procedure issued vide order dated 26.02.2018 and revised vide order dated 04.12.2020 and other policies applicable for such type of matter.
2.	<p>Projects/units covered under consent management after re-categorization of industrial sectors/projects under consent management vide order endst. No. HSPCB/PLG-135/2016/546-572 dated 14.07.2016 or onward.</p> <p>i. Existing before 14.07.2016 but covered under consent management after 14.07.2016 or onward, having installed required pollution control devices and complying with prescribed discharge standards.</p> <p>ii. Existing before 14.07.2016 but covered under consent management after 14.07.2016 or onward not having installed required pollution control devices and not complied prescribed discharge standards.</p> <p>iii. Established after coverage under consent management on 14.07.2016 or onward and operating & applied for first time and having installed required pollution control devices and complying with prescribed discharge standards.</p> <p>iv. Established after coverage under consent management on 14.07.2016 or onward and operating & applied for first time but not having installed required pollution control devices and not complied prescribed discharge standards.</p>	<ul style="list-style-type: none"> • Prescribed performance security to be deposited by such units alongwith undertaking that they will apply for renewal of CTO in future before due date and 300% additional consent fee will be charged. • Performance security will be forfeited in case such units fails to apply for renewal of CTO for next years before due date and to comply with the prescribed standards for discharge of pollutants during the consent period. • Application to be rejected after following due procedure and Prosecution & closure action under relevant acts for non compliance to be taken. • Legal samples of effluent/air emissions/noise as the case may be, are required to be collected before rejection of application and taking of legal action. • Prosecution action under relevant acts for past violation to be taken and the application to be processed as per existing policy and 300% additional prescribed consent fees will be charged. Legal sample(s) of effluent/air emissions/noise levels to be collected for processing the application. • Application to be rejected after following due procedure and closure and prosecution action under relevant acts for past violation and for non compliance to be taken. • Legal samples of effluent/air emissions/noise as the case may be, are required to be collected before rejection of application and for initiating legal action. 	<ul style="list-style-type: none"> • No ex-post facto CTE will be given in such cases of past violation. • Before deciding the application of the unit, inspection may be carried out as per procedure mentioned in order dated 26.02.2018 and revised vide order dated 04.12.2020. • Prosecution action may not be taken against green category of non polluting units having no polluting process and not generating any trade effluent or having no source of air emissions except DG sets which are found established and operating without CTE and CTO. However, the cases of CTO and suspension of closure orders, if closure action stands taken, of this type of units, may be considered after taking closure action against the these type of defaulting units by following the rest of the provision of the procedure issued vide order dated 26.02.2018 and revised vide order dated 04.12.2020 and other policies applicable for such type of matter.

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Therefore, in view of above decisions and in partial modification of this office orders endst. Nos. HSPCB/2009/8853-75 dated 12.10.2009, HSPCB/PLG-22/3365-88 dated 01.03.2012, HSPCB/PLG-74/652-671 dated 03.05.2012, HSPCB/PLG-22/784-802 dated 11.05.2012, HSPCB/PLG/2014/10058-79 dated 11.02.2014, HSPCB/PLG/2019/5520-43 dated 25.02.2019, HSPCB/PLG/2014/10797-10814 dated 28.08.2014, HSPCB/PLG-142/2016/5371-5395 dated 24.02.2016, HSPCB/2018/517-546 dated 26.02.2018, and No. HSPCB/PLG/2020/1767-1797 dated 04.12.2020, it is hereby ordered to comply with the procedure prescribed on pre-pages and above for processing the cases for grant of permission for fresh sampling and taking closure and legal action against the defaulting units including the procedure for dealing with the applications for consent to operate (CTO) submitted by the non applicant units for the first time to the Board and action to be taken against such units, under Water Act, 1974 and Air Act, 1981 in true letter and spirit with immediate effect falling which disciplinary action will be taken against the defaulting Officers.

Dated Panchkula,
10th December, 2020

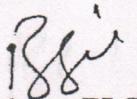
Ashok Kheterpal
Chairman

Endst. No. HSPCB/PLG/2020/1820-1847

Dated: 10/12/20

A copy of the above is forwarded to the following for information and necessary action:-

1. All Branch Incharges in Head Office.
2. All Regional Officer, in the field.
3. PS to Chairman.
4. PA to Member Secretary.
5. Branch Incharge-IT Cell for uploading the order on the website of the Board.


Sr. Env. Engineer (PLG)
For Chairman
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