# HARYANA STATE POLLUTION CONTROL BOARD



# **AGENDA**

For the

182 meeting of the Board

to be held on 15-10-2018 at 11 30 AM

**PANCHKULA** 

# HARYANA STATE POLLUTION CONTROL BOARD C-11, SECTOR 6, PANCHKULA. Ph. No. 0172-2577870-873

No. HSPCB/Estt./2018/EG-36/ 6195-621)

Dated: 11/10/2018

To

- The Chairman, Haryana State Pollution Control Board, Panchkula.
- The Director, Environment & Climate Change Department, Haryana, SCO No. 1-3, Sector 17-D, Chandigarh.
- The Director General, Urban Local Bodies Department, Haryana, Bays No. 11-14, Sector-4, Panchkula.
- The Principal Chief Conservator of Forests, Haryana, Panchkula.
- The Transport Commissioner, Haryana, 30-Bays Building, Chandigarh.
- The Engineer-in-Chief, Haryana, Public Health Engineering Department, Haryana, Panchkula.
- The Director Technical, (V.K. Seth.): 93/5/16 4605 )
   Haryana Powers Generation Corporation Limited (HPGCL), Panchkula.
- The Chief Engineer or any other technical officer equivalent of the rank of Chief Engineer of Haryana State Industrial Infrastructure Development Corporation (HSIIDC), Panchkula.
- Smt. Renu Bala Gupta, Mayor, Municipal Corporation, Karnal # 39-40, Chaudhary House Colony, Karnal.
- Shri Sanjay Kumar, Chairman, Municipal Council, Charkhi Dadri, Ward No. 7, Railway Road, Charkhi Dadri.
- Shri Gurdayal Sunheri, Chairman, Zila Parishad, Kurukshetra.
   VPO Sunheri Khalsa, District Kurukshetra.

Contd...Page 2.

- Shri Kalyan Chauhan, Chairman, Zila Parishad, Gurugram, VPO Wazirpur, District Gurugram.
- Shri Pushpinder Kumar, MC, Ward No. 8, Municipal Corporation, Ambala. #706, Durga Nagar, Ambala City.
- Shri Satish Singhal, Singhal Industrial Screws Pvt. Ltd. Near Oil Mill, Link Road, Faridabad Old.
- Shri Dinesh Arora,
   Plot No. 55-56, Industrial Estate, Phase-I,
   Panchkula.
- Professor Narsi R. Bishnol, Department of Environmental Sciences & Engineering, Guru Jambheshwar University of Science and Technology, Hisar.
- The Member Secretary, Haryana State Pollution Control Board, Panchkula.

Subject: 182<sup>nd</sup> meeting of the Haryana State Pollution Control Board to be held on 15.10.2018 at 11.30 A.M.

Kindly refer to this office letter No. HSPCB/Estt./2018/EG-35/9438-9454

dated 28.09.2018 on the subject cited above.

Please find enclosed herewith the Agenda Notes for the 182<sup>nd</sup> meeting of the Board to be held on 15.10.2018 at 11.30 A.M. under the Chairmanship of Sh. Ashok Kheterpal, Chairman of the Board in the Conference Room of the Haryana State Pollution Control Board, C-11, Sector-6, Panchkula.

It is also intimated that the Haryana State Pollution Control Board is a statutory Board and its members have been nominated either by name or designation. It is, therefore, requested that their substitute may not be sent.

DAJAs above.

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Endst. No. HSPCB/Estt/2018/EG-36/ 62-12

Dated: ///10/20/8

A copy of the above is forwarded to the Additional Chief Secretary to Government of Haryana; Environment & Climate Change Department, Chandigarh for information with reference to this office letter Endst. No. HSPCB/Estt./2018/EG-36/9455 dated 28.09.2018.

MEMBER SECRETARY



# HARYANA STATE POLLUTION CONTROL BOARD C-11, SECTOR 6, PANCHKULA. Ph. No. 0172-2577870-873

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Agenda items for the 182<sup>nd</sup> meeting of the Board to be held on 15.10.2018 at 11.30 A.M. under the Chairmanship of Sh. Ashok Kheterpal, Chairman of the Board in the Conference Room of the Haryana State Pollution Control Board, C-11, Sector-6, Panchkula are as under:

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No.	Confirmation of the Minutes of the 181 <sup>st</sup> meeting of	1/1/1 - 1/4/4
82.1	the Heaves Chata Divinition Control Dostg.	2/1/5 - 2/2/6
82.2	Action taken on the minutes of the 181 <sup>st</sup> meeting of the Haryana State Pollution Control Board held on 08.08.2018.	
82.3	Promotion for the post of Senior Scientist.	3/1/7 - 3/5/11
182.4	Grant of relaxation in experience for promotion to the post of Scientist 'C' from the post of Scientist - 'B'	4/1/12
182.5	Ex-Post-Facto approval of Rs. 1.0 Crore regarding contribution of CM Relief Fund of Government of Haryana released by Haryana State Pollution	5/1/13
182.6	Estt. Group A Regarding Promotion to the post of	
182.7	Regarding the decision for streamlining the authorization under Bio-Medical Waste Management Bules and CTE/CTO for Health Care Facilities.	The second secon
182.8	Appointment of 2 Software Developers from Haryana Knowledge centre Ltd. Through Haryana State Electronics Development Corporation Ltd.	
182.9	Panchkula.  Exemption from additional consent fees (late fees) for obtaining consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 for the residential building projects falling under the provisions of EIA matification no. S.O. 3999 (E)	
182.10	dated 09.02.2016.  Annual Action Plan of the Board for the year 2018- 19 for consideration and Ex-post approval.	10/1/108 - 10/25/132

Confirmation of the Minutes of the 181th meeting of the Haryana State Pollution Control Board.

The minutes of the 181th meeting were circulated to all the Members of the Board vide this office Memo No. HSPCB/Estt./2018/EG-36/5312-5325 dated 09.08.2018 (copy of the same enclosed).

No observations from any Member have been received. The Board may confirm the Minutes of the 181<sup>th</sup> Meeting.

Minutes of 181st meeting of the Haryana State Pollution Control Board, Panchkula, held at 2.30 P.M. on 08.08.2018 under the Chairmanship of Sh. Ashok Kheterpal, Chairman, Haryana State Pollution Control Board, Panchkula.

The 181st meeting of the Haryana State Pollution Control Board was convened at 2.30 P.M. on 08.08.2018 in its Conference Room under the Chairmanship of Sh. Ashok Khelarpal, Chairman, HSPCB. The list of participants is at Annexure-I. Leave of absence was granted to the Members who could not attend the meeting. The Member Secretary of the Board welcomed all the participants and presented the agenda items before the Board. A detailed discussion was held on all the agenda items and the minutes of the meeting are presented as below.

Agenda Item No. 181.1

Confirmation of the minutes of 180th meeting of the Haryana State Pollution Control Board.

Minutes of 180th meeting were confirmed.

Agenda Item No. 181.2

Action taken on the minutes of the 180th meeting of the Haryana State Pollution Control Board held on 08.06.2018.

The Board members were apprised of the action taken on the decisions taken in the 180th meeting and the same were noted.

Agenda Item No. 181,3

Estt. Sh. Chand Saini, Senior Environmental Engineer-II (HQ) - Retention In service beyond the age of 55 years.

The proposal contained in Agenda Note was approved.

Agenda Item No. 181,4

Appeal filed under Appendix C of regulation 14 (1), Haryana State Pollution Control Board (Group A, B, C & D) Service Regulations, 2004 against the decision of Chairman Haryana State Pollution Control Board vide order Endst. No. HSPCB/Estt./2018/3859-60 dated 23,04,2018 of Sh. Vikas Hooda, JEE.

The Agenda Note was discussed elaborately and thereafter the decision of the Chairman of Board was upheld.

Agenda Item No. 181.5

Regarding approved fuel notification.

The proposal contained in Agenda Note was approved.

Agenda Item No. 181.6

Directions for mandatory use of Super Straw Management System (SSMS) with combine harvesters for harvesting paddy crop.

The proposal contained in Agenda Note was approved.

Agenda Item No. 181.7

Amendment in the procedure for processing of the applications of the traders desirous of import of other wastes, on behalf of actual users, mentioned in Part-D of Schedule-II for one time authorization under Rule 13 of HOWM Rules, 2016,

The proposal contained in Agenda Note was approved.

Agenda Item No. 181.8

Exemption of the fee for obtaining consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 for the projects/units covered under Haryana Bio-energy Policy 2018.

The proposal contained in Agenda Note was approved.

Agenda item No. 181.9 (S)

Instaliation of 19 CAAQM in different districts of Haryana i.e. Panipat, Sonipat, Rewari (Dharuhera), Bahadurgarh, Kalthai, Karnai, Yamuna Nagar, Gurugram (Manesar), Faridabad (Sec- 55 & 56), Ambala, Bhiwani, Fatehabad, Hisar, Jind, Kurukshetra, Mahendergarh, Mewat, Palwai and Sirsa.

The above agenda item was noted by the Board of Directors.

Agenda Item No. 181.10 (S)

Installation of 22 Manual Ambient Air Quality Monitoring Stations in different Districts of Haryana i.e. Mahendergarh, Bhiwani, Mewat, Rohtak, Sonipat, Rewari, Jhajjar, Panipat, Palwal, Jind and Karnai.

The proposal contained in Agenda Note was approved.

Agenda Rem No. 181,11 (S)

Shifting of Panchkula Laboratory and Panchkula Regional Office in SCO-115 & 116, Sector-25, Panchkula.

The proposal contained in Agenda Note was approved.

# LIST OF PARTICIPANTS

- Sh. Ashok Kheterpal, Chairman, Heryana State Pollution Control Board, Panchkula.
- Dr. A.K. Hoods, IFS, Principal Chief Conservator of Forests, Forest Department, Haryana, Panchkula.
- Sh. T.L. Setyeprakesh, IAS, Managing Director, Haryana State industrial & Infrastructure Dev. Corpm. Ltd., Panchkula.
- Sh. Manpal Singh, Engineer-in-Chief, Public Health Engineering Department, Haryana, Panchkula.
- Sh. S. Narayanan, IFS, Member Secretary, Haryana State Pollution Control Board, Panchkula.

Action taken on the Minutes of the 181st meeting of the Haryana State Pollution Control Board held on 08.08.2018.

The action taken report on the minutes of 181st meeting of the Board held on 08.08.2018 is as under:-

Agenda Item No. 181.1

Confirmation of Minutes of 180th meeting of the Haryana State Pollution Control Board, Minutes of 180th meeting were confirmed.

Agenda Item No. 181.2

Action taken on the Minutes of 180<sup>th</sup> meeting of the Haryana State Pollution Control Board held on 08.06.2018. Board members were apprised of the action taken regarding the decisions of the 180th meeting and the same were noted.

Agenda Item No. 181.3

Estt. Sh. Chand Salni, Senior Environmental Engineer-II (HQ) – Retention in service beyond the age of 55 years. No action is required to be taken.

Agenda Item No. 181.4

Appeal filed under Appendix C of regulation 14 (1), Haryana State Pollution Control Board (Group A, B, C & D) Service Regulations, 2004 against the decision of Chairman Haryana State Pollution Control Board vide order Endst. No. HSPCB/Estt./2018/3859-80 dated 23.04.2018 of Sh. Vikas Hooda, JEE.

Sh. Vikas Hooda, JEE, Regional Office, HSPCB, Hisar has been intimated vide this office letter no. HSPCB/Estt./2018/9394, dated24.09.2018.

Agenda Item No. 181.5

Regarding approved fuel notification.

No action is required to be taken.

Agenda Item No. 181.6

Directions for mandatory use of Super Straw Management System (SSMS) with combine harvesters for harvesting paddy crop. Direction issued vide letter no. 1790-1827, dated 16.08.2018.

Agenda Item No. 181.7

Amendment in the procedure for processing of the applications of the traders desirous of import of other wastes, on behalf of actual users, mentioned in Part-D of Schedula-II for one time authorization under Rule 13 of HOWW Rules, 2016. No action is required to be taken.

Agenda Item No. 181.8

Exemption of the fee for obtaining consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 for the projects/units covered under Haryana Bio-energy Policy 2018. Notification has been issued vide no. 5056/C.A.6/1974/S.64/2018, dated 27.08.2018, and no. 5055/CA14/1981/S.54/2018, dated 27.08.2018 Water and Air Rules, (Amended) 2018.

Agenda Item No. 181.9 (S)

Installation of 19 CAAQM in different districts of Haryana i.e. Panipat, Sonipat, Rewari (Dharuhera), Bahadurgarh, Kaithal, Karnai, Yamuna Nagar, Gurugram (Manesar), Faridabad (Sec-55 & 56), Ambala, Bhiwani, Fatehabad, Hisar, Jind, Kurukshetra, Mahendergarh, Mewat, Palwal and Sirsa.

Letter of award has been issued. Letter of credit has also been opened for installation of 19 CAAQMS station.

Agenda Item No. 181.10 (S)

Installation of 22 Manual Ambient Air Quality Monitoring Stations in different Districts of Haryana i.e. Mahendergarh, Bhiwani, Mewat, Rohtak, Sonipat, Rewari, Jhajjar, Panipat, Palwal, Jind and Karnal.

Tender has been floated on date 13.08.2018. Technical bid is also opened on date 14.09.2018.

Agenda Item No. 181.11 (S)

Shifting of Panchkula Laboratory and Panchkula Regional Office in SCO-115 & 116, Sector-25, Panchkula.

Regional Office, Panchkula & Laboratory has been shifted.

## Promotion for post of Senior Scientist.

The Govt. Vide memo No. 2/24/2010-1Env, Dated 06.06.2017 (Annexure-1) has sanctioned 01 post of Senior Scientist in pay scale of Rs. 37400-67000+8700 GP in the Board and prescribed the following mode of recruitment, Qualification and Experience for the post:-

Mode of Recruitment :-

"By Promotion"

Prescribed Experience:-

Qualification and

"7 years experience in the Board as Scientist 'C" or total 14 years experience as Scientist 'C' & Scientist 'B' subject to the condition that the candidate possess post Graduate Degree in Science."

Degree in Science\*

The service regulations of the employees of the Board were notified in October 2004 and at that time the post of Senior Scientist was not existing as the post has been sanctioned in June 2017.

It is pertinent to mention here that the Government has sanctioned the posts, approved the mode of recruitment along with pay scale and has prescribed the qualification and experience, but has not provided about competent authority for the purpose of promotion to the post of Senior Scientist.

In that eventuality we have to look at the rules which provides in sub rule 3 of rule 5 of Haryana (Water Prevention and Control of Pollution) Rules, 1978.

> "Subject to rules, if any, made under sub-section (3) of section 12, the Chairman shall have full powers in the matters of appointment, promotion, confirmation, transfer and termination of services of the officers and employees of the Board, except in the case of the officers and employees the maximum stage of whose pay-scale exceeds[Rs.2,600/-] for officers whose maximum stage of exceeds [Rs2,600/-] all such powers shall vest in the Board."

A bare perusal of the above rule reveals that the Board is fully competent in the matters of appointment, promotion, confirmation, transfer and termination of services of the officers whose pay-scale are exceeding Rs.2,600/- subject to rules made if any under sub section 3 of section 12 of the act.

Contd....P/2

Now, what is important for consideration to search whether any rules under subsection 3 of section 12 of the act have been made by the Govt, regarding the promotion to the post of Senior Scientist. The answer is negative and so keeping in view of the answer of the question and facts that Govt has already approved the mode of recruitment, pay-scale, qualification and experience, it is crystal clear that Board is fully competent to promote to the post of Senior Scientist.

On the basis of existing criteria prescribed by the Government vide letter dated 06.06.2017, Sh. Dinesh Kumar, Scientist 'C' and Dr. P.K.M.K. Das, Scientist 'C' were promoted to the post of Senior Scientist with prior approval from the Board of Directors.

After the retirement of Dr. P.K.M.K. Das, on 30.09.2018, the post of Senior Scientist has become vacant, which is yet to be filled up by promotion among seniormost officers of the cadre in the interest of Board's work.

Now, Sh. Rajesh Kumar Garhia, Scientist-C is senior most of officer in the cadre. He was appointed as Scientist 'B' on 01.07.1997 in the Board. He is B.Sc., M.Sc. & Ph. D. He was promoted as Scientist 'C' on 14.06.2013. He fulfills the eligibility criteria prescribed by the Government as well as approved by the Board. The last 10 years ACR record of the officer is as under:-

- Very Good-6
- ii) Good-4

No disciplinary proceedings is pending or contemplated or vigilance enquiry is pending against the officer.

The proposed promotion to the post of Senior Scientist from the post of Scientist 'C' is one cadre to another. Hence, there is no need of Departmental Promotion Committee.

Sh. Rajesh Kumar Garhia, Scientist 'C' fulfills the eligibility critariea for promotion to the post of Senior Scientist in the Functional Pay Level-14 as per Seventh Pay Package (Rs. 1,18,500/-).

Keeping in view of the above mention facts that the board is competent to promote Sh. Rajesh Kumar Garhia to the post of Senior Scientist.

Submitted for consideration and approval please.

The Additional Chief Secretary to Court. Horyana. Environment Department

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Haryana State Poliution Control Board . C-11. Secure-6. Panchicula

Memo No. 2 24/2010-1Env. Dated - 6\_6- 2017

Subjects-

Proceedings of the meeting of Standing Committee on Public Enterpreheld on 17.94,2017 at 10.00AM.

Reference your fetter No. HSPCB/Ess. 2016 (0217 dated 20.12 2016 on "

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Cost, accords approval to create the nationing adamoral Posts:

Nr. Nu.	Name of Post	Pay Scale	No. of Posts	Mode of Recruitment	Prescribed Qualification & Experience
,	Senior Environmental Engineer	374(K)-67000+ 8700 GP	2	By Promotion.	Pyears experience in the Board as Environmental Engineer or total 14 years experience as Environmental Engineer Assistant Environmental Engineer to the constitution that the constitution prosesses Degree at Engineering.
7	Senior Scientist	37400-67000- 8700GP	1	By promotion	Science.  Board as Scientist Control of Sciences Condition that the candidate possesses Per Graduate Degree Science.
1000	Favironmen.3 Engineer	159/x1-39100 nonoGP	5	As p existing Service Run of the Houry	
-4	Scientist C	15A00-39100	- 01	-Do-	I-Do-
19.	Assessment invironment	1.7,41.74800	- in	-[]	-De-
	+ ngineer - hesemist 18		· 14		- (A)

Junior	9300-34800-	2	-Do-	-Do-
Environmental Engineer	4000 GP			
Law Officer	9300-34800+ 5400 GP		By promotion or by transfer or deputation	Should have worked the least for 5 years in the Dourd its Assistant Law officer.  OR  On department from Prosecution Department from the coder of Department District Attorney
Administrative	9300-34800-	11	Hy selection	Superimendent Private
Officer	5400GP		or by transfer or deputation	correspy with 3 years experience having qualification atleast graduate OR.  (an deputation from 7 cadre of that; a Secretariat Service equivalent to Superintendent with 3 years experience.
Development Team Leader	15600-39100+ 5600CP	1	By premotion or by transfer or deputation	
Software Developes	√ън-34 <b>800+</b> 5419€ДР		By direct recruitment of by promotion or of deputation	-1%-
Junior Software Developer	9300-34800+ 4/00 GP	2	by promotion or or deputation	1
Accounts Officer	9300-34800+ 5400GP		By promotion or of deputation from Financi Department.	1
Private Secretary	93(st-34800+ 43(st/GP	1	As per existing Service Rule of the Board	
Deputy Superintender	4300-34800- m 4000 (TP	1	By Pasenotic	Accountant/Assistant A- stant (Computer) in the Board.

TELECTER PROPERTY OF THE PROPE

16	Senior Scientific Assistant	9300-34800+ 4000GP	13	As per existing Service Rules of the Board.	As per Rules of		
17.	Junior Scientific Assistant	9300-34800+ 3600GP	+	-Do-	-Do-		
18.	Assistant	9300-34800- MOOGP	13	-Do-	-Do-	-	
- 4	Lab Amendian	5200-20200+ 1900GP	b	-Do-	-Du-		
		l'otal	71				_

- There is only one post of Computer Operator in the Board which is equivalent to
  a selant. Therefore in is approved to re-designate the past of Champuter Operator as Ast snaputer).
- 4. Approval is further accorded that the Board may engage Legal Assistants on contract basis in accordance with the State Outsourcing Policy as per need based requirement subject maximum of 48 numbers.

The following existing posts in the Hoard may also be placed in diminishing endre-

Sr. No.	Name of Post	No. of Posts
1	Registrar	nu. of Posts
:	Statistical Assistant	
3.	Steno-typist	
4.	199.	
	Listai	15

 This issues with the concurrence of Haryana Bureau of Public Enterprises. Finan. Department conveyed vide their U.O. No. 20/3/2017/Acctt./HBPE (FD) dated 03.05.2017

> Superintendent, Environment for Additional Chief Secretary to Govt. Haryana, Environment Department

Endst. No. 2/24/2010-1Env

Dated -

A copy is torwarded to Sr. Research Officer, Haryana Bureau of the particles, Finance Expansion for information w.r.t. their U.O. No. 20/3/2017/Acett/Hitly. J.O. dated 03.05.2017

Superintendent Environment, for Additional Chief Secretary to Govt. Haryana, Environment Department Agenda Item No. 182, 4

Grant of relaxation in experience for promotion to the post of Scientist-C from the post of Scientist-B.

Smt. Meeta Sarin, Scientist-B, was initially appointed to the post of Senior Scientific Assistant by way of direct recruitment under exgratia scheme in April 2001. Thereafter she was promoted to the post of Scientist 'B' on 22.05.2012. As such she has acquired an experience of 6 years 4 months on the post of Scientist 'B'. Her qualification is M. Sc. acquired from Rajasthan University, Jaipur (Rajasthan). She has requested to promote her to the post of Scientist 'C' after giving relaxation in experience.

At present, there are 07 sanctioned posts of Scientist 'C' in the Haryana State Pollution Control Board. Out of these, 05 posts (@75% ratio) are under promotional quota and 02 posts (@ 25% ratio) are under direct recruitment quota. The following are the detail of filled up and vacant posts under promotion quota:-

Total posts meant for promotion quota = 05 Filled up = 02 Vacant = 03

The vacant posts of Scientist "C" meant for promotion quota required to be filled in the interest of Board's work. The Haryana State Pollution Control Board (Group A, B, C & D) Service Regulations, 2004 provides the following criteria of experience and qualifications for promotion to the post of Scientist 'C' and powers to relax any of the provisions in these regulations:-

# Academic Qualifications & Experience for the post of Scientist "C" By Promotion:

At least 8 years' service of the Board as Scientist B having minimum M.Sc. qualification.

### · Powers of relaxation :-

Rule-17 of Haryana State Pollution Control Board (Group A, B, C & D) Service Regulation, 2004 prescribed the following power of relaxation of the provisions of these regulations:-

"Where the Board is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these regulations with respect of any class or category of persons with the approval of Govt."

As per record, Smt. Meeta Sarin acquired the experience of 6 years & 4 months in the Board as Scientist-B against the mandatory requirement of 08 years experience as prescribed in the service regulation of the Board, for which relaxation of 1 year & 8 months is required. She is having M.Sc qualification. As per record, no disciplinary action and contemplated proceedings are pending against her.

Since, the Board is competent to take a view to relax the experience criteria as per provision prescribed under Rule-17 of Service Regulations, 2004, hence, before sending the case to Government, the case of Smt. Meeta Sarin, Scientist 'B' for grant of relaxation in experience of 1 year & 8 months is being placed before the Board of Directors for approval, so that case may be sent to the Government for further approval please.

Submitted for consideration and approval please.

Agenda Item No. 182, 5

5/1/13

Ex-post-facto approval of Rs. 1.0 crore regarding contribution of CM Relief Fund of Government of Haryana released by Haryana State Pollution Control Board as a contribution to Kerala victims.

The State of Haryana has proposed to contribute towards the CM Relief Fund of Kerala for rehabilitation of the flood victims of the State which has experienced an unprecedented flood disaster in the recent past. This matter was discussed by the officials of Hon'ble Chief Minister and the Government of Haryana with the Board officials to consider the contribution of a reasonable amount from the Board to Haryana CM Relief Fund. It was lerant that all the Boards/Corporations of the State of Haryana also contributed to the Haryana CM Relief Fund.

In this regard, the Haryana State Pollution Control Board has also considered the contribution of Rupees One Crore, which has already been released vide Cheque No. 455761 dated 23.08.2018 to CM Relief Fund of Haryana towards flood victims of State of Kerala for further contribution.

As per the delegation of financial powers vested at sr. no. 22 of resolution no. 174.4, the Chairman of the Board does have full power for sanction of the amount under contribution and subscription head. However, it has been felt necessary to inform the Board of Directors about such contribution.

In view of above, the matter is palced before Board of Directors for information and ex-post-facto approval please. Estt. Group A- Regarding promotion to the post of Senior Environmental Engineer.

After creation of two posts of Senior Environmental Engineers in the Board, the case for promotion of Sh. S.P. Rathi, Environmental Engineer and Sh. Chand Saini, Environmental Engineer (both already designated as Senior Environmental Engineer) was placed before the Board of Directors in its 178th meeting held on 30.01.2018 vide Resolution No. 178.27(S). The Board had approved the proposal of promotion of both the officers subject to approval of the Govt., because the qualification criteria fixed by the Govt. while creating the above mentioned post for promotion was/is not mentioned in the service regulations of the Board and amendment therein was/is in process. Also, both the officers in question does have the qualification of AMIE, which is equivalent to degree in Engineering but the mandate for consideration of AMIE qualification equivalent to degree in Engineering lie with the Govt.

According to the approval of Board of Directors, the matter was referred by this office vide letter No. 3172 dated 05.02.2018 (at Annexure-1) to the Govt, for seeking necessary approval. The Govt. vide Memo No. 2/34/2010-1Env. Dated 28.08.2018 (at Annexure-2) accorded the approval for promotion of both the officers.

Consequent upon the necessary approval from the Govt, vide memo dated 28.08.2018, both the officers named Sh. Satpal Singh Rathl and Sh. Chand Saini, Environmental Engineers (already designated as Senior Environmental Engineer), have been promoted to the post of Senior Environmental Engineer with immediate effect in the Functional Pay Level - 14 as per 7th pay package (Rs. 1,18,500/-) against vacant post vide order endst. No. 5614-5647 dated 29.08.2018 (at Annexure-3).

It is worthwhile to mention here that the Chairman of the Board has already been authorized vide resolution No. 144.7 for taking decision in the matter of promotion etc. of Class-I officers of the Board subject to the condition that the decision so taken in respect of Class-I officers by the Chairman shall be informed to the Board of Directors in ensuing meeting.

In view of the facts stated above, the agenda in this regard is also placed before the Board of Directors for their information please.

# HARYANA STATE POLLUTION CONTROL BOARD C-11, SECTOR 6, PANCHKULA.

Ph. No. 0172-2577870-873

No. HSPCB/Estt/2018/31千点

The Additional Chief Secretary to Govt. of Haryana, Environment Department, Chandigarh.

Subject:

Estt. Group-A - Regarding Promotion to the post of Senior Environmental Engineers.

Kindly refer to the subject noted above.

In this connection, it is intimated that the Government of Haryana vide Memo No. 2/24/2010-1Env. Dated 06.06.2017 accorded approval to create two posts of Senior Environmental Engineers in the pay scale of Rs. 37400-67000+8700 GP (copy enclosed as Annexure-A) as under

\$r. No.	Name of Post	Pay Scale (Rs.)	No. of Recruitment	Mode of Recruitment	Prescribed Qualification & Experience
1.	Senior Environmental Engineer	37400- 67000+8700 GP	2	By promotion	7 years experience in the Board at Environmental Engineer Or Total 14 years experience at Environmental Engineer & Assistant Environmental Engineer subject to the condition that the candidate postatetees Decrease in Environmental

As per the seniority list of the Environmental Engineers of the Board Sh. Satpal Singh Rathi and Sh. Chand Saini are at Sr. No. 1 and 2. They possess AMIE Qualification in Civil Engineering passed from the Institution of Engineers (India) Calcutta. Both the officers were promoted from the post of Assistant Environmental Engineer to Environmental Engineer on 12.05.2000 and 03.10.2002 with the approval of Government by considering their AMIE qualification equivalent to Degree in Engineering. They were designated as Senior Environmental Engineers on 27,06,2012 in their own pay scale as per the approval of the Board granted vide agenda item No. 164,13 (S), as at that time the post of Senior Environmental Engineer was not sanctioned by the Government. They are performing duties of Senior Environmental Engineers, since 27.06.2012 in their own pay scale.

The Government has sanctioned the two poets of Senior Environmental Engineers vide Memo No. 2/24/2010-1Env. Dated 06.06.2017 as mentioned above. Hence their case of promotion to the post of Senior Environmental Engineers was placed before the Board in its 178th meeting held on 30.01.2018 vide agenda item no. 178.27 (S), copies of agenda item and minutes are enclosed as Annexure-B. The Board agreed with proposal of promotion of the above officers to the post of Senior Environmental Engineers but desired that approval of the Government may be obtained considering the AMIE qualification equivalent to Degree in Engineering for the purpose of promotion as ordered by Hon'ble Court in CWP No. 1640 of 2008 (O & M) vide judgment dated 06.11.2012 which has been upheld by the Supreme Court in Chill Appeal Nos. 17869-17870/2017, the relevant portion of above orders is enclosed as Annexure-C.

In view of above it is requested to accord approval to promote Sh. Satpal Singh Rathi EE and Sh. Chand Saini EE (already designated Senior Environmental Engineers) to the post of Senior Environmental Engineers in the pay scale of Rs. 37400-67000+8700 GP against the vacant sanctioned posts, accorded by Government vide No. 2/24/2010-1Env. Dated 06.06.2017, DAJAs above.

> uperintendent (Estt.) for Chairman

29/8/18

From

The Additional Chief Secretary to Govt. Haryana, Environment Department.

Daylor To

The Chairman,

Haryana State Pollution Control Board,

C-11, Sector-6, Panchkula.

Memo No. 2/34/2010 - 1Env. Dated: 26- 8- 2018

Subject:-

Estt. Group-A- Regarding Promotion to the post of Senior Environmental Engineers.

Reference your letter No. HSPCB/Estt./2018/3172 dated 05.02.2018 on the subject noted above.

 Government accords approval for promotion of Sh. Satpai Singh Rathi, Environmental Engineer and Sh. Chand Saini, Environmental Engineer (already designated Senior Environmental Engineer) to the post of Senior Environmental Engineers in the pay scale of RS. 37400-67000+8700 GP against the vacant senctioned posts accorded by Government vide no. 2/24/2010-1 Env. 06.06.2017.

> Superintendent Environment, for Additional Chief Secretary to Govt. Haryana, Environment Department.



# HARYANA STATE POLLUTION CONTROL BOARD C-11, SECTOR 6, PANCHKULA.

Ph. No. 0172-2577870-873

#### OFFICE ORDER

Consevent upon the approval accorded by the Government vide memo no. 2/34/2010-1Env. dated 28.08.2018, Sh. Satpal Singh Rathi and Sh. Chand Saini, Environmental Engineers (already designated as Senior Environmental Engineers) are hereby promoted to the post of Senior Environmental Engineers in the Functional Pay Level-14 as per Seventh Pay Package (Rs. 1,18,500/-) against vacant posts with immediate effect subject to the following conditions:-

- They will remain on probation for a period of one year from the date of their joinings as Senior Environmental Engineers.
- The above promotions are without prejudice to the right of others, who are otherwise senior to them.

Dated Panchkula, the 29th August, 2018.

Ashok Kheterpal Chairman

Endst. No. HSPCB/Estt./2018/ 5614-5647 Dated: 29-08-2018

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

- The Additional Chief Secretary to Government Haryana, Environment & Climate Change Department, Chandigarh.
- Sh. Satpal Singh Rathi, Senior Environmental Engineer-I (HQ).
- 3. Sh. Chand Saini, Senior Environmental Engineer-II (HQ).
- The Senior Accounts Officer, HSPCB, Panchkula.
- All Branch Incharges in H.O./ all Regional Officers in Field Offices/ all Laboratory Incharges of HSPCB.
- PS to Chairman / PA to MS for information of the officers.

Superintendent (Estt.) for Chairman

man

Agenda Item No. 182,7

decision Regarding the the authorization streamlining under Bio-Medical Waste Management Rules and CTE/CTO Care for Health Facilities.

The Bedded Health Care Facilities (HCFs) have been covered under Consent Management of Board vide orders 546-572 dated 14.7.2016 and as per categorization of industries, the HCFs have been categorized under Red & Orange Category depending upon quantum of discharge from HCF. The Health Care Facilities need to obtain Consent to Establish /Consent to Operate under Water Act, 1974 & Air Act, 1981 along with Authorization under Bio Medical Waste Management Rules, 2016. Further vide orders No. 4081-4106 dated 19.5.2017, the Health Care Establishments i.e. hospitals/ clinics without indoor facilities and having OPD consultancy have been considered under White category of industries and so such HCFs not required CTE/CTO under Water/Air Acts from the Board.

The Indian Medical Association represented to streamline the procedure for obtaining CTE/CTO under Water / Air Act & Authorization under BMWM Rules, 2016. The Regional Officers also raised issues related with Consent and Authorization application of HCFs in RO Meeting held on 6.9.2018.

The authorization under Bio Medical Waste Management Rules, 2016 to be granted to HCF on merit, without holding such cases for simultaneous or prior grant of CTO under Water Act/ Air Act to the HCF. The period of such authorization to be taken same as consent period for Red and Orange category as prescribed under policy of Board vide order No. 3759-3782 dated 20.10.2015 for Consent Management where in grant Period of 5 and 10 years prescribed for Orange and Red category of units respectively.

The above decisions taken already circulated vide this office letter No. HSPCB/WMC/BMW-126/2018/2139-57 dated 28.9.2018. (Copy enclosed as Annexure-I).

The Agenda is placed before the Board for consideration and Ex-Post Facto approval, please.



# HARYANA STATE POLLUTION CONTROL BOARD C-11, SECTOR-6, PANCHKULA

Website - www.hspcb.gov.in E-Mail:hspcbho@gmail.com Ph:0172-2577870-873

NO.HSPCB/WMC/BMW-126 /2018/ 2/39-57

Dated: 28/9/18

- All the Branch incharges in Head Office.
- All the Regional Officers.

Subject:

Regarding meeting held with the President IMA on 26.7.2018 to discuss the Problem being faced by HCFs.

Please refer to the meeting held with the president IMA on 26.7.2018 and RO meeting held on 6.9.2018 on the subject noted above.

In this connection, it is intimated that the following decisions are taken for streamlining the authorization under Blo Medical Waste Rules and CTE/CTO for Health Care Facilities :-

- The applicable late fee of 300% of applicable CTO Fees should not be charged from the Health Care Facilities which apply before 31st October 2018, considering that the Health Care Facilities under 30 beds covered under Consent Management first time only by the orders dated 10.7,2016.
- It is already decided that the existing units not required the CTE and only 2. need to apply for the CTO along with the desired documents as per the policy of the Board.
- The matter relating to issues of CLU and NOC from ULB Department may be 3. taken up at State Advisory Committee constituted under provisional of Bio-Medical Waste Management Rules, 2016 by the representatives of IMA with appropriate justification.
- Authorized sewerage connection or sewerage carrying bills issued by the Urban Local Bodies or PHED as applicable in the town be accepted as a proof. that the Health Care Facility is having authorized sewer connection to discharge the effluent. As per the Bio Medical Rules 2018 if the HCF having the sewerage connection with terminal treatment facility they need to maintain the general discharge standard for the sewerage only.
- The authorization under BMW Rules, 2016 to be granted to HCF on merit. 5. without holding case for simultaneous or prior grant of CTO under Water Acti Air Act. The period of such authorization to be taken same as consent period for red and orange category as prescribed under policy of Board for consent management. The RO's to take appropriate action as per applicable Environment Laws against HCFs running without consent to operate of the Board.

In view of above, you are requested to follow up the above decisions for deciding the authorization cases under Bio Medical Waste Rules and CTE/CTO for Health Care Facilities.

CCI ) PS to Chairman.

2) PA to M.S.

Env Engineer (MQ) For Chairman

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Agenda: 182,6

Appointment of 2 Software Developers from Haryana Knowledge Centre Ltd. Through Haryana State Electronics Development Corporation Ltd. Panchkula.

The Board is already in process of generating various clearances through online mode. The clearances are being grated through HROCMMS Portal maintained by National Informatics Centre (NIC) Delhi. It had been felt that the administration work should also be done through online mode as there is no provision for maintaining of performance of the officers of the Board in the existing setup.

The development of new modules in Online Consent Management and Monitoring System (OCMMS) i.e. for E-waste, Plastic Waste, Laboratory Module, Central Software for CEMS is being done by NIC Delhi and 02 No. Assistant Programmers deployed by them.

The Board has engaged 02 No. Software Developers through Haryana State Electronics Development Ltd., (HARTRON) as per the policy of the State Government issued vide No. Admn/265/2SIT/2773 dated 06.10.2015 by Principal Secretary to Government Haryana, Electronics and Information Technology Department (copy enclosed) for administration work of the Board, modification the website i.e. hspcb.gov.in from static to dynamic, development of website of the Appellate Authority linking to OCMMS and other IT related works of the Board required from time to time on urgent basis. The expenditure as raised by HARTRON for each Software Developer is as under:

Description		Charges
	n of development team	83450/-
GST@18%		15021/-
Haryana Knowledge (1+2)	Centre Ltd., Charges one month	98471/-
Hartron consultancy	charges @6%	5908/-
GST on consultancy		1064/-
	software developer for one	105443/-

The matter is placed for ex-post facto approval of the board for appointment of 2 software developer @ Rs.105443/- per month for each Software Developer with the Increase of payment in salary mentioned as per Government Policy No.Admn/265/2SIT/2773 dated 6.10.2015 given please.

Exemption from additional consent fees (late fees) for obtaining consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 for the residential building projects falling under the provisions of EIA notification no. S.O. 3999 (E) dated 09.12.2016.

The Government of India, Ministry of Environment, Forest and Climate Change (MoEF &CC) amended the EIA Notification No. S.O. 1533 dated 14.09.2006 vide notification no. S.O. 3999(E) dated 09.12.2016 (Annexure-I) providing the residential building projects upto 1,50,000 sqm. area exemption from obtaining consent to establish (CTE) and consent to operate (CTO) under Water Act, 1974 and Air Act, 1981.

The amended notification no. S.O. 3999(E) dated 09.12.2016 was challenged before the Hon'ble National Green Tribunal in OA No. 677 of 2017 titled Society for Protection of Environment and Biodiversity Vs Union of India & Others and the Hon'ble Tribunal vide its judgment dated 08.12.2017 (Annexure-II) quashed the above said amended provisions regarding exemption of residential building projects, from obtaining consent to establish (CTE) and consent to operate (CTO) under Water Act, 1974 and Air Act, 1981 and issued direction to MoEF&CC to re-examine and amend the notification dated 09.12.2016 and take appropriate steps to delete, amend and rectify the clauses of the said notification in the light of its judgment. The Hon'ble NGT further directed to the MoEF & CC not to implement the said impugned provisions of the above said Notification dated 09.12.2016.

Some of the units having residential building projects which did not apply either for renewal of CTE or for obtaining CTO under Water Act, 1974 and Air Act, 1981 after issue of above notification dated 09.12.2016 wherein their projects were exempted from obtaining CTE and CTO, have represented to the Board that their application for grant of CTO have been rejected by the Regional Officers concerned on the grounds that they have not applied for extension of the CTE or not obtained CTO within the prescribed time period and did not deposit the applicable late fees (additional consent fees) for the same but applied after the decision of Hon'ble NGT in the above said OA No. 677 of 2017 and requested to wave off the late fees and/or to consider their application for grant of CTO without considering the said period as non violation period.

On the same issue the appeals were also filed before the Ld. Appellate Authority (Haryana) constituted under Water Act, 1974 and Air Act, 1981 by the two project proponents i.e. M/s Puri construction Pvt. Ltd., Gurugram and M/s Uptown Condominium Owners Welfare Association Gurugram vide Appeal No. 52 of 2018 and 53 of 2018 respectively against the order of the Board issued for refusal of consent of these units on the grounds of not deposition of late fees and the Appellate Authority in its judgment dated 04.07.2018 (Annexure-III) in both the cases has allowed the appeals.

There are some other units which have not applied for renewal of the CTE/CTO after expiry of validity period of previous CTE/CTO in view of the above said notification dated 09.12.2016 issued by MoEF & CC. As per the information received from Regional Officers, 23 residential building projects have been reported falling under the preview of the provisions of the

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above said notification dated 09.12.2016 out of which 5 units are having valid CTE/CTO whereas 12 units have applied for the CTO, 5 units where CTE already expired has yet not applied whereas 1 unit has been refused the extension of the CTE.

The residential building projects which fall under the provisions of notification no. S.O. 3999(E) dated 09.12.2016, has been given one opportunity through public notice vide this office letter no. 1522-50 dated 24.07.2018 (Annexure-IV) to apply for obtaining the necessary consent to establish or consent to operate under Water Act, 1974 and Air Act, 1981 without late fees (additional consent fees) from this Board, as the case may be, within 30 days from publishing of the notice, failing which such projects will be liable to pay late fees (additional consent fees) thereafter as per policy of the Board or for legal action under the provision of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 in case of failure to apply for CTE/CTO, as the case may be.

The matter is placed before the Board for consideration and Ex-Post Facto approval of the same.

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Control Section Special Agency Study Speciage days

# MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE NOTIFICATION

New Delhi, the 9th December, 2016

S.O. 3999(E).—Whereas, by notification of the Government of India in the enstwhile Ministry of Environment and Forests number S.O.1533 (E), dated the 14\* September, 2006 issued under sub-section (1) read with clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 and clause (d) of the sub-sule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government directed that on and from the date of its publication, the required construction of new projects or activities or the expansion or modernisation of existing projects or activities product mix shall be undertaken in any part of India only after prior environmental clearance from the Central Government or as the case may be, by the Soate Level Environment Impact Assessment Authority, duly constituted by the Central Government ander sub-section (3) of section 3 of the said Act, in accordance with the procedure specified therein;

And whereas, the said Ministry has received suggestions for ensuring Ease of Doing Responsible Business; and streamlining the permissions for buildings and construction sector which is important for providing houses and for this sections in urban area has ambitious target;

And whereas clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 provides that, whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

And whereas, a draft notification for making amendments in the Environment Impact Assessment Notification, 2006 issued in coercise of the powers conferred under sub-section (1) and clause (v) of sub-section (2) of section (3) of Rules, 1986 was published, vide mamber 5.O.1393 (E) dated the 29" April 2016, inviding objections and suggestions from all the persons likely to be affected thereby, within a period of sixty days from the date of publication of said

And whereas, all objections and suggestions received in response to the above mentioned draft sorification have been duly considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with clause (d) of sub-rule (2) of rule 5 of the Environment Interest Assessment Notification, 2006 namely:

In the said Notification,-

- after paragraph 13, the following paragraph shall be inserted, namely:-
- "14. Integration of environmental condition in building bye-laws.
  - (1) The integrated environmental conditions with the building permission being granted by the local authorities and the construction of buildings as per the size shall adhere to the objectives and monitorable environmental conditions as given at Appendix-XIV.
  - (2) The States adopting the objectives and monitorable environmental conditions referred to in sub-paragraph (1), in the building bye-laws and selevant State laws and incorporating these conditions in the approvals given for building construction making it legally enforceable shall not require a separate environmental clearance from the Ministry of Environment, Forest and Glimate Change for individual buildings.
  - (3) The States may forward the proposed changes in their bye-laws and rules to the Ministry of Environment, Porest and Climate Change, who in turn will examine the said draft bye-laws and rules and convey the concurrence to the State Governments.
  - (4) When the State Governments notifies the bye-laws and rules concurred by the Ministry of Environment, Focest and Climate Change, the Central Government may issue an order stating that no separate environmental clearance is required for buildings to be constructed in the States or local authority areas.



- (5) The local authorities like Development Authorities, Municipal Corporations, may certify the compliance of the environmental conditions prior to issuance of Completion Certificate, as applicable as per the requirements stipulated for such buildings based on the recommendation of the Environmental Cell constituted in the local authority.
- (6) The State Governments where bye-laws or rules are not framed may continue to follow the existing procedure of appraisal for individual projects and grant of Environmental Clearance for buildings and constructions as per the provisions laid down in this notification.
- (7) For the purpose of certification regarding incorporation of environmental conditions in buildings, the Ministry of Environment, Focest and Climate Charge may empanel through competent agencies, the Qualified Building Environment Auditors (QBEAs) to assess and certify the building projects, as per the requirements of this notification and the procedure for accreditation of Qualified Building Auditors and their role as given at Appendix-XV.
- (8) In order to implement the integration of environmental condition in building bye-laws, the State Governments or Local Authorities may constitute the Environment Cell (herein after called as Cell), for compliance and monitoring and to ensure environmental planning within their jurisdiction.
- (9) The Cell shall monitor the implementation of the bye-laws and rules framed for Integration of environmental conditions for construction of building and the Cell may also allow the third part auditing process for oversight, if any.
- (10) The Cell shall function under the administrative control of the Local Authorities.
- (11) The composition and functions of the Cell are given at Appendix-XVI.
- (12) The Local Authorities while integrating the environmental concerns in the building bye-laws, as per their size of the project, shall follow the procedure, as given below:

#### BUILDINGS CATEGORY '1' (5,000 to < 20,000 Square meters)

A Self declaration Form to comply with the environmental conditions (Appendix XIV) along with Form 1A and certification by the Qualified Building Environment Auditor to be submitted online by the project proponent besides application for building permission in the local authority along with the specified fee in separate accounts. Thereafter, the local authority may issue the building permission incorporating the environmental conditions in it and allow the project to start based on the self-declaration and certification along with the application. After completion of the construction of the building, the project proponent may update Form 1A online based on audit done by the Qualified Building Environment Auditor and shall furnish the revised compliance undertaking to the local authority. Any non-compliance issues in buildings less than 20,000 square moiers shall be dealt at the level of local body and the State through existing mechanism.

# OTHER BUILDINGS CATEGORIES (≥ 20,000 Square meters)

The project proponent may submit online application in Form I A alongwith specified fee for environmental appraisal and additional fee for building permission. The fee for environmental appraisal will be deposited in a separate account. The Environment Cell will process the application and present it in the meeting of the Committee headed by the sutherity competent to give building permission in that local authority. The Committee will appeals the project and stipulate the environmental conditions to be integrated in the building permission. After recommendations of the Committee, the building permission and environmental clearance will be issued in an integrated format by the local authority.

The project proponent shall submit Performance Data and Certificate of Continued Compliance of the project for the environmental conditions parameters applicable after completion of construction from Qualified Building Environment Auditors every five years to the Environment Cell with special focus on the following parameters:

- (a) Energy Use (including all energy sources).
- (b) Energy generated on site from ornite Renewable energy sources.
- (c) Water use and waste water generated, trusted and reused on site.
- (d) Waste Segregated and Treated on site.
- (e) Tree plantation and maintenance.

After completion of the project, the Cell shall randomly check the projects compliance status including the five years audit report. The State Governments may eract the suitable law for imposing penalties for non-compliances of the



environmental conditions and parameters. The Cell shall recommend financial penalty, as applicable under relevant. State laws for non-compliance of conditions or parameters to the local authority. On the basis of the recommendation of the Cell, the local authority may impose the penalty under relevant State laws. The cases of false declaration or certification shall be reported to the accreditation body and to the local body for blacklisting of Qualified Building Environment Auditors and financial penalty on the owner and Qualified Building Environment Auditors.

No Coasent to Establish and Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 will be required from the State Pollution Control Boards for residential buildings up to 1,50,000 square meters.";

(II) In the Schedule, for item 8 and the entries relating thereto, the following item and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
*8		Building / Construc	tion projects / Area D	levelopment projects and Townships
B (ii)	Building and Construction projects		≥ 20,000 sq. mtrs and < 1,50,000 sq. mtrs of built up area	The term "built up neer" for the purpose of this notification is the built up or covered area on all floors put together including its basement and other service areas, which are proposed in the buildings and construction projects.  Note 1. The projects or activities shall not include industrial abed, universities, coolege, hosted for educational institutions, but such buildings shall ensure austainable environmental management, solid and liquid and implement environmental conditions given at Appendix-XIV.  Note 2General Condition shall not apply.  Note 3The exemptions granted at Note 1 will be available only for inclustrial shed after integration of environmental norms with building permissions at the level of local methority.
8 (b)	Townships and Area Development projects	≥ 3,00,000 aq. mers of built up area or Covering an area ≥ 150 ha	≥1,50,000 sq. mtm and <3,00,000 sq. mts built up area or covering as area ≥ 50 ha and < 150 ha	Note General Condition shall not apply".

[F. No. 19-2/2013-IA-III (PL)]

MANOJ KUMAR SINOH, Jr. Stey,

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section(ii) vide number S.O. 1533(E), dated the 14th September, 2006 and subsequently amended vide numbers S.O.1757(E) dated the 11th October, 2007, S.O. 3067(E), dated the 11th December, 2009, S.O.695(E), dated the 4th April, 2011, S.O.2896(E), dated the 13th December, 2012, S.O.674(E), dated the 13th March, 2013, S.O.2559(E), dated the 22th August, 2013, S.O. 2731(E), dated the 9th September, 2013, S.O. 563(E), dated the 26th February, 2014, S.O.637(E), dated the 28th Pebruary, 2014, S.O.1599(E), dated the 25th June, 2014, S.O. 2601 (E), dated 7th October, 2014, S.O. 2600(E) dated 9th October, 2014, S.O. 3852(E) dated 12th April, 2015, S.O. 811(E), dated 23th March, 2015, S.O. 996 (E) dated 10th April, 2015, S.O. 1142 (E) dated 17th April, 2015, S.O. 1141 (E) dated 29th April, 2015, S.O. 1834(E) dated 6th July, 2015 and S.O. 2572(E) dated 14th September, 2015, S.O. 141(E) dated 15th January, 2016, S.O. 190(E) dated 20th January, 2016, S.O. 648(E) dated 3rd March, 2016 and S.O. 2269(E) dated is July, 2016.

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#### APPENDIX-XIV

#### ENVIRONMENTAL CONDITIONS FOR BUILDINGS AND CONSTRUCTIONS

(CATEGORY 'I': 5,900 to less than 20,000 Square meters)

MEDIUM	S.N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	1	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bloowales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.
Water Conservation, Rain Water Harvesting, and	2	Use of water efficient appliances shall be promoted. The local bye-law provisions or rain water harvesting should be followed.  If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-Laws, 2016.
Gestand Water Recharge		A rain water harvesting plan needs to be designed where the recharge bores (minimum one recharge bore per 5,000 square meters of built up area) is recommended. Storage and muse of the rain water harvested should be promoted. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.  All recharge should be limited to shallow againer.
	2(n)	At least 20% of the open spaces as required by the local building bye-laws shall be
	717	pervious. Use of Grass pavers, pever blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
Waste Management	3	Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste.
		Sewage: In areas where there is no municipal sewage network, onsite treatment systems should be installed. Natural treatment systems which integrate with the landscape shall be promoted. As far as possible treated effluent should be reused. The excess treated effluent shall be discharged following the CPCB norms.
		Sludge from the onsite sawage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.
		The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.
Energy	4	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC.
		Outdoor and common area lighting shall be Light Emitting Diode (LED).
		Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
		Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to most its hot water demand from solar water heaters, as far as possible.
		Concept of passive solar design that minimize energy consumption is buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass atc. shall be incorporated in the building design.
		Wall, window, and roof u-values shall be as per ECBC specifications.





Air Quality and Noise	5	Dust, smoke & other air poliution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust wind breaking walls all armoit he site (at least 3 meter height). Plastic/tarpuilli sheet covers shall be provided for vehicles bringing in sand, cement, murram and other construction materials prove to causing dust pollution at the site as well as taking out debris from the site.
		Sand, marram, loose soil, coment, stored on site shall be covered adequately so as to prevent dust pollution.
		Wet jet shall be provided for grinding and stone cotting. Unpaved surfaces and loose soil shall be udequately sprinkled with water to suppress dast.
		All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016. All workers working at the construction site and involved in loading, unleading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.
		For indoor air quality the ventilation provisions as per National Building Code of India shall be made.
	5 (a)	The location of the DG set and exhaust pipe beight shall be as per the provisions of the CPCB norms.
Green Cover	6	A minimum of 1 tree for every 80 square meters of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
	6 (a)	Where the trees used to be out, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.

(Category '2': 20,000 to less than 50,000 Square meters)

MEDIUM	S.N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	1	The natural drain system should be maintained for ensuring uncentricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bic-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pottern and to barvest rain water.  Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
Water Conservation, Rain Water Harvesting, and Ground Water Recharge	2	A complete plan for rain water harvesting, water efficiency and conservation should be prepared.  Use of water efficient appliances should be promoted with low flow fixtures or sensors.  The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-laws, 2016.  A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage especity of minimum one day of total fresh water recuirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.  All recharge should be limited to shallow aquifer
	3(a)	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.

Waste Management	3	Solid waste: Separate wet and dry hins must be provided in each unit and at the ground level for facilitating segregation of waste.
		Sewage: Onsite sewage treatment of capacity of treating 100% waste water to be installed. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per CPCB norms. Natural treatment systems shall be promoted.
		Studge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.
		The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plestics Waste (Management) Rules 2016 shall be followed.
	3 (a)	All non-biodegradable waste shall be handed over to authorized recyclers for which a written de-up must be done with the authorized recyclers.
	3(b)	Organic waste compost/ Venniculture pit with a minimum capacity of 0.3 kg /person/day must be installed.
Energy	4	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC.
		Outdoor and common area lighting shall be LED.  Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate ferestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design.  Wall, window, and roof a-values shall be as per BCBC specifications.
	4 (a)	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
	4 (b)	Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its not water demand from solar water heaters, as far as possible.
	4 (s)	Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include flysels bricks, hollow bricks, AACs, Fly Ash Linze Gypsum blocks, Compressed earth blocks, and other environment friendly materials.
		Fly ash should be used as building material in the construction as per the provisions of the Fly Ash Notification of September, 1999 as amended from time to time.
Air Quality and Noise	5	Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpeulin sheet covers shall be provided for vehicles bringing in sand, cement, murran and other construction materials proce to musing dust pollution at the site as well as taking out debris from the site.
		Sand, muram, loose soil, coment, stored on site shall be covered adequately so as to prevent dust pollution.
		Wer jet shall be provided for granding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.
		All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016.
		All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with



[ पारम का राजपण : असाधारण			
		dust pollution shall be provided with dust mask.  For indoor air quality the ventilation provisions as per National Building Code of	
	5 (a)	The location of the DG set and exhaust pipe height shall be as per the provisions of the CPCB norms.	
Green Cover	6	A minimum of 1 tree for every 80 sq.mt, of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.	
	6 (a)	Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.	
Top Soil preservation and reuse	7	Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, it should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.	
Transport	8	A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria.  1. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic.  2. Traffic calming measures.  3. Proper design of entry and exit points.  4. Parking norms as per local regulation.	

# (Category '3': 50000 to 150000 m<sup>3</sup>)

MEDIUM	S.N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	1	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bioswales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.  Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
Water conservation - Rain Water Harvesting, and Ground Water Recharge	2	A complete plan for rain water harvesting, water efficiency and conservation should be prepared.  The local bye-law provisions on rain water harvesting should be followed. If local bye-law provisions are not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-laws, 2016.  A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.  All recharge should be limited to shallow aquifer.
	(a)	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
	(b)	Use of water efficient appliances should be promoted. Low flow fixtures or sensors be used to promote water conservation.

	2 (c)	Separation of grey and black water should be done by the use of dual plumbing system. In case of single stack system separate recirculation lines for flushing by giving dual plumbing system be done.
Solid Waste Management	3	Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste.  The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.
	3 (a)	All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
	J(b)	Organic waste composter/Vermiculture pit with a minimum capacity of 0.3 kg /person/day must be installed.
Sewage Treatment Plant	4	Onsite sewage treatment of capacity of treating 100% waste water to be installed Treated waste water shall be reused on site for inniscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per CPCB norms. Natural treatment systems shall be promoted.  Sludge from the onsite sewage treatment, including septic tanks, shall be collected conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.
Energy	5	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have sotified their own ECBC, shall comply with the State ECBC.
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	5 (a)	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
	5 (b)	Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.
	5 (c)	Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include flyesh bricks, bollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials. Fly ash should be used as building material in the construction as per the provisions of the Fly Ash Notification of September, 1999 as amended from time to time.
Air Quality and Noise	6	Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust' wind breaking walls all around the ske (at least 3 meter height). Plastic/asepaulin sheet covers shall be provided for vehicles bringing in said, cement, marrain and other construction materials grone to causing dust pollution at the site as well as taking not debris from the site. Wheel washing for the vehicles used be done.
		Sand, murrant, lasse soil, cement, stored on site shall be covered adequately so as to prevent dust pollution.  Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose
		soil shall be adequately sprinkled with water to suppress dust.  All construction and demolition debris shall be stored at the site (and not dumped on
		the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction



	5 (a)	and Demolition Waste Rules 2016.  All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.  For indoor air quality the ventilation provisions as per National Building Code of India.  The location of the DG set and unhoust pipe height shall be as per the provisions of the CPCB norms.
Green Cover	7	A minimum of 1 tree for every 80 sq.mt. of land should be planted and maintained.  The existing trees will be counted for this purpose. Preference should be given to planting native species.
	7 (a)	Where the trees need to be out, compensatory plantation in the satio of 1:3 (i.e. planting of 3 trees for every 1 tree that is out) shall be done and maintained.
Top Soil Preservation and Reuse	8	Topsoil should be stripped to a depth of 20 cm from the wees proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.
Transport	9	A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks.  Road should be designed with the consideration for environment, and safety of users. The road system can be designed with these basic criteria.  1. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic.  2. Traffic calming measures.  3. Proper design of entry and exit points.  4. Parking norms as per local regulation.
Enviruement Management Plan	10	An environmental management plan (EMP) shall be prepared and implemented to ensure compliance with the environmental conditions specified in item number 1 to 9 above. A dedicated Environment Monitoring Cell with defined functions and responsibility shall be put in place to implement the EMP. The environmental cell shall ensure that the environment infrastructure like Sewage Treatment Plant, Landscaping, Rain Water Harvesting, Energy efficiency and conservation, water officiency and conservation, solid waste management, renewable energy etc. are kept operational and meet the required standards. The environmental cell shall also keep the record of environment monitoring and these related to the environment infrastructure.

#### APPENDIX-XV

### Accreditation of Environmental Auditors (Qualified Building Auditors)

The Ministry of Environment, Forest and Climate Change (MoEFCC), through qualified agencies shall accredit the Qualified Building Environment Auditors (QBEAs). The Qualified Building Environment Auditors could be a firm / organization or an individual expert, who fulfils the requirements. The Ministry will implement this process of accreditation through Quality Council of India (QCI), National Productivity Council or any other organization identified by the Government. The organizations like Indian Green Building Council, Bureau of Energy Efficiency etc. can also be associated in the process of accreditation, training, and renewal. The environmental consultants accredited by the QCI for building sector will be qualified as QBEAs. The QBEAs will meet the following criteris. The accrediting agency can improvise on these criteria.

#### Qualifications of the Auditor:

 Education: Architect (Degree or Diploma), Town Planners (Degree), Civil Engineer / Mechanical-Engineer (Degree or Diploma), PG in Environmental Science or any other qualification as per the scheme of the accreditation.

#### Training

 Mandatory training to be given by the accreditation body or their approved training providers. This will be as per the scheme of the accreditation.



#### Experience:

c. At least 3 years of work experience in the related field or building sector Environment Impact Assessment consultants accredited by QCI or any other experience crateria as per the scheme of the accreditation.

#### Infrastructure and equipment:

d. As per the scheme of the accreditation

#### Renewal

e. The accreditation will be valid for 5 years and will be renewed as per the process developed under the accreditation scheme.

Accountability/Complaint redressal mechanism: Any complaints regarding the quality of the work of QBEAs shall be made to the accorditation body. The accorditation body shall evaluate the complaint and take appropriate action including black listing or cancellation of the accorditation with wide public notice. This will be in addition to the action at the level of local authority for penalty and blacklisting. The Ministry can also take such action in case of specific complaint or feedback.

#### APPENDIX-XVI

### Environmental Cell at the level of Local Authority:

An Environmental Cell shall be setup at the local authority level to support compliance and monitoring of environmental conditions in buildings. The Cell shall also provide assistance in environmental planning and capacity building within their jurisdiction. The responsibility of this cell would be monitoring the implementation of this notification and providing an oversight to the Third-Party Anditing process. The cell will operate under the local authority.

#### Constitution of the cell:

The cell will comprise of at least 3 dedicated expens in following fields:

- a. Waste management (solid and liquid)
- Witter conservation and management
- c. Resource efficiency including Building materials
- d. Energy Efficiency and renewable energy
- e. Environmental plurning including air quality management.
- f. Transport planning and management.

The Cell shall induct at least two outside experts as per the requirements and background of dedicated experts. Existing environmental cells at the level of local authority can be co-opted and trained for this Cell.

#### Financial Support:

An additional for may be charged along with processing fee for building permission for integrating environmental conditions and it's monitoring. The local authority can fix and revise this additional fee from time to time. The amount of this fee shall be deposited in a separate bank account, and used for meeting the requirement of salary / emoluments of expens and running the system of online application, verifications and the Environmental Cell.

#### Functions of the Cell:

- 1. The cell shall be responsible for assessing and appraising the environmental concerns of the area under their jurisdiction where building activities are proposed. The Cell can evolve and propose additional environmental conditions as per requirements. These conditions may be area specific and shall be notified in advance from time to time. These additional conditions shall be approved following a due consultation process. These environmental conditions will be integrated in building permissions by the sanctioning nuthority.
- 2. Develop and maintain an online system for application and payment of fees. The Cell shall maintain an online database of all applications received, projects approved, the compliance sudit report, random inspections made. The Cell shall maintain a portal for public disclosure of project details including self certification and compliance sudit reports filed by the Qualified Building Environment Auditors for public securing of compliance of environmental conditions by the project.
- 3. Monitoring the work of Environmental Audit process carried by the Qualified Building Auditors.

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- The Cell shall review the applications; finalize the additional environmental conditions if required within 30 days of the submission of the application to the local authority.
- The Cell shall adopt risk based random selection of projects for verifying on site for certification of QBA, compliance of environmental conditions and five yearly audit report,
- The Cell shall recommend to the local authority for financial penalty for non-compliance of environmental conditions by the project proposent.
- The Cell shall recommend to the accrediting body and the local authority against any Qualified Building Environment Auditor, if any lapse is found in their work.

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#### Corrected Judgment BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH

NEW DELHI

ORIGINAL APPLICATION NO. 677 OF 2016 (M.A. NO. 148/2017)

# IN THE MATTER OF:

Society for Protection of Environment & Biodiversity Through the Convener R-7/17, Raj Nagar Ghaziabad (UP)-201001

.....Applicant

#### Versus

- 1. Union of India Through Secretary, Govt. of India Ministry of Environment, Forest and Climate Change Indira Paryavaran Bhavan, Jorbagh Road, New Delhi-110003
- Ministry of Urban Development Through Secretary, Govt. of India Maulana Azad Road Rajpath Area, Central Secretariat New Delhi
- Central Pollution Control Board Through Member Secretary CBD-Cum-Office Complex East Arjun Nagar New Delhi

.....Respondents

#### AND

ORIGINAL APPLICATION NO. 01 OF 2017 (M.A. NO. 03/2017 & M.A. NO. 445/2017)

# IN THE MATTER OF:

Pushp Jain S/o Shri Dhanpat Rai Jain R/o I A/2C Phase-I Ashok Vihar New Delhi-110052

.....Applicant

Versus

- Union of India
   Through the Secretary
   Ministry of Environment, Forest and Climate Change Indira Paryavaran Bhavan
   Jorbagh Road,
   New Delhi-110003
- Ministry of Urban Development Through the Secretary Maulana Azad Road Nirman Bhawan New Delhi 110 011

.....Respondents

#### AND

#### ORIGINAL APPLICATION NO. 7 OF 2017 (M.A. NO. 879/2017)

#### IN THE MATTER OF:

Ajay Kumar Singh 236, Lawyers Chambers M.C. Sitalwad Block Supreme Court of India New Delhi

.....Applicant

#### Versus

- Ministry of Environment, Forest and Climate Change Govt. of India Through the Secretary Indira Paryavaran Bhavan Jorbagh Road, New Delhi-110003
- Ministry of Urban Development Govt. of India Through the Secretary Nirman Bhawan New Delhi 110 011
- Delhi Development Authority Through its Vice Chairman Vikas Sadan, INA New Delhi
- Central Pollution Control Board Through Member Secretary Parivesh Bhawan, East Arjun Nagar New Delhi

 Central Ground Water Authority Through its Member Secretary Faridabad

EN.

- Delhi Pollution Control Committee Through Member Secretary
   Floor, ISBT Building Kashmeri Gate New Delhi
- North Delhi Municipal Corporation New Delhi
- South Delhi Municipal Corporation New Delhi
- East Delhi Municipal Corporation New Delhi
- State Level Environment Impact Assessment Authority, Delhi Govt. Secretariat Delhi

.....Respondents

#### AND

# ORIGINAL APPLICATION NO. 55 OF 2017

#### IN THE MATTER OF:

Mahendra Pandey S/o Sh. H.C. Pandey R/o Flat No. 18, Kanishka Apartment C&D Block, Shalimar Bagh Delhi

.....Applicant

#### Versus

- Union of India
   Through Secretary
   Ministry of Environment, Forest and Climate Change Paryavaran Bhavan, Jorbagh Road,
   New Delhi-110003
- Ministry of Urban Development Through its Secretary Maulana Azad Road Rajpat Area, Central Secretariat New Delhi



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Central Pollution Control Board
 Through its Member Secretary
 CBD cut Office Complex
 East Arjun Nagar
 New Delhi

.....Respondents

#### AND

#### ORIGINAL APPLICATION NO. 67 OF 2017 (M.A. NO. 620/2017)

#### IN THE MATTER OF:

R. Sreedhar R/o A-1/39, 2nd Floor Freedom Fighter Colony IGNOU Road, Gate No. 1 Neb Sarhai, New Delhi

... Applicant

Versus

Union of India
Through the Secretary
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan
Jorbagh Road,
New Delhi-110003

.....Respondent

#### COUNSEL FOR APPLICANTS:

Mr. Sanjay Upadhyay, Ms. Upama Bhattacharjee and Mr. Salik Shafique, Advocates

Mr. Raj Panjwani, Sr. Advocate

Mr. Ritwick Dutta, Mr. Rahul Choudhary, Ms. Meera Gopal and Mr. Utkarsh Jain, Advocates

Mr. l. K. Kapila & Ms. Disha Singh, Advocates

Mr. Gaurav Kumar Bansal, Mr. Ompal Shukin and Ms. Nandit Bansal, Advocates

## COUNSEL FOR RESPONDENTS:

Mr. Atma Ram N.S. Naadkarni, Ld. ASG for MoEF&CC

Mr. Divya Prakash Pandey, Advocate

Mr. B.V. Niren with Mr. Vinayak Gupta, Advocates

Mr. Abhimanyu Garg and Ms. Preety Makkar, Advocates for Government of Puducherry

Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar and Mr. Sandeep Mishra, Advocates and Mr. Dinesh Jindal L.O. for DPCC

Mr. Bairaja Mahapatra, Advocate and Mr. Dinesh Jindal, L.O.

Mr. Rajkumar, Advocate with Mr. Bhupender, LA for Central Pollution Control Board

Mr. D. Rajeshwar Rao, Advocate

10

Mr. Utkarsh Sharma, Advocate for State of Uttar Pradesh

Mr. Ravindra Kumar, Advocate for NOIDA Authority

Mr. Krishna Kumar Singh and Mr. Anurag Kumar, Advocates

Mr. Rahul Pratap, Advocate Ms. Puja Kalra, Advocate

#### JUDGMENT

PRESENT:

HON'BLE MR. JUSTICE SWATANTER KUMAR (CHAIRPERSON) HON'BLE DR. JUSTICE JAWAD RAHIM (JUDICIAL MEMBER) HON'BLE MR. BIKRAM SINGH SAJWAN (EXPERT MEMBER)

Reserved on: 8th November, 2017 Pronounced on: 8th December, 2017

- 1. Whether the judgment is allowed to be published on the net?
- 2. Whether the judgment is allowed to be published in the NGT Reporter?

# JUSTICE SWATANTER KUMAR (CHAIRPERSON)

By this judgement, we shall dispose of all the five cases connected with Original Application No. 677 of 2016 as a common question of law and fact arises for consideration before the Tribunal in all these cases. However, it is not necessary for us to notice the facts of each case in greater detail and it would be sufficient to refer to the factual matrix of the lead application only, i.e., Original Application No. 677 of 2016, Society for Protection of Environment & Biodiversity us. Union of India and ors.

2. The Applicant-Society claims that it works in the area of environmental conservation and aims at protection of the environment, ecology, natural resources, wildlife and bio-diversity existing on earth. It has filed various cases raising several environmental issues and concerns before the Courts as well as before this Tribunal. According to the Applicant, there is pathetic condition

of urban local bodies in the area under their jurisdiction more particularly in Ghaziahad. The exemption granted from Environmental Clearance for building and construction projects would be a huge retrograde step in the area of environment conservation. It would take us back to a pre- 2004 scenario, i.e., prior to issuance of EIA framework pursuant to specific orders of the Hon'ble Supreme Court. The Applicant believes that such a step will have a disastrous effect on the environment and would cause irreversible damage to the environment. The magnitude of the environmental footprint would be immense and unregulated building and construction activity would cause immense environmental damage. The Ministry of Environment, Forest & Climate Change (for short, "MoEF&CC"), Respondent No. 1 had issued a draft notification dated 29th April, 2016 with regard to amendment of the Notification of 2006 providing exemption to various construction projects all over the country. At that stage, the Applicant had filed an application bearing Original Application No. 168 of 2016 expressing its apprehension and raising serious objections to the draft Notification. The principal contention raised at that time was that the proposed Notification intends to dilute and exempt prior Environmental Clearance for buildings and construction projects through Model Building Bye Laws, 2016, as issued by the Town & Country Planning Organization, Ministry of Urban Development and the subsequent Notification by Delhi Development Authority of the Unified Building Bye Laws for Delhi, 2016 which were notified vide Notification dated 22nd March, 2016 in pursuance to Chapter-XIV of the Model Building Bye Laws, 2016 and in concurrence with the impugned Notification of MoEF&CC. These amendments and Byc 10

Laws sought to defeat and do away with the substantive provisions of EIA Notification, 2006 that require prior Environmental Clearance by building and construction projects under item no. 8(a) of the Schedule to EIA Notification, 2006. Original Application No. 168 of 2016 was disposed of by the Tribunal vide its order dated 30th September, 2016 directing MoEF&CC to consider the objections filed by the Applicant prior to issuance of the final Notification. The order dated 30th September, 2016 of the Tribunal reads as under:

"Learned Counsel appearing for the Ministry of Environment, Forests and Climate Change submits that they are in the process of amending the EIA Notification, 2006. According to her the draft Notification has already been published and objections/suggestions have been invited and after expiry of the Statutory period they would issue the final Notification after considering the objections filed.

Learned Counsel appearing for the DDA on instruction from Director of Planning submits that DDA has already notified the unified building bye laws, however, the chapter on environment conditions for sanctioning building plans would not be put into practice/implemented till Ministry of Environment, Forests and Climate Change give its approval/concurrence.

The Learned Counsel appearing for the applicant has raised an issue with regard to the unified bye laws being in conflict with the Notification of EIA, 2006. According to the applicant these objections should be considered.

In view of the statement made by the Learned Counsel appearing for the respective parties, we are of the considered view that nothing survives in this application. The respective authorities will abide by their statements. We also direct the Ministry of Environment, Forests and Climate Change to consider the objections of the applicant before issuing final Notification so that the unified building bye laws are not in conflict with EIA Notification, 2006.

In view of the above, the Original Application No.168 of 2016 stands disposed of with no order as to cost."

- 3. After passing of the above order, Respondent no. 1 issued the final Notification on 9th December, 2016. Though, the objections to the draft Notification was filed by the Applicant on 23th November, 2016 but no intimation for hearing was given to the Applicant except when the Applicant was invited through Counsel for meeting with Shri Manoj Kumar Singh, Joint Secretary, MoEF&CC, Government of India on 8th December, 2016 to discuss and make presentation on behalf of the Applicant. The discussion went on for about an hour or so and the Applicant was assured that the objections would be considered objectively by the Ministry. However, the final Notification was issued on 9th December, 2016 making substantial changes even in the draft Notification dated 29th April, 2016 which were in total derogation to the environmental laws in force.
- 4. The Applicant, thus, in the present case prays that the Notification dated 9th December, 2016 should be quashed and setaside, inter-alia, but primarily on the following grounds:
  - I. The Impugned Notification not only dilutes but also renders otiose the substantive provisions of Environmental Impact Assessment Notification, 2006 and even that of Environment (Protection) Act, 1986 (for short, "Act of 1986"). The provisions of the impugned Notification, if implemented would potentially destroy the environment and ecology due to unregulated building and construction activities and will have disastrous effect on environment and would cause irreversible damage to the environment. The magnitude of Environmental footprint would be immense. The objections filed by the Applicant and

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others have not been considered objectively and appropriately by the Ministry. The impugned Notification, thus suffers, from the element of non-application of mind as well as is violative of Principle of Natural Justice.

- II. The Impugned final Notification is not only at variance with the draft Notification but even introduces new provisions which are diametrically opposite, beyond the scope and purview of the Draft Notification and even had destructive essence to the draft Notification. In this regard, the following significant variance can be noticed:
  - (a). Draft Notification did not contain any provision with regard to grant of exemption to the construction building projects from the provisions of Air (Prevention and Control of Pollution) Act, 1981 (for short, "Air Act, 1981) and Water (Prevention and Control of Pollution) Act, 1974 (for short, "Water Act, 1974) in relation to Consent to Establish and Consent to Operate.
  - (b). The composition of the Environmental Cells to monitor the conditions particularly in reference to Environmental Clearance is entirely at variance to the draft Notification.
  - (c). Accreditation of Environmental auditors in terms of Appendix XV to the impugned Notification is also at variance from the one proposed in the Draft Notification.

- III. In exercise of subordinate legislative power, a delegatee cannot affect the application of another legislation enacted by the Parliament. In other words, while amending the Notification of 2006 in exercise of subordinate legislation, the delegated authority cannot render the provisions of Water Act, 1974 and Air Act, 1981 as inapplicable and also take away the powers of the Pollution Control Boards under the said Acts, to grant/refuse consent to establish and/or operate to a project.
- IV. Neither any comprehensive study was carried out nor any data collected to support the drastic changes being made by the impugned Notification and also ignored the Precautionary Principle, the fundamental cannon of environmental jurisprudence.
- V. The impugned Notification has several deficiencies which are against the basic letter and spirit of the Act of 1986 and the Notification of 2006.
- VI. 'Ease of doing responsible business' cannot be in fact and in law the ground for making amendment to the environmental laws, as it primarily falls beyond the scope of the object and purposes of the environmental laws in force. It is only a ploy to circumvent the provisions of the environmental assessment. The comprehensive process for evaluating the impact on environment due to various projects has been negated by the said amendment.
- VII. Under the impugned Notification, local authority is responsible for development and passing the development

plan vested through the environment cell with the power to impose conditions relating to environmental protection and ensure their compliance. The local authorities which are the sanctioning authorities would also become adjudicatory authorities under the impugned Notification. This dual functioning by the same authority make them judge in their own cause in contravention with the Principle of Natural Justice, nemo judex in sua causa, as well as give rise to the plea of conflicting interest.

- VIII. Exemption granted under the amended Notification has no nexus to the object sought to be achieved, i.e., the environmental protection.
- IX. The impugned Notification is in derogation of India's international commitment and obligation under the Rio Declaration (1992), particularly Principle 15 to 17 and the Paris Agreement, 2016.
- X. The impugned Notification, if given effect to, as framed would result in wiping out the effect of environmental laws in force and hence would not be in consonance with the doctrine of non-regression.
- XI. In addition to above, Applicant has also contended that the impugned Notification has an impact of disturbing the federal structure as provided in the Constitution of India. The Central Government cannot exercise power, authority and control in relation to subject matter of the Notification over the local authorities. The Environmental Cell, constituted under the amended Notification, would be under control of the local

authority or the State Government, as the case may be and, therefore, it will have apparent conflict with the Central Regulating Authority.

XII. In terms of the Notification, the violations of environmental conditions would be punishable and action would be taken under local laws, thus, divesting the CPCB or the State Regulatory Authority from taking punitive action against the defaulters and, therefore, would not be in consonance with the scheme of 1986 Act. The Notification is a manifest ploy for ousting of the application of the Environmental Acts and even the jurisdiction of the Tribunal. Furthermore, power under Section 3(1) of the Act of 1986 can b: exercised in harmony and consonance with other provisions of the Act. The power under Section 3 is to be exercised for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmen al pollution. The measures contemplated under Section 3 can only be taken in that behalf. Thus, power cannot be exercised for purposes beyond Section 3(1) and the provisions of the Act of 1986.

XIII. It is also contended by Applicant that MoEF has not provided any appropriate answer to the questions formulated by the Tribunal in its order dated 21st December, 2016 and 28th July, 2017.

XIV. There is no power with the Central Government to transfer its responsibility to the local authorities. The impugned

Notification does not provide power of refusal or rejection of the application seeking Environmental Clearance. The impugned Notification which introduces Paragraph no. 14 to the Notification of 2006, would be in apparent conflict with Para 1 to 13 of the Notification 2006. The Environmental Cell would not be able to function independently, fairly and in a transparent manner.

XV. The impugned Notification is unsustainable as on one hand it is not based on any study and on the other it ignores the recommendations made in the various studies conducted by the Ministry itself including Dr. Kasturirangan's reports. The positive suggestions and recommendations made in these reports have been ignored. The Notification attempts to hide behind the poor for the benefit of the builders. It also lacks in providing for requisite expertise of the members constituting the environmental cell in the interest of environment. No, criteria or qualifications have been fixed for the Member of environmental cell unlike the law in existence, which certainly would have adverse impacts as there will be massive construction activity causing serious environmental degradation.

5. From the above grounds, the applicants in all these applications pray that the impugned Notification dated 9th December, 2016 should be declared as ultra vires and be quashed. The challenge to the Notification is on legal grounds as well as on other reasons that it will have an adverse impact on environment, ecology and natural resources. In fact, it is contended that it will also have serious

# HARYANA STATE POLLUTION CONTROL BOARD



# **AGENDA**

For the

182 meeting of the Board

to be held on 15-10-2018 at 11 30 AM

**PANCHKULA** 

# HARYANA STATE POLLUTION CONTROL BOARD C-11, SECTOR 6, PANCHKULA. Ph. No. 0172-2577870-873

No. HSPCB/Estt./2018/EG-36/ 6195-621)

Dated: 11/10/2018

To

- The Chairman, Haryana State Pollution Control Board, Panchkula.
- The Director, Environment & Climate Change Department, Haryana, SCO No. 1-3, Sector 17-D, Chandigarh.
- The Director General, Urban Local Bodies Department, Haryana, Bays No. 11-14, Sector-4, Panchkula.
- The Principal Chief Conservator of Forests, Haryana, Panchkula.
- The Transport Commissioner, Haryana, 30-Bays Building, Chandigarh.
- The Engineer-in-Chief, Haryana, Public Health Engineering Department, Haryana, Panchkula.
- The Director Technical, (V.K. Seth.): 931516 4605 )
   Haryana Powers Generation Corporation Limited (HPGCL),
   Panchkula.
- The Chief Engineer or any other technical officer equivalent of the rank of Chief Engineer of Haryana State Industrial Infrastructure Development Corporation (HSIIDC), Panchkula.
- Smt. Renu Bala Gupta, Mayor, Municipal Corporation, Karnal # 39-40, Chaudhary House Colony, Karnal.
- Shri Sanjay Kumar, Chairman, Municipal Council, Charkhi Dadri, Ward No. 7, Railway Road, Charkhi Dadri.
- Shri Gurdayal Sunheri, Chairman, Zila Parishad, Kurukshetra.
   VPO Sunheri Khalsa, District Kurukshetra.

Contd...Page 2.

- Shri Kalyan Chauhan, Chairman, Zila Parishad, Gurugram, VPO Wazirpur, District Gurugram.
- Shri Pushpinder Kumar, MC, Ward No. 8, Municipal Corporation, Ambala. #706, Durga Nagar, Ambala City.
- Shri Satish Singhal, Singhal Industrial Screws Pvt. Ltd. Near Oil Mill, Link Road, Faridabad Old.
- Shri Dinesh Arora,
   Plot No. 55-56, Industrial Estate, Phase-I,
   Panchkula.
- Professor Narsi R. Bishnol, Department of Environmental Sciences & Engineering, Guru Jambheshwar University of Science and Technology, Hisar.
- The Member Secretary, Haryana State Pollution Control Board, Panchkula.

Subject: 182<sup>nd</sup> meeting of the Haryana State Pollution Control Board to be held on 15.10.2018 at 11.30 A.M.

Kindly refer to this office letter No. HSPCB/Estt./2018/EG-35/9438-9454

dated 28.09.2018 on the subject cited above.

Please find enclosed herewith the Agenda Notes for the 182<sup>nd</sup> meeting of the Board to be held on 15.10.2018 at 11.30 A.M. under the Chairmanship of Sh. Ashok Kheterpal, Chairman of the Board in the Conference Room of the Haryana State Pollution Control Board, C-11, Sector-6, Panchkula.

It is also intimated that the Haryana State Pollution Control Board is a statutory Board and its members have been nominated either by name or designation. It is, therefore, requested that their substitute may not be sent.

DAJAs above.

5. (a) ayaum

Endst. No. HSPCB/Estt/2018/EG-36/ 62-12

Dated: ///10/20/8

A copy of the above is forwarded to the Additional Chief Secretary to Government of Haryana; Environment & Climate Change Department, Chandigarh for information with reference to this office letter Endst. No. HSPCB/Estt./2018/EG-36/9455 dated 28.09.2018.

MEMBER SECRETARY



# HARYANA STATE POLLUTION CONTROL BOARD C-11, SECTOR 6, PANCHKULA. Ph. No. 0172-2577870-873

# INDEX

Agenda items for the 182<sup>nd</sup> meeting of the Board to be held on 15.10.2018 at 11.30 A.M. under the Chairmanship of Sh. Ashok Kheterpal, Chairman of the Board in the Conference Room of the Haryana State Pollution Control Board, C-11, Sector-6, Panchkula are as under:

Item	Subject	Page
No.	Confirmation of the Minutes of the 181 <sup>st</sup> meeting of	1/1/1 - 1/4/4
82.1	the Heaves Chata Divinition Control Dosly.	2/1/5 - 2/2/6
82.2	Action taken on the minutes of the 181 <sup>st</sup> meeting of the Haryana State Pollution Control Board held on 08.08.2018.	
82.3	Promotion for the post of Senior Scientist.	3/1/7 - 3/5/11
182.4	Grant of relaxation in experience for promotion to the post of Scientist 'C' from the post of Scientist - 'B'	4/1/12
182.5	Ex-Post-Facto approval of Rs. 1.0 Crore regarding contribution of CM Relief Fund of Government of Haryana released by Haryana State Pollution	5/1/13
182.6	Estt. Group A Regarding Promotion to the post of	
182.7	Regarding the decision for streamlining the authorization under Bio-Medical Waste Management Bules and CTE/CTO for Health Care Facilities.	The second secon
182.8	Appointment of 2 Software Developers from Haryana Knowledge centre Ltd. Through Haryana State Electronics Development Corporation Ltd.	
182.9	Panchkula.  Exemption from additional consent fees (late fees) for obtaining consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 for the residential building projects falling under the provisions of EIA matification no. S.O. 3999 (E)	
182.10	dated 09.02.2016.  Annual Action Plan of the Board for the year 2018- 19 for consideration and Ex-post approval.	10/1/108 - 10/25/132

Confirmation of the Minutes of the 181th meeting of the Haryana State Pollution Control Board.

The minutes of the 181th meeting were circulated to all the Members of the Board vide this office Memo No. HSPCB/Estt./2018/EG-36/5312-5325 dated 09.08.2018 (copy of the same enclosed).

No observations from any Member have been received. The Board may confirm the Minutes of the 181<sup>th</sup> Meeting.

Minutes of 181st meeting of the Haryana State Pollution Control Board, Panchkula, held at 2.30 P.M. on 08.08.2018 under the Chairmanship of Sh. Ashok Kheterpal, Chairman, Haryana State Pollution Control Board, Panchkula.

The 181st meeting of the Haryana State Pollution Control Board was convened at 2.30 P.M. on 08.08.2018 in its Conference Room under the Chairmanship of Sh. Ashok Khelarpal, Chairman, HSPCB. The list of participants is at Annexure-I. Leave of absence was granted to the Members who could not attend the meeting. The Member Secretary of the Board welcomed all the participants and presented the agenda items before the Board. A detailed discussion was held on all the agenda items and the minutes of the meeting are presented as below.

Agenda Item No. 181.1

Confirmation of the minutes of 180th meeting of the Haryana State Pollution Control Board.

Minutes of 180th meeting were confirmed.

Agenda Item No. 181.2

Action taken on the minutes of the 180th meeting of the Haryana State Pollution Control Board held on 08.06.2018.

The Board members were apprised of the action taken on the decisions taken in the 180th meeting and the same were noted.

Agenda Item No. 181,3

Estt. Sh. Chand Saini, Senior Environmental Engineer-II (HQ) - Retention In service beyond the age of 55 years.

The proposal contained in Agenda Note was approved.

Agenda Item No. 181,4

Appeal filed under Appendix C of regulation 14 (1), Haryana State Pollution Control Board (Group A, B, C & D) Service Regulations, 2004 against the decision of Chairman Haryana State Pollution Control Board vide order Endst. No. HSPCB/Estt./2018/3859-60 dated 23,04,2018 of Sh. Vikas Hooda, JEE.

The Agenda Note was discussed elaborately and thereafter the decision of the Chairman of Board was upheld.

Agenda Item No. 181.5

Regarding approved fuel notification.

The proposal contained in Agenda Note was approved.

Agenda Item No. 181.6

Directions for mandatory use of Super Straw Management System (SSMS) with combine harvesters for harvesting paddy crop.

The proposal contained in Agenda Note was approved.

Agenda Item No. 181.7

Amendment in the procedure for processing of the applications of the traders desirous of import of other wastes, on behalf of actual users, mentioned in Part-D of Schedule-II for one time authorization under Rule 13 of HOWM Rules, 2016,

The proposal contained in Agenda Note was approved.

Agenda Item No. 181.8

Exemption of the fee for obtaining consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 for the projects/units covered under Haryana Bio-energy Policy 2018.

The proposal contained in Agenda Note was approved.

Agenda item No. 181.9 (S)

Instaliation of 19 CAAQM in different districts of Haryana i.e. Panipat, Sonipat, Rewari (Dharuhera), Bahadurgarh, Kalthai, Karnai, Yamuna Nagar, Gurugram (Manesar), Faridabad (Sec- 55 & 56), Ambala, Bhiwani, Fatehabad, Hisar, Jind, Kurukshetra, Mahendergarh, Mewat, Palwai and Sirsa.

The above agenda item was noted by the Board of Directors.

Agenda Item No. 181.10 (S)

Installation of 22 Manual Ambient Air Quality Monitoring Stations in different Districts of Haryana i.e. Mahendergarh, Bhiwani, Mewat, Rohtak, Sonipat, Rewari, Jhajjar, Panipat, Palwal, Jind and Karnai.

The proposal contained in Agenda Note was approved.

Agenda Rem No. 181,11 (S)

Shifting of Panchkula Laboratory and Panchkula Regional Office in SCO-115 & 116, Sector-25, Panchkula.

The proposal contained in Agenda Note was approved.

# ANNEXURE-I

#### LIST OF PARTICIPANTS

- Sh. Ashok Kheterpal, Chairman, Heryana State Pollution Control Board, Panchkula.
- Dr. A.K. Hoods, IFS, Principal Chief Conservator of Forests, Forest Department, Haryana, Panchkula.
- Sh. T.L. Setyeprakash, IAS, Managing Director, Haryana State Industrial & Infrastructure Dev. Corpm. Ltd., Panchkula.
- Sh. Manpal Singh, Engineer-in-Chief, Public Health Engineering Department, Haryana, Panchkula.
- Sh. S. Narayanan, IFS, Member Secretary, Haryana State Pollution Control Board, Panchkula.

Action taken on the Minutes of the 181st meeting of the Haryana State Pollution Control Board held on 08.08.2018.

The action taken report on the minutes of 181st meeting of the Board held on 08.08.2018 is as under:-

Agenda Item No. 181.1

Confirmation of Minutes of 180th meeting of the Haryana State Pollution Control Board, Minutes of 180th meeting were confirmed.

Agenda Item No. 181.2

Action taken on the Minutes of 180<sup>th</sup> meeting of the Haryana State Pollution Control Board held on 08.06.2018. Board members were apprised of the action taken regarding the decisions of the 180th meeting and the same were noted.

Agenda Item No. 181.3

Estt. Sh. Chand Salni, Senior Environmental Engineer-II (HQ) – Retention in service beyond the age of 55 years. No action is required to be taken.

Agenda Item No. 181.4

Appeal filed under Appendix C of regulation 14 (1), Haryana State Pollution Control Board (Group A, B, C & D) Service Regulations, 2004 against the decision of Chairman Haryana State Pollution Control Board vide order Endst. No. HSPCB/Estt./2018/3859-80 dated 23.04.2018 of Sh. Vikas Hooda, JEE.

Sh. Vikas Hooda, JEE, Regional Office, HSPCB, Hisar has been intimated vide this office letter no. HSPCB/Estt./2018/9394, dated24.09.2018.

Agenda Item No. 181.5

Regarding approved fuel notification.

No action is required to be taken.

Agenda Item No. 181.6

Directions for mandatory use of Super Straw Management System (SSMS) with combine harvesters for harvesting paddy crop. Direction issued vide letter no. 1790-1827, dated 16.08.2018.

Agenda Item No. 181.7

Amendment in the procedure for processing of the applications of the traders desirous of import of other wastes, on behalf of actual users, mentioned in Part-D of Schedula-II for one time authorization under Rule 13 of HOWW Rules, 2016. No action is required to be taken.

Agenda Item No. 181.8

Exemption of the fee for obtaining consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 for the projects/units covered under Haryana Bio-energy Policy 2018. Notification has been issued vide no. 5056/C.A.6/1974/S.64/2018, dated 27.08.2018, and no. 5055/CA14/1981/S.54/2018, dated 27.08.2018 Water and Air Rules, (Amended) 2018.

Agenda Item No. 181.9 (S)

Installation of 19 CAAQM in different districts of Haryana i.e. Panipat, Sonipat, Rewari (Dharuhera), Bahadurgarh, Kaithal, Karnai, Yamuna Nagar, Gurugram (Manesar), Faridabad (Sec-55 & 56), Ambala, Bhiwani, Fatehabad, Hisar, Jind, Kurukshetra, Mahendergarh, Mewat, Palwal and Sirsa.

Letter of award has been issued. Letter of credit has also been opened for installation of 19 CAAQMS station.

Agenda Item No. 181.10 (S)

Installation of 22 Manual Ambient Air Quality Monitoring Stations in different Districts of Haryana i.e. Mahendergarh, Bhiwani, Mewat, Rohtak, Sonipat, Rewari, Jhajjar, Panipat, Palwal, Jind and Karnal.

Tender has been floated on date 13.08.2018. Technical bid is also opened on date 14.09.2018.

Agenda Item No. 181.11 (S)

Shifting of Panchkula Laboratory and Panchkula Regional Office in SCO-115 & 116, Sector-25, Panchkula.

Regional Office, Panchkula & Laboratory has been shifted.

#### Promotion for post of Senior Scientist.

The Govt. Vide memo No. 2/24/2010-1Env, Dated 06.06.2017 (Annexure-1) has sanctioned 01 post of Senior Scientist in pay scale of Rs. 37400-67000+8700 GP in the Board and prescribed the following mode of recruitment, Qualification and Experience for the post:-

Mode of Recruitment :-

"By Promotion"

Prescribed Experience:-

Qualification and

"7 years experience in the Board as Scientist 'C" or total 14 years experience as Scientist 'C' & Scientist 'B' subject to the condition that the candidate possess post Graduate Degree in Science."

Degree in Science\*

The service regulations of the employees of the Board were notified in October 2004 and at that time the post of Senior Scientist was not existing as the post has been sanctioned in June 2017.

It is pertinent to mention here that the Government has sanctioned the posts, approved the mode of recruitment along with pay scale and has prescribed the qualification and experience, but has not provided about competent authority for the purpose of promotion to the post of Senior Scientist.

In that eventuality we have to look at the rules which provides in sub rule 3 of rule 5 of Haryana (Water Prevention and Control of Pollution) Rules, 1978.

> "Subject to rules, if any, made under sub-section (3) of section 12, the Chairman shall have full powers in the matters of appointment, promotion, confirmation, transfer and termination of services of the officers and employees of the Board, except in the case of the officers and employees the maximum stage of whose pay-scale exceeds[Rs.2,600/-] for officers whose maximum stage of exceeds [Rs2,600/-] all such powers shall vest in the Board."

A bare perusal of the above rule reveals that the Board is fully competent in the matters of appointment, promotion, confirmation, transfer and termination of services of the officers whose pay-scale are exceeding Rs.2,600/- subject to rules made if any under sub section 3 of section 12 of the act.

Contd....P/2

Now, what is important for consideration to search whether any rules under subsection 3 of section 12 of the act have been made by the Govt, regarding the promotion to the post of Senior Scientist. The answer is negative and so keeping in view of the answer of the question and facts that Govt has already approved the mode of recruitment, pay-scale, qualification and experience, it is crystal clear that Board is fully competent to promote to the post of Senior Scientist.

On the basis of existing criteria prescribed by the Government vide letter dated 06.06.2017, Sh. Dinesh Kumar, Scientist 'C' and Dr. P.K.M.K. Das, Scientist 'C' were promoted to the post of Senior Scientist with prior approval from the Board of Directors.

After the retirement of Dr. P.K.M.K. Das, on 30.09.2018, the post of Senior Scientist has become vacant, which is yet to be filled up by promotion among seniormost officers of the cadre in the interest of Board's work.

Now, Sh. Rajesh Kumar Garhia, Scientist-C is senior most of officer in the cadre. He was appointed as Scientist 'B' on 01.07.1997 in the Board. He is B.Sc., M.Sc. & Ph. D. He was promoted as Scientist 'C' on 14.06.2013. He fulfills the eligibility criteria prescribed by the Government as well as approved by the Board. The last 10 years ACR record of the officer is as under:-

- i) Very Good-6
- ii) Good-4

No disciplinary proceedings is pending or contemplated or vigitance enquiry is pending against the officer.

The proposed promotion to the post of Senior Scientist from the post of Scientist 'C' is one cadre to another. Hence, there is no need of Departmental Promotion Committee.

Sh. Rajesh Kumar Garhia, Scientist 'C' fulfills the eligibility critariea for promotion to the post of Senior Scientist in the Functional Pay Level-14 as per Seventh Pay Package (Rs. 1,18,500/-).

Keeping in view of the above mention facts that the board is competent to promote Sh. Rajesh Kumar Garhia to the post of Senior Scientist.

Submitted for consideration and approval please.

The Additional Chief Secretary to Court, Horyana. Environment Department

the t narroad.

Haryana State Poliution Control Board . C-11, Secure-6. Panchicula

Memo No. 2 24/2010-1Env. Dated - 6\_6- 2017

Subjects-

Proceedings of the meeting of Standing Committee on Public Enterpreheld on 17.94,2017 at 10.00AM.

Reference your fetter No. HSPCB/Ess. 2016 (0217 dated 20.12 2016 on "

preda boton traidue

Cost, accords approval to create the nationing adamoral Posts:

Nr. Nu.	Name of Post	Pay Scale	No. of Posts	Mode of Recruitment	Prescribed Qualification & Experience
,	Senior Environmental Engineer	374(K)-67000+ 8700 GP	2	By Promotion.	Pyears experience in the Board as Environmental Engineer or total 14 years experience as Environmental Engineer Assistant Invariant Engineer to the constitution that the constitution prosesses Degree at Engineering.
7	Senior Scientist	37400-67000- 8700GP	1	By promotion	Science.  Board as Scientist Control of Sciences Condition that the candidate possesses Per Graduate Degree Science.
1000	Favironmen.3 Engineer	159/x1-39100 nonoGP	5	As pressing Service Run	
-4	Scientist C	15A00-39100	- 01	-Do-	I-Do-
19.	Assessment invironment	1.7,41.74800	- in	-[]	-De-
	+ ngineer - hesemist *B		+ 14		- (k)

Junior	9300-34800-	2	-Do-	-Do-
Environmental Engineer	4000 GP			
Law Officer	9300-34800+ 5400 GP		By promotion or by transfer or deputation	Should have worked the least for 5 years in the Board as Assistant Law officer.  OR  On department from Prosecution Department from the coder of Department District Attorney
Administrative	9300-34800-	11	Hy selection	Superimendent Private
Officer	5400GP		or by transfer or deputation	correspy with 3 years experience having qualification atleast graduate  OR  OR  OR  OR  Can deputation from 7 cadre of that; at Secretariat Service equivalent in Superintendent with 3 years experience.
Development Team Leader	15600-39100- 5600CP	1	By premotion or by transfer or deputation	
Software Developes	√ън-34 <b>800+</b> 5418€ДР		By direct recruitment of by promotion or of deputation	-1%-
Junior Software Developer	9300-34800+ 4//00 GP	2	by promotion or or deputation	
Accounts Officer	9300-34800+ 5400GP		deputation from Finance Department	1
Private Secretary	93(d)=34 <b>80</b> 0+ 43(N)GP	1	As per existing Service Rule of the Board	
Deputy Superintender	43:54-34800- m 4000 (1P	1	By Pasenoti-	Accountant/Assistant A- stant (Computer) in it Buard.

TELECTER PROPERTY OF THE PROPE

16	Senior Scientific Assistant	9300-34800+ 4000GP	13	As per existing Service Rules of the Board.	As per Rules of	
17.	Junior Scientific Assistant	9300-34800+ 3600GP	+	-Do-	-Do-	
18.	Assistant	9300-34800- 1600GP	13	-Do-	-Do-	
•	Lab Amendian	5200-20200+ 1900GP	b	-Do-	-Du-	
		l'otal	71			 _

- There is only one post of Computer Operator in the Board which is equivalent to
  a selant. Therefore in is approved to re-designate the past of Champuter Operator as Ast snaputer).
- 4. Approval is further accorded that the Board may engage Legal Assistants on contract basis in accordance with the State Outsourcing Policy as per need based requirement subject maximum of 48 numbers.

The following existing posts in the Hoard may also be placed in diminishing endre-

Sr. No.	Name of Post	No. of Posts
1	Registrar	nu. of Posts
:	Statistical Assistant	
3.	Steno-typist	
4.	199.	
	Listai	15

 This issues with the concurrence of Haryana Bureau of Public Enterprises. Finan. Department conveyed vide their U.O. No. 20/3/2017/Acctt./HBPE (FD) dated 03.05.2017

> Superintendent, Environment for Additional Chief Secretary to Govt. Haryana, Environment Department

Endst. No. 2/24/2010-1Env

Dated -

A copy is torwarded to Sr. Research Officer, Haryana Bureau of the particles, Finance Expansion for information w.r.t. their U.O. No. 20/3/2017/Acett/Hitly. J.O. dated 03.05.2017

Superintendent Environment, for Additional Chief Secretary to Govt. Haryana, Environment Department Agenda Item No. 182, 4

Grant of relaxation in experience for promotion to the post of Scientist-C from the post of Scientist-B.

Smt. Meeta Sarin, Scientist-B, was initially appointed to the post of Senior Scientific Assistant by way of direct recruitment under exgratia scheme in April 2001. Thereafter she was promoted to the post of Scientist 'B' on 22.05.2012. As such she has acquired an experience of 6 years 4 months on the post of Scientist 'B'. Her qualification is M. Sc. acquired from Rajasthan University, Jaipur (Rajasthan). She has requested to promote her to the post of Scientist 'C' after giving relaxation in experience.

At present, there are 07 sanctioned posts of Scientist 'C' in the Haryana State Pollution Control Board. Out of these, 05 posts (@75% ratio) are under promotional quota and 02 posts (@ 25% ratio) are under direct recruitment quota. The following are the detail of filled up and vacant posts under promotion quota:-

Total posts meant for promotion quota = 05 Filled up = 02 Vacant = 03

The vacant posts of Scientist "C" meant for promotion quota required to be filled in the interest of Board's work. The Haryana State Pollution Control Board (Group A, B, C & D) Service Regulations, 2004 provides the following criteria of experience and qualifications for promotion to the post of Scientist 'C' and powers to relax any of the provisions in these regulations:-

## Academic Qualifications & Experience for the post of Scientist "C" By Promotion:

At least 8 years' service of the Board as Scientist B having minimum M.Sc. qualification.

#### · Powers of relaxation :-

Rule-17 of Haryana State Pollution Control Board (Group A, B, C & D) Service Regulation, 2004 prescribed the following power of relaxation of the provisions of these regulations:-

"Where the Board is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these regulations with respect of any class or category of persons with the approval of Govt."

As per record, Smt. Meeta Sarin acquired the experience of 6 years & 4 months in the Board as Scientist-B against the mandatory requirement of 08 years experience as prescribed in the service regulation of the Board, for which relaxation of 1 year & 8 months is required. She is having M.Sc qualification. As per record, no disciplinary action and contemplated proceedings are pending against her.

Since, the Board is competent to take a view to relax the experience criteria as per provision prescribed under Rule-17 of Service Regulations, 2004, hence, before sending the case to Government, the case of Smt. Meeta Sarin, Scientist 'B' for grant of relaxation in experience of 1 year & 8 months is being placed before the Board of Directors for approval, so that case may be sent to the Government for further approval please.

Submitted for consideration and approval please.

Agenda Item No. 182, 5

5/1/13

Ex-post-facto approval of Rs. 1.0 crore regarding contribution of CM Relief Fund of Government of Haryana released by Haryana State Pollution Control Board as a contribution to Kerala victims.

The State of Haryana has proposed to contribute towards the CM Relief Fund of Kerala for rehabilitation of the flood victims of the State which has experienced an unprecedented flood disaster in the recent past. This matter was discussed by the officials of Hon'ble Chief Minister and the Government of Haryana with the Board officials to consider the contribution of a reasonable amount from the Board to Haryana CM Relief Fund. It was lerant that all the Boards/Corporations of the State of Haryana also contributed to the Haryana CM Relief Fund.

In this regard, the Haryana State Pollution Control Board has also considered the contribution of Rupees One Crore, which has already been released vide Cheque No. 455761 dated 23.08.2018 to CM Relief Fund of Haryana towards flood victims of State of Kerala for further contribution.

As per the delegation of financial powers vested at sr. no. 22 of resolution no. 174.4, the Chairman of the Board does have full power for sanction of the amount under contribution and subscription head. However, it has been felt necessary to inform the Board of Directors about such contribution.

In view of above, the matter is palced before Board of Directors for information and ex-post-facto approval please. Estt. Group A- Regarding promotion to the post of Senior Environmental Engineer.

After creation of two posts of Senior Environmental Engineers in the Board, the case for promotion of Sh. S.P. Rathi, Environmental Engineer and Sh. Chand Saini, Environmental Engineer (both already designated as Senior Environmental Engineer) was placed before the Board of Directors in its 178th meeting held on 30.01.2018 vide Resolution No. 178.27(S). The Board had approved the proposal of promotion of both the officers subject to approval of the Govt., because the qualification criteria fixed by the Govt. while creating the above mentioned post for promotion was/is not mentioned in the service regulations of the Board and amendment therein was/is in process. Also, both the officers in question does have the qualification of AMIE, which is equivalent to degree in Engineering but the mandate for consideration of AMIE qualification equivalent to degree in Engineering lie with the Govt.

According to the approval of Board of Directors, the matter was referred by this office vide letter No. 3172 dated 05.02.2018 (at Annexure-1) to the Govt, for seeking necessary approval. The Govt. vide Memo No. 2/34/2010-1Env. Dated 28.08.2018 (at Annexure-2) accorded the approval for promotion of both the officers.

Consequent upon the necessary approval from the Govt, vide memo dated 28.08.2018, both the officers named Sh. Satpal Singh Rathl and Sh. Chand Saini, Environmental Engineers (already designated as Senior Environmental Engineer), have been promoted to the post of Senior Environmental Engineer with immediate effect in the Functional Pay Level - 14 as per 7th pay package (Rs. 1,18,500/-) against vacant post vide order endst. No. 5614-5647 dated 29.08.2018 (at Annexure-3).

It is worthwhile to mention here that the Chairman of the Board has already been authorized vide resolution No. 144.7 for taking decision in the matter of promotion etc. of Class-I officers of the Board subject to the condition that the decision so taken in respect of Class-I officers by the Chairman shall be informed to the Board of Directors in ensuing meeting.

In view of the facts stated above, the agenda in this regard is also placed before the Board of Directors for their information please.

### HARYANA STATE POLLUTION CONTROL BOARD C-11, SECTOR 6, PANCHKULA.

Ph. No. 0172-2577870-873

No. HSPCB/Estt/2018/31千点

The Additional Chief Secretary to Govt. of Haryana, Environment Department, Chandigarh.

Subject:

Estt. Group-A - Regarding Promotion to the post of Senior Environmental Engineers.

Kindly refer to the subject noted above.

In this connection, it is intimated that the Government of Haryana vide Memo No. 2/24/2010-1Env. Dated 06.06.2017 accorded approval to create two posts of Senior Environmental Engineers in the pay scale of Rs. 37400-67000+8700 GP (copy enclosed as Annexure-A) as under

\$r. No.	Name of Post	Pay Scale (Rs.)	No. of Recruitment	Mode of Recruitment	Prescribed Qualification & Experience
1.	Senior Environmental Engineer	37400- 67000+8700 GP	2	By promotion	7 years experience in the Board at Environmental Engineer Or Total 14 years experience at Environmental Engineer & Assistant Environmental Engineer subject to the condition that the candidate postatetees Decrease in Environmental

As per the seniority list of the Environmental Engineers of the Board Sh. Satpal Singh Rathi and Sh. Chand Saini are at Sr. No. 1 and 2. They possess AMIE Qualification in Civil Engineering passed from the Institution of Engineers (India) Calcutta. Both the officers were promoted from the post of Assistant Environmental Engineer to Environmental Engineer on 12.05.2000 and 03.10.2002 with the approval of Government by considering their AMIE qualification equivalent to Degree in Engineering. They were designated as Senior Environmental Engineers on 27,06,2012 in their own pay scale as per the approval of the Board granted vide agenda item No. 164,13 (S), as at that time the post of Senior Environmental Engineer was not sanctioned by the Government. They are performing duties of Senior Environmental Engineers, since 27.06.2012 in their own pay scale.

The Government has sanctioned the two poets of Senior Environmental Engineers vide Memo No. 2/24/2010-1Env. Dated 06.06.2017 as mentioned above. Hence their case of promotion to the post of Senior Environmental Engineers was placed before the Board in its 178th meeting held on 30.01.2018 vide agenda item no. 178.27 (S), copies of agenda item and minutes are enclosed as Annexure-B. The Board agreed with proposal of promotion of the above officers to the post of Senior Environmental Engineers but desired that approval of the Government may be obtained considering the AMIE qualification equivalent to Degree in Engineering for the purpose of promotion as ordered by Hon'ble Court in CWP No. 1640 of 2008 (O & M) vide judgment dated 06.11.2012 which has been upheld by the Supreme Court in Chill Appeal Nos. 17869-17870/2017, the relevant portion of above orders is enclosed as Annexure-C.

In view of above it is requested to accord approval to promote Sh. Satpal Singh Rathi EE and Sh. Chand Saini EE (already designated Senior Environmental Engineers) to the post of Senior Environmental Engineers in the pay scale of Rs. 37400-67000+8700 GP against the vacant sanctioned posts, accorded by Government vide No. 2/24/2010-1Env. Dated 06.06.2017, DAJAs above.

> uperintendent (Estt.) for Chairman

29/8/18

From

The Additional Chief Secretary to Govt. Haryana, Environment Department.

Daylor To

The Chairman,

Haryana State Pollution Control Board,

C-11, Sector-6, Panchkula.

Memo No. 2/34/2010 - 1Env. Dated: 26- 8- 2018

Subject:-

Estt. Group-A- Regarding Promotion to the post of Senior Environmental Engineers.

Reference your letter No. HSPCB/Estt./2018/3172 dated 05.02.2018 on the subject noted above.

 Government accords approval for promotion of Sh. Satpai Singh Rathi, Environmental Engineer and Sh. Chand Saini, Environmental Engineer (already designated Senior Environmental Engineer) to the post of Senior Environmental Engineers in the pay scale of RS. 37400-67000+8700 GP against the vacant senctioned posts accorded by Government vide no. 2/24/2010-1 Env. 06.06.2017.

> Superintendent Environment, for Additional Chief Secretary to Govt. Haryana, Environment Department.



# HARYANA STATE POLLUTION CONTROL BOARD C-11, SECTOR 6, PANCHKULA.

Ph. No. 0172-2577870-873

#### OFFICE ORDER

Consevent upon the approval accorded by the Government vide memo no. 2/34/2010-1Env. dated 28.08.2018, Sh. Satpal Singh Rathi and Sh. Chand Saini, Environmental Engineers (already designated as Senior Environmental Engineers) are hereby promoted to the post of Senior Environmental Engineers in the Functional Pay Level-14 as per Seventh Pay Package (Rs. 1,18,500/-) against vacant posts with immediate effect subject to the following conditions:-

- They will remain on probation for a period of one year from the date of their joinings as Senior Environmental Engineers.
- The above promotions are without prejudice to the right of others, who are otherwise senior to them.

Dated Panchkula, the 29th August, 2018.

Ashok Kheterpal Chairman

Endst. No. HSPCB/Estt./2018/ ≤614-5647 Dated: 29-08-2018

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

- The Additional Chief Secretary to Government Haryana, Environment & Climate Change Department, Chandigarh.
- Sh. Satpal Singh Rathi, Senior Environmental Engineer-I (HQ).
- 3. Sh. Chand Saini, Senior Environmental Engineer-II (HQ).
- The Senior Accounts Officer, HSPCB, Panchkula.
- All Branch Incharges in H.O./ all Regional Officers in Field Offices/ all Laboratory Incharges of HSPCB.
- PS to Chairman / PA to MS for information of the officers.

Superintendent (Estt.) for Chairman

man

Agenda Item No. 182,7

decision Regarding the the authorization streamlining under Bio-Medical Waste Management Rules and CTE/CTO Care for Health Facilities.

The Bedded Health Care Facilities (HCFs) have been covered under Consent Management of Board vide orders 546-572 dated 14.7.2016 and as per categorization of industries, the HCFs have been categorized under Red & Orange Category depending upon quantum of discharge from HCF. The Health Care Facilities need to obtain Consent to Establish /Consent to Operate under Water Act, 1974 & Air Act, 1981 along with Authorization under Bio Medical Waste Management Rules, 2016. Further vide orders No. 4081-4106 dated 19.5.2017, the Health Care Establishments i.e. hospitals/ clinics without indoor facilities and having OPD consultancy have been considered under White category of industries and so such HCFs not required CTE/CTO under Water/Air Acts from the Board.

The Indian Medical Association represented to streamline the procedure for obtaining CTE/CTO under Water / Air Act & Authorization under BMWM Rules, 2016. The Regional Officers also raised issues related with Consent and Authorization application of HCFs in RO Meeting held on 6.9.2018.

The authorization under Bio Medical Waste Management Rules, 2016 to be granted to HCF on merit, without holding such cases for simultaneous or prior grant of CTO under Water Act/ Air Act to the HCF. The period of such authorization to be taken same as consent period for Red and Orange category as prescribed under policy of Board vide order No. 3759-3782 dated 20.10.2015 for Consent Management where in grant Period of 5 and 10 years prescribed for Orange and Red category of units respectively.

The above decisions taken already circulated vide this office letter No. HSPCB/WMC/BMW-126/2018/2139-57 dated 28.9.2018. (Copy enclosed as Annexure-I).

The Agenda is placed before the Board for consideration and Ex-Post Facto approval, please.



### HARYANA STATE POLLUTION CONTROL BOARD C-11, SECTOR-6, PANCHKULA

Website - www.hspcb.gov.in E-Mail:hspcbho@gmail.com Ph:0172-2577870-873

NO. HSPCB/WMC/BMW-126 /2018/ 2/39-57

Dated: 28/9/18

- All the Branch incharges in Head Office.
- All the Regional Officers.

Subject:

Regarding meeting held with the President IMA on 26.7.2018 to discuss the Problem being faced by HCFs.

Please refer to the meeting held with the president IMA on 26.7.2018 and RO meeting held on 6.9.2018 on the subject noted above.

In this connection, it is intimated that the following decisions are taken for streamlining the authorization under Blo Medical Waste Rules and CTE/CTO for Health Care Facilities :-

- The applicable late fee of 300% of applicable CTO Fees should not be charged from the Health Care Facilities which apply before 31st October 2018, considering that the Health Care Facilities under 30 beds covered under Consent Management first time only by the orders dated 10.7,2016.
- It is already decided that the existing units not required the CTE and only 2. need to apply for the CTO along with the desired documents as per the policy of the Board.
- The matter relating to issues of CLU and NOC from ULB Department may be 3. taken up at State Advisory Committee constituted under provisional of Bio-Medical Waste Management Rules, 2016 by the representatives of IMA with appropriate justification.
- Authorized sewerage connection or sewerage carrying bills issued by the Urban Local Bodies or PHED as applicable in the town be accepted as a proof. that the Health Care Facility is having authorized sewer connection to discharge the effluent. As per the Bio Medical Rules 2018 if the HCF having the sewerage connection with terminal treatment facility they need to maintain the general discharge standard for the sewerage only.
- The authorization under BMW Rules, 2016 to be granted to HCF on merit. 5. without holding case for simultaneous or prior grant of CTO under Water Acti Air Act. The period of such authorization to be taken same as consent period for red and orange category as prescribed under policy of Board for consent management. The RO's to take appropriate action as per applicable Environment Laws against HCFs running without consent to operate of the Board.

In view of above, you are requested to follow up the above decisions for deciding the authorization cases under Bio Medical Waste Rules and CTE/CTO for Health Care Facilities.

CCI ) PS to Chairman.

2) PA to M.S.

Env Engineer (MQ) For Chairman

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Agenda: 182,6

Appointment of 2 Software Developers from Haryana Knowledge Centre Ltd. Through Haryana State Electronics Development Corporation Ltd. Panchkula.

The Board is already in process of generating various clearances through online mode. The clearances are being grated through HROCMMS Portal maintained by National Informatics Centre (NIC) Delhi. It had been felt that the administration work should also be done through online mode as there is no provision for maintaining of performance of the officers of the Board in the existing setup.

The development of new modules in Online Consent Management and Monitoring System (OCMMS) i.e. for E-waste, Plastic Waste, Laboratory Module, Central Software for CEMS is being done by NIC Delhi and 02 No. Assistant Programmers deployed by them.

The Board has engaged 02 No. Software Developers through Haryana State Electronics Development Ltd., (HARTRON) as per the policy of the State Government issued vide No. Admn/265/2SIT/2773 dated 06.10.2015 by Principal Secretary to Government Haryana, Electronics and Information Technology Department (copy enclosed) for administration work of the Board, modification the website i.e. hspcb.gov.in from static to dynamic, development of website of the Appellate Authority linking to OCMMS and other IT related works of the Board required from time to time on urgent basis. The expenditure as raised by HARTRON for each Software Developer is as under:

Description	Charges
Charges for 1 person of development team	83450/-
GST@18%	15021/-
Haryana Knowledge Centre Ltd., Charges one month (1+2)	98471/-
Hartron consultancy charges @6%	5908/-
GST on consultancy charges @18%	1064/-
Grand Total for one software developer for one month charges by Hartron	105443/-

The matter is placed for ex-post facto approval of the board for appointment of 2 software developer @ Rs.105443/- per month for each Software Developer with the Increase of payment in salary mentioned as per Government Policy No.Admn/265/2SIT/2773 dated 6.10.2015 given please.

Exemption from additional consent fees (late fees) for obtaining consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 for the residential building projects falling under the provisions of EIA notification no. S.O. 3999 (E) dated 09.12.2016.

The Government of India, Ministry of Environment, Forest and Climate Change (MoEF &CC) amended the EIA Notification No. S.O. 1533 dated 14.09.2006 vide notification no. S.O. 3999(E) dated 09.12.2016 (Annexure-I) providing the residential building projects upto 1,50,000 sqm. area exemption from obtaining consent to establish (CTE) and consent to operate (CTO) under Water Act, 1974 and Air Act, 1981.

The amended notification no. S.O. 3999(E) dated 09.12.2016 was challenged before the Hon'ble National Green Tribunal in OA No. 677 of 2017 titled Society for Protection of Environment and Biodiversity Vs Union of India & Others and the Hon'ble Tribunal vide its judgment dated 08.12.2017 (Annexure-II) quashed the above said amended provisions regarding exemption of residential building projects, from obtaining consent to establish (CTE) and consent to operate (CTO) under Water Act, 1974 and Air Act, 1981 and issued direction to MoEF&CC to re-examine and amend the notification dated 09.12.2016 and take appropriate steps to delete, amend and rectify the clauses of the said notification in the light of its judgment. The Hon'ble NGT further directed to the MoEF & CC not to implement the said impugned provisions of the above said Notification dated 09.12.2016.

Some of the units having residential building projects which did not apply either for renewal of CTE or for obtaining CTO under Water Act, 1974 and Air Act, 1981 after issue of above notification dated 09.12.2016 wherein their projects were exempted from obtaining CTE and CTO, have represented to the Board that their application for grant of CTO have been rejected by the Regional Officers concerned on the grounds that they have not applied for extension of the CTE or not obtained CTO within the prescribed time period and did not deposit the applicable late fees (additional consent fees) for the same but applied after the decision of Hon'ble NGT in the above said OA No. 677 of 2017 and requested to wave off the late fees and/or to consider their application for grant of CTO without considering the said period as non violation period.

On the same issue the appeals were also filed before the Ld. Appellate Authority (Haryana) constituted under Water Act, 1974 and Air Act, 1981 by the two project proponents i.e. M/s Puri construction Pvt. Ltd., Gurugram and M/s Uptown Condominium Owners Welfare Association Gurugram vide Appeal No. 52 of 2018 and 53 of 2018 respectively against the order of the Board issued for refusal of consent of these units on the grounds of not deposition of late fees and the Appellate Authority in its judgment dated 04.07.2018 (Annexure-III) in both the cases has allowed the appeals.

There are some other units which have not applied for renewal of the CTE/CTO after expiry of validity period of previous CTE/CTO in view of the above said notification dated 09.12.2016 issued by MoEF & CC. As per the information received from Regional Officers, 23 residential building projects have been reported falling under the preview of the provisions of the

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above said notification dated 09.12.2016 out of which 5 units are having valid CTE/CTO whereas 12 units have applied for the CTO, 5 units where CTE already expired has yet not applied whereas 1 unit has been refused the extension of the CTE.

The residential building projects which fall under the provisions of notification no. S.O. 3999(E) dated 09.12.2016, has been given one opportunity through public notice vide this office letter no. 1522-50 dated 24.07.2018 (Annexure-IV) to apply for obtaining the necessary consent to establish or consent to operate under Water Act, 1974 and Air Act, 1981 without late fees (additional consent fees) from this Board, as the case may be, within 30 days from publishing of the notice, failing which such projects will be liable to pay late fees (additional consent fees) thereafter as per policy of the Board or for legal action under the provision of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 in case of failure to apply for CTE/CTO, as the case may be.

The matter is placed before the Board for consideration and Ex-Post Facto approval of the same.

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Control Section Special Agency Study Speciago days

### MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE NOTIFICATION

New Delhi, the 9th December, 2016

S.O. 3999(E).—Whereas, by notification of the Government of India in the enstwhile Ministry of Environment and Forests number S.O.1533 (E), dated the 14\* September, 2006 issued under sub-section (1) read with clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 and clause (d) of the sub-sule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government directed that on and from the date of its publication, the required construction of new projects or activities or the expansion or modernisation of existing projects or activities product mix shall be undertaken in any part of India only after prior environmental clearance from the Central Government or as the case may be, by the Soate Level Environment Impact Assessment Authority, duly constituted by the Central Government ander sub-section (3) of section 3 of the said Act, in accordance with the procedure specified therein;

And whereas, the said Ministry has received suggestions for ensuring Ease of Doing Responsible Business; and streamlining the permissions for buildings and construction sector which is important for providing houses and for this sections in urban area has ambitious target;

And whereas clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 provides that, whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

And whereas, a draft notification for making amendments in the Environment Impact Assessment Notification, 2006 issued in coercise of the powers conferred under sub-section (1) and clause (v) of sub-section (2) of section (3) of Rules, 1986 was published, vide mamber 5.O.1393 (E) dated the 29" April 2016, inviding objections and suggestions from all the persons likely to be affected thereby, within a period of sixty days from the date of publication of said

And whereas, all objections and suggestions received in response to the above mentioned draft sorification have been duly considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with clause (d) of sub-rule (2) of rule 5 of the Environment Interest Assessment Notification, 2006 namely:

In the said Notification,-

- after paragraph 13, the following paragraph shall be inserted, namely:-
- "14. Integration of environmental condition in building bye-laws.
  - (1) The integrated environmental conditions with the building permission being granted by the local authorities and the construction of buildings as per the size shall adhere to the objectives and monitorable environmental conditions as given at Appendix-XIV.
  - (2) The States adopting the objectives and monitorable environmental conditions referred to in sub-paragraph (1), in the building bye-laws and selevant State laws and incorporating these conditions in the approvals given for building construction making it legally enforceable shall not require a separate environmental clearance from the Ministry of Environment, Forest and Glimate Change for individual buildings.
  - (3) The States may forward the proposed changes in their bye-laws and rules to the Ministry of Environment, Porest and Climate Change, who in turn will examine the said draft bye-laws and rules and convey the concurrence to the State Governments.
  - (4) When the State Governments notifies the bye-laws and rules concurred by the Ministry of Environment, Focest and Climate Change, the Central Government may issue an order stating that no separate environmental clearance is required for buildings to be constructed in the States or local authority areas.



- (5) The local authorities like Development Authorities, Municipal Corporations, may certify the compliance of the environmental conditions prior to issuance of Completion Certificate, as applicable as per the requirements stipulated for such buildings based on the recommendation of the Environmental Cell constituted in the local authority.
- (6) The State Governments where bye-laws or rules are not framed may continue to follow the existing procedure of appraisal for individual projects and grant of Environmental Clearance for buildings and constructions as per the provisions laid down in this notification.
- (7) For the purpose of certification regarding incorporation of environmental conditions in buildings, the Ministry of Environment, Focest and Climate Charge may empanel through competent agencies, the Qualified Building Environment Auditors (QBEAs) to assess and certify the building projects, as per the requirements of this notification and the procedure for accreditation of Qualified Building Auditors and their role as given at Appendix-XV.
- (8) In order to implement the integration of environmental condition in building bye-laws, the State Governments or Local Authorities may constitute the Environment Cell (herein after called as Cell), for compliance and monitoring and to ensure environmental planning within their jurisdiction.
- (9) The Cell shall monitor the implementation of the bye-laws and rules framed for Integration of environmental conditions for construction of building and the Cell may also allow the third part auditing process for oversight, if any.
- (10) The Cell shall function under the administrative control of the Local Authorities.
- (11) The composition and functions of the Cell are given at Appendix-XVI.
- (12) The Local Authorities while integrating the environmental concerns in the building bye-laws, as per their size of the project, shall follow the procedure, as given below:

#### BUILDINGS CATEGORY '1' (5,000 to < 20,000 Square meters)

A Self declaration Form to comply with the environmental conditions (Appendix XIV) along with Form 1A and certification by the Qualified Building Environment Auditor to be submitted online by the project proponent besides application for building permission in the local authority along with the specified fee in separate accounts. Thereafter, the local authority may issue the building permission incorporating the environmental conditions in it and allow the project to start based on the self-declaration and certification along with the application. After completion of the construction of the building, the project proponent may update Form 1A online based on audit done by the Qualified Building Environment Auditor and shall furnish the revised compliance undertaking to the local authority. Any non-compliance issues in buildings less than 20,000 square moiers shall be dealt at the level of local body and the State through existing mechanism.

### OTHER BUILDINGS CATEGORIES (≥ 20,000 Square meters)

The project proponent may submit online application in Form I A alongwith specified fee for environmental appraisal and additional fee for building permission. The fee for environmental appraisal will be deposited in a separate account. The Environment Cell will process the application and present it in the meeting of the Committee headed by the sutherity competent to give building permission in that local authority. The Committee will appeals the project and stipulate the environmental conditions to be integrated in the building permission. After recommendations of the Committee, the building permission and environmental clearance will be issued in an integrated format by the local authority.

The project proponent shall submit Performance Data and Certificate of Continued Compliance of the project for the environmental conditions parameters applicable after completion of construction from Qualified Building Environment Auditors every five years to the Environment Cell with special focus on the following parameters:

- (a) Energy Use (including all energy sources).
- (b) Energy generated on site from onsite Renewable energy sources.
- (c) Water use and waste water generated, trusted and reused on site.
- (d) Waste Segregated and Treated on site.
- (e) Tree plantation and maintenance.

After completion of the project, the Cell shall randomly check the projects compliance status including the five years audit report. The State Governments may eract the suitable law for imposing penalties for non-compliances of the



environmental conditions and parameters. The Cell shall recommend financial penalty, as applicable under relevant. State laws for non-compliance of conditions or parameters to the local authority. On the basis of the recommendation of the Cell, the local authority may impose the penalty under relevant State laws. The cases of false declaration or certification shall be reported to the accreditation body and to the local body for blacklisting of Qualified Building Environment Auditors and financial penalty on the owner and Qualified Building Environment Auditors.

No Coasent to Establish and Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 will be required from the State Pollution Control Boards for residential buildings up to 1,50,000 square meters.";

(II) In the Schedule, for item 8 and the entries relating thereto, the following item and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)	
*8		Building / Construction projects / Area Development projects and Townships			
B (ii)	Building and Construction projects		≥ 20,000 sq. mtrs and < 1,50,000 sq. mtrs of built up area	The term "built up neer" for the purpose of this notification is the built up or covered area on all floors put together including its basement and other service areas, which are proposed in the buildings and construction projects.  Note 1. The projects or activities shall not include industrial abed, universities, coolege, hosted for educational institutions, but such buildings shall ensure austainable environmental management, solid and liquid and implement environmental conditions given at Appendix-XIV.  Note 2General Condition shall not apply.  Note 3The exemptions granted at Note 1 will be available only for inclustrial shed after integration of environmental norms with building permissions at the level of local methority.	
8 (b)	Townships and Area Development projects	≥ 3,00,000 aq. mers of built up area or Covering an area ≥ 150 ha	≥1,50,000 sq. mtm and <3,00,000 sq. mts built up area or covering as area ≥ 50 ha and < 150 ha	Note General Condition shall not apply".	

[F. No. 19-2/2013-IA-III (PL)]

MANOJ KUMAR SINOH, Jr. Stey,

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section(ii) vide number S.O. 1533(E), dated the 14th September, 2006 and subsequently amended vide numbers S.O.1757(E) dated the 11th October, 2007, S.O. 3067(E), dated the 11th December, 2009, S.O.695(E), dated the 4th April, 2011, S.O.2896(E), dated the 13th December, 2012, S.O.674(E), dated the 13th March, 2013, S.O.2559(E), dated the 22th August, 2013, S.O. 2731(E), dated the 9th September, 2013, S.O. 563(E), dated the 26th February, 2014, S.O.637(E), dated the 28th Pebruary, 2014, S.O.1599(E), dated the 25th June, 2014, S.O. 2601 (E), dated 7th October, 2014, S.O. 2600(E) dated 9th October, 2014, S.O. 3852(E) dated 12th April, 2015, S.O. 811(E), dated 23th March, 2015, S.O. 996 (E) dated 10th April, 2015, S.O. 1142 (E) dated 17th April, 2015, S.O. 1141 (E) dated 29th April, 2015, S.O. 1834(E) dated 6th July, 2015 and S.O. 2572(E) dated 14th September, 2015, S.O. 141(E) dated 15th January, 2016, S.O. 190(E) dated 20th January, 2016, S.O. 648(E) dated 3rd March, 2016 and S.O. 2269(E) dated is July, 2016.

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### APPENDIX-XIV

### ENVIRONMENTAL CONDITIONS FOR BUILDINGS AND CONSTRUCTIONS

(CATEGORY 'I': 5,900 to less than 20,000 Square meters)

MEDIUM	S.N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	I	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bloowales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.
Water Conservation, Raia Water Harvesting, and	2	Use of water efficient appliances shall be promoted. The local bye-law provisions on rain water harvesting should be followed.  If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Mode Building Byo-Laws, 2016.
Ground Water Recharge		A rain water harvesting plan needs to be designed where the recharge bores (minimum one recharge bore per 5,000 square meters of built up area) is recommended. Storage and reuse of the rain water harvested should be promoted. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.  All recharge should be limited to shallow aguifer.
	2(a)	
	2(4)	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, pever blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
Waste Management	3	Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste.
		Sewage: In areas where there is no municipal sewage network, onsite treatment systems should be installed. Natural treatment systems which integrate with the landscape shall be promoted. As far as possible treated effluent should be reused. The excess treated effluent shall be discharged following the CPCB norms.
		Sludge from the onsite sawage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.
		The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.
Energy	4	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC.
		Outdoor and common area lighting shall be Light Emitting Diode (LED).
		Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
		Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to most its hot water demand from solar water heaters, as far as possible.
		Concept of passive solar design that minimize energy consumption is buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass atc. shall be incorporated in the building design.
		Wall, window, and roof u-values shall be as per ECBC specifications.





Air Quality and Noise	5	Dust, smoke & other air poliution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust wind breaking walls all armoit he site (at least 3 meter height). Plastic/tarpuilli sheet covers shall be provided for vehicles bringing in sand, cement, murram and other construction materials prove to causing dust pollution at the site as well as taking out debris from the site.
		Sand, marram, loose soil, coment, stored on site shall be covered adequately so as to prevent dust pollution.
		Wet jet shall be provided for grinding and stone cotting. Unpaved surfaces and loose soil shall be udequately sprinkled with water to suppress dast.
		All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016. All workers working at the construction site and involved in loading, unleading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.
		For indoor air quality the ventilation provisions as per National Building Code of India shall be made.
	5 (a)	The location of the DG set and exhaust pipe beight shall be as per the provisions of the CPCB norms.
Green Cover	6	A minimum of 1 tree for every 80 square meters of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
	6 (a)	Where the trees used to be out, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.

(Category '2': 20,000 to less than 50,000 Square meters)

MEDIUM	S.N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	1	The natural drain system should be maintained for ensuring uncentricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bic-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pottern and to barvest rain water.  Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
Conservation, Rain Water Harvesting, and Ground Water Recharge	2	A complete plan for rain water harvesting, water efficiency and conservation should be prepared.  Use of water efficient appliances should be promoted with low flow fixtures or sensors.  The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-laws, 2016.  A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage especity of minimum one day of total fresh water recuirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.  All recharge should be limited to shallow aquifer
	3(a)	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.

Waste Management	3	Solid waste: Separate wet and dry hins must be provided in each unit and at the ground level for facilitating segregation of waste.
		Sewage: Onsite sewage treatment of capacity of treating 100% waste water to be installed. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per CPCB norms. Natural treatment systems shall be promoted.
		Studge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.
		The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plestics Waste (Management) Rules 2016 shall be followed.
	3 (a)	All non-biodegradable waste shall be handed over to authorized recyclers for which a written de-up must be done with the authorized recyclers.
	3(b)	Organic waste compost/ Venniculture pit with a minimum capacity of 0.3 kg /person/day must be installed.
Energy	4	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC.
		Outdoor and common area lighting shall be LED.  Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate ferestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design.  Wall, window, and roof a-values shall be as per BCBC specifications.
	4 (a)	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
	4 (b)	Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its not water demand from solar water heaters, as far as possible.
	4 (s)	Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include flysels bricks, hollow bricks, AACs, Fly Ash Linze Gypsum blocks, Compressed earth blocks, and other environment friendly materials.
		Fly ash should be used as building material in the construction as per the provisions of the Fly Ash Notification of September, 1999 as amended from time to time.
Air Quality and Noise	5	Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpeulin sheet covers shall be provided for vehicles bringing in sand, cement, murran and other construction materials proce to musing dust pollution at the site as well as taking out debris from the site.
		Sand, muram, loose soil, coment, stored on site shall be covered adequately so as to prevent dust pollution.
		Wer jet shall be provided for granding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.
		All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016.
		All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with



2 12 -2 -2 (11)]	नार n-कण्ड 3(n)] भारत का राजपत्र : असाधारण			
		dust pollution shall be provided with dust mask.  For indoor air quality the ventilation provisions as per National Building Code of India.		
	5 (a)	The location of the DG set and exhaust pipe height shall be as per the provisions of the CPCB norms.		
Green Cover	6	A minimum of 1 tree for every 80 sq.mt, of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.		
	6 (a)	Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.		
Top Soil preservation and reuse	7	Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, it should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.		
Transport	8	A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private astworks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria.  1. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic.  2. Traffic calming measures.  3. Proper design of entry and exit points.  4. Parking norms as per local regulation.		

# (Category '3': 50000 to 150000 m<sup>3</sup>)

MEDIUM	S.N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	1	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bioswales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.  Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
Water conservation - Rain Water Harvesting, and Ground Water Recharge	2	A complete plan for rain water harvesting, water efficiency and conservation should be prepared.  The local bye-law provisions on rain water harvesting should be followed. If local bye-law provisions are not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-laws, 2016.  A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.  All recharge should be limited to shallow aquifer.
	(a)	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
- 2	(b)	Use of water efficient appliances should be promoted. Low flow fixtures or sensors be used to promote water conservation.

	2 (c)	Separation of grey and black water should be done by the use of dual plumbing system. In case of single stack system separate recirculation lines for flushing by giving dual plumbing system be done.
Solid Waste Management	3	Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste.  The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.
	3 (a)	All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
	J(b)	Organic waste composter/Vermiculture pit with a minimum capacity of 0.3 kg /person/day must be installed.
Sewage Treatment Plant	4	Onsite sewage treatment of capacity of treating 100% waste water to be installed Treated waste water shall be reused on site for inniscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per CPCB norms. Natural treatment systems shall be promoted.  Sludge from the onsite sewage treatment, including septic tanks, shall be collected conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.
Energy	5	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have softfied their own ECBC, shall comply with the State ECBC.
		Outdoor and common sees lighting shall be LED.  Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design.  Wall, window, and roof u-values shall be as per ECBC specifications.
	5 (a)	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
	5 (b)	Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.
	5 (c)	Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include flyesh bricks, bollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials. Fly ash should be used as building material in the construction as per the provisions of the Fly Ash Notification of September, 1999 as amended from time to time.
Air Quality and Noise	6	Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust' wind breaking walls all around the ske (at least 3 meter height). Plastic/asepaulin sheet covers shall be provided for vehicles bringing in said, cement, marrain and other construction materials grone to causing dust pollution at the site as well as taking not debris from the site. Wheel washing for the vehicles used be done.
		Sand, murrant, lasse soil, cement, stored on site shall be covered adequately so as to prevent dust pollution.  Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose
		soil shall be adequately sprinkled with water to suppress dust.  All construction and demolition debris shall be stored at the site (and not dumped on
		the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction



	5 (a)	and Demolition Waste Rules 2016.  All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.  For indoor air quality the ventilation provisions as per National Building Code of India.  The location of the DG set and unhoust pipe height shall be as per the provisions of the CPCB norms.
Green Cover	7	A minimum of 1 tree for every 80 sq.mt. of land should be planted and maintained.  The existing trees will be counted for this purpose. Preference should be given to planting native species.
	7 (a)	Where the trees need to be out, compensatory plantation in the satio of 1:3 (i.e. planting of 3 trees for every 1 tree that is out) shall be done and maintained.
Top Soil Preservation and Reuse	8	Topsoil should be stripped to a depth of 20 cm from the wees proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.
Transport	9	A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks.  Road should be designed with the consideration for environment, and safety of users. The road system can be designed with these basic criteria.  1. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic.  2. Traffic calming measures.  3. Proper design of entry and exit points.  4. Parking norms as per local regulation.
Enviruement Management Plan	10	An environmental management plan (EMP) shall be prepared and implemented to ensure compliance with the environmental conditions specified in item number 1 to 9 above. A dedicated Environment Monitoring Cell with defined functions and responsibility shall be put in place to implement the EMP. The environmental cell shall ensure that the environment infrastructure like Sewage Treatment Plant, Landscaping, Rain Water Harvesting, Energy efficiency and conservation, water officiency and conservation, solid waste management, renewable energy etc. are kept operational and meet the required standards. The environmental cell shall also keep the record of environment monitoring and these related to the environment infrastructure.

### APPENDIX-XV

### Accreditation of Environmental Auditors (Qualified Building Auditors)

The Ministry of Environment, Forest and Climate Change (MoEFCC), through qualified agencies shall accredit the Qualified Building Environment Auditors (QBEAs). The Qualified Building Environment Auditors could be a firm / organization or an individual expert, who fulfils the requirements. The Ministry will implement this process of accreditation through Quality Council of India (QCI), National Productivity Council or any other organization identified by the Government. The organizations like Indian Green Building Council, Bureau of Energy Efficiency etc. can also be associated in the process of accreditation, training, and renewal. The environmental consultants accredited by the QCI for building sector will be qualified as QBEAs. The QBEAs will meet the following criteris. The accrediting agency can improvise on these criteria.

### Qualifications of the Auditor:

 Education: Architect (Degree or Diploma), Town Planners (Degree), Civil Engineer / Mechanical-Engineer (Degree or Diploma), PG in Environmental Science or any other qualification as per the scheme of the accreditation.

### Training

 Mandatory training to be given by the accreditation body or their approved training providers. This will be as per the scheme of the accreditation.



#### Experience:

c. At least 3 years of work experience in the related field or building sector Environment Impact Assessment consultants accredited by QCI or any other experience criteria as per the scheme of the accreditation.

#### Infrastructure and equipment:

d. As per the scheme of the accreditation

#### Renewal

e. The accreditation will be valid for 5 years and will be renewed as per the process developed under the accreditation scheme.

Accountability/Complaint redressal mechanism: Any complaints regarding the quality of the work of QBEAs shall be made to the accorditation body. The accorditation body shall evaluate the complaint and take appropriate action including black listing or cancellation of the accorditation with wide public notice. This will be in addition to the action at the level of local authority for penalty and blacklisting. The Ministry can also take such action in case of specific complaint or feedback.

### APPENDIX-XVI

### Environmental Cell at the level of Local Authority:

An Environmental Cell shall be setup at the local authority level to support compliance and monitoring of environmental conditions in buildings. The Cell shall also provide assistance in environmental planning and capacity building within their jurisdiction. The responsibility of this cell would be monitoring the implementation of this notification and providing an oversight to the Third-Party Anditing process. The cell will operate under the local authority.

### Constitution of the cell:

The cell will comprise of at least 3 dedicated expens in following fields:

- a. Waste management (solid and liquid)
- Witter conservation and management
- c. Resource efficiency including Building materials
- d. Energy Efficiency and renewable energy
- e. Environmental plurning including air quality management.
- f. Transport planning and management.

The Cell shall induct at least two outside experts as per the requirements and background of dedicated experts. Existing environmental cells at the level of local authority can be co-opted and trained for this Cell.

#### Financial Support:

An additional for may be charged along with processing fee for building permission for integrating environmental conditions and it's monitoring. The local authority can fix and revise this additional fee from time to time. The amount of this fee shall be deposited in a separate bank account, and used for meeting the requirement of salary / emoluments of expens and running the system of online application, verifications and the Environmental Cell.

### Functions of the Cell:

- 1. The cell shall be responsible for assessing and appraising the environmental concerns of the area under their jurisdiction where building activities are proposed. The Cell can evolve and propose additional environmental conditions as per requirements. These conditions may be area specific and shall be notified in advance from time to time. These additional conditions shall be approved following a due consultation process. These environmental conditions will be integrated in building permissions by the sanctioning nuthority.
- 2. Develop and maintain an online system for application and payment of fees. The Cell shall maintain an online database of all applications received, projects approved, the compliance sudit report, random inspections made. The Cell shall maintain a portal for public disclosure of project details including self certification and compliance study reports filed by the Qualified Building Environment Auditors for public securing of compliance of environmental conditions by the project.
- 3. Monitoring the work of Environmental Audit process carried by the Qualified Building Auditors.

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- The Cell shall review the applications; finalize the additional environmental conditions if required within 30 days of the submission of the application to the local authority.
- The Cell shall adopt risk based random selection of projects for verifying on site for certification of QBA, compliance of environmental conditions and five yearly audit report,
- The Cell shall recommend to the local authority for financial penalty for non-compliance of environmental conditions by the project proposent.
- The Cell shall recommend to the accrediting body and the local authority against any Qualified Building Environment Auditor, if any lapse is found in their work.

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### Corrected Judgment BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH

NEW DELHI

ORIGINAL APPLICATION NO. 677 OF 2016 (M.A. NO. 148/2017)

## IN THE MATTER OF:

Society for Protection of Environment & Biodiversity Through the Convener R-7/17, Raj Nagar Ghaziabad (UP)-201001

.....Applicant

### Versus

- 1. Union of India Through Secretary, Govt. of India Ministry of Environment, Forest and Climate Change Indira Paryavaran Bhavan, Jorbagh Road, New Delhi-110003
- Ministry of Urban Development Through Secretary, Govt. of India Maulana Azad Road Rajpath Area, Central Secretariat New Delhi
- Central Pollution Control Board Through Member Secretary CBD-Cum-Office Complex East Arjun Nagar New Delhi

.....Respondents

### AND

ORIGINAL APPLICATION NO. 01 OF 2017 (M.A. NO. 03/2017 & M.A. NO. 445/2017)

### IN THE MATTER OF:

Pushp Jain S/o Shri Dhanpat Rai Jain R/o I A/2C Phase-I Ashok Vihar New Delhi-110052

.....Applicant

Versus

- Union of India
   Through the Secretary
   Ministry of Environment, Forest and Climate Change Indira Paryavaran Bhavan
   Jorbagh Road,
   New Delhi-110003
- Ministry of Urban Development Through the Secretary Maulana Azad Road Nirman Bhawan New Delhi 110 011

.....Respondents

### AND

### ORIGINAL APPLICATION NO. 7 OF 2017 (M.A. NO. 879/2017)

### IN THE MATTER OF:

Ajay Kumar Singh 236, Lawyers Chambers M.C. Sitalwad Block Supreme Court of India New Delhi

.....Applicant

### Versus

- Ministry of Environment, Forest and Climate Change Govt. of India Through the Secretary Indira Paryavaran Bhavan Jorbagh Road, New Delhi-110003
- Ministry of Urban Development Govt. of India Through the Secretary Nirman Bhawan New Delhi 110 011
- Delhi Development Authority Through its Vice Chairman Vikas Sadan, INA New Delhi
- Central Pollution Control Board Through Member Secretary Parivesh Bhawan, East Arjun Nagar New Delhi

 Central Ground Water Authority Through its Member Secretary Faridabad

EN.

- Delhi Pollution Control Committee Through Member Secretary
   Floor, ISBT Building Kashmeri Gate New Delhi
- North Delhi Municipal Corporation New Delhi
- South Delhi Municipal Corporation New Delhi
- East Delhi Municipal Corporation New Delhi
- State Level Environment Impact Assessment Authority, Delhi Govt. Secretariat Delhi

.....Respondents

### AND

## ORIGINAL APPLICATION NO. 55 OF 2017

### IN THE MATTER OF:

Mahendra Pandey S/o Sh. H.C. Pandey R/o Flat No. 18, Kanishka Apartment C&D Block, Shalimar Bagh Delhi

.....Applicant

### Versus

- Union of India
   Through Secretary
   Ministry of Environment, Forest and Climate Change Paryavaran Bhavan, Jorbagh Road,
   New Delhi-110003
- Ministry of Urban Development Through its Secretary Maulana Azad Road Rajpat Area, Central Secretariat New Delhi



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Central Pollution Control Board
 Through its Member Secretary
 CBD cut Office Complex
 East Arjun Nagar
 New Delhi

.....Respondents

### AND

### ORIGINAL APPLICATION NO. 67 OF 2017 (M.A. NO. 620/2017)

### IN THE MATTER OF:

R. Sreedhar R/o A-1/39, 2nd Floor Freedom Fighter Colony IGNOU Road, Gate No. 1 Neb Sarhai, New Delhi

... Applicant

Versus

Union of India
Through the Secretary
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan
Jorbagh Road,
New Delhi-110003

.....Respondent

### COUNSEL FOR APPLICANTS:

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Mr. Raj Panjwani, Sr. Advocate

Mr. Ritwick Dutta, Mr. Rahul Choudhary, Ms. Meera Gopal and Mr. Utkarsh Jain, Advocates

Mr. l. K. Kapila & Ms. Disha Singh, Advocates

Mr. Gaurav Kumar Bansal, Mr. Ompal Shukin and Ms. Nandit Bansal, Advocates

### COUNSEL FOR RESPONDENTS:

Mr. Atma Ram N.S. Naadkarni, Ld. ASG for MoEF&CC

Mr. Divya Prakash Pandey, Advocate

Mr. B.V. Niren with Mr. Vinayak Gupta, Advocates

Mr. Abhimanyu Garg and Ms. Preety Makkar, Advocates for Government of Puducherry

Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar and Mr. Sandeep Mishra, Advocates and Mr. Dinesh Jindal L.O. for DPCC

Mr. Bairaja Mahapatra, Advocate and Mr. Dinesh Jindal, L.O.

Mr. Rajkumar, Advocate with Mr. Bhupender, LA for Central Pollution Control Board

Mr. D. Rajeshwar Rao, Advocate

10

Mr. Utkarsh Sharma, Advocate for State of Uttar Pradesh

Mr. Ravindra Kumar, Advocate for NOIDA Authority

Mr. Krishna Kumar Singh and Mr. Anurag Kumar, Advocates

Mr. Rahul Pratap, Advocate Ms. Puja Kalra, Advocate

### JUDGMENT

PRESENT:

HON'BLE MR. JUSTICE SWATANTER KUMAR (CHAIRPERSON) HON'BLE DR. JUSTICE JAWAD RAHIM (JUDICIAL MEMBER) HON'BLE MR. BIKRAM SINGH SAJWAN (EXPERT MEMBER)

Reserved on: 8th November, 2017 Pronounced on: 8th December, 2017

- 1. Whether the judgment is allowed to be published on the net?
- 2. Whether the judgment is allowed to be published in the NGT Reporter?

# JUSTICE SWATANTER KUMAR (CHAIRPERSON)

By this judgement, we shall dispose of all the five cases connected with Original Application No. 677 of 2016 as a common question of law and fact arises for consideration before the Tribunal in all these cases. However, it is not necessary for us to notice the facts of each case in greater detail and it would be sufficient to refer to the factual matrix of the lead application only, i.e., Original Application No. 677 of 2016, Society for Protection of Environment & Biodiversity us. Union of India and ors.

2. The Applicant-Society claims that it works in the area of environmental conservation and aims at protection of the environment, ecology, natural resources, wildlife and bio-diversity existing on earth. It has filed various cases raising several environmental issues and concerns before the Courts as well as before this Tribunal. According to the Applicant, there is pathetic condition

of urban local bodies in the area under their jurisdiction more particularly in Ghaziahad. The exemption granted from Environmental Clearance for building and construction projects would be a huge retrograde step in the area of environment conservation. It would take us back to a pre- 2004 scenario, i.e., prior to issuance of EIA framework pursuant to specific orders of the Hon'ble Supreme Court. The Applicant believes that such a step will have a disastrous effect on the environment and would cause irreversible damage to the environment. The magnitude of the environmental footprint would be immense and unregulated building and construction activity would cause immense environmental damage. The Ministry of Environment, Forest & Climate Change (for short, "MoEF&CC"), Respondent No. 1 had issued a draft notification dated 29th April, 2016 with regard to amendment of the Notification of 2006 providing exemption to various construction projects all over the country. At that stage, the Applicant had filed an application bearing Original Application No. 168 of 2016 expressing its apprehension and raising serious objections to the draft Notification. The principal contention raised at that time was that the proposed Notification intends to dilute and exempt prior Environmental Clearance for buildings and construction projects through Model Building Bye Laws, 2016, as issued by the Town & Country Planning Organization, Ministry of Urban Development and the subsequent Notification by Delhi Development Authority of the Unified Building Bye Laws for Delhi, 2016 which were notified vide Notification dated 22nd March, 2016 in pursuance to Chapter-XIV of the Model Building Bye Laws, 2016 and in concurrence with the impugned Notification of MoEF&CC. These amendments and Byc

Laws sought to defeat and do away with the substantive provisions of EIA Notification, 2006 that require prior Environmental Clearance by building and construction projects under item no. 8(a) of the Schedule to EIA Notification, 2006. Original Application No. 168 of 2016 was disposed of by the Tribunal vide its order dated 30th September, 2016 directing MoEF&CC to consider the objections filed by the Applicant prior to issuance of the final Notification. The order dated 30th September, 2016 of the Tribunal reads as under:

"Learned Counsel appearing for the Ministry of Environment, Forests and Climate Change submits that they are in the process of amending the EIA Notification, 2006. According to her the draft Notification has already been published and objections/suggestions have been invited and after expiry of the Statutory period they would issue the final Notification after considering the objections filed.

Learned Counsel appearing for the DDA on instruction from Director of Planning submits that DDA has already notified the unified building bye laws, however, the chapter on environment conditions for sanctioning building plans would not be put into practice/implemented till Ministry of Environment, Forests and Climate Change give its approval/concurrence.

The Learned Counsel appearing for the applicant has raised an issue with regard to the unified bye laws being in conflict with the Notification of EIA, 2006. According to the applicant these objections should be considered.

In view of the statement made by the Learned Counsel appearing for the respective parties, we are of the considered view that nothing survives in this application. The respective authorities will abide by their statements. We also direct the Ministry of Environment, Forests and Climate Change to consider the objections of the applicant before issuing final Notification so that the unified building bye laws are not in conflict with EIA Notification, 2006.

In view of the above, the Original Application No.168 of 2016 stands disposed of with no order as to cost."

- 3. After passing of the above order, Respondent no. 1 issued the final Notification on 9th December, 2016. Though, the objections to the draft Notification was filed by the Applicant on 23th November, 2016 but no intimation for hearing was given to the Applicant except when the Applicant was invited through Counsel for meeting with Shri Manoj Kumar Singh, Joint Secretary, MoEF&CC, Government of India on 8th December, 2016 to discuss and make presentation on behalf of the Applicant. The discussion went on for about an hour or so and the Applicant was assured that the objections would be considered objectively by the Ministry. However, the final Notification was issued on 9th December, 2016 making substantial changes even in the draft Notification dated 29th April, 2016 which were in total derogation to the environmental laws in force.
- 4. The Applicant, thus, in the present case prays that the Notification dated 9th December, 2016 should be quashed and setaside, inter-alia, but primarily on the following grounds:
  - I. The Impugned Notification not only dilutes but also renders otiose the substantive provisions of Environmental Impact Assessment Notification, 2006 and even that of Environment (Protection) Act, 1986 (for short, "Act of 1986"). The provisions of the impugned Notification, if implemented would potentially destroy the environment and ecology due to unregulated building and construction activities and will have disastrous effect on environment and would cause irreversible damage to the environment. The magnitude of Environmental footprint would be immense. The objections filed by the Applicant and

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others have not been considered objectively and appropriately by the Ministry. The impugned Notification, thus suffers, from the element of non-application of mind as well as is violative of Principle of Natural Justice.

- II. The Impugned final Notification is not only at variance with the draft Notification but even introduces new provisions which are diametrically opposite, beyond the scope and purview of the Draft Notification and even had destructive essence to the draft Notification. In this regard, the following significant variance can be noticed:
  - (a). Draft Notification did not contain any provision with regard to grant of exemption to the construction building projects from the provisions of Air (Prevention and Control of Pollution) Act, 1981 (for short, "Air Act, 1981) and Water (Prevention and Control of Pollution) Act, 1974 (for short, "Water Act, 1974) in relation to Consent to Establish and Consent to Operate.
  - (b). The composition of the Environmental Cells to monitor the conditions particularly in reference to Environmental Clearance is entirely at variance to the draft Notification.
  - (c). Accreditation of Environmental auditors in terms of Appendix XV to the impugned Notification is also at variance from the one proposed in the Draft Notification.

- III. In exercise of subordinate legislative power, a delegatee cannot affect the application of another legislation enacted by the Parliament. In other words, while amending the Notification of 2006 in exercise of subordinate legislation, the delegated authority cannot render the provisions of Water Act, 1974 and Air Act, 1981 as inapplicable and also take away the powers of the Pollution Control Boards under the said Acts, to grant/refuse consent to establish and/or operate to a project.
- IV. Neither any comprehensive study was carried out nor any data collected to support the drastic changes being made by the impugned Notification and also ignored the Precautionary Principle, the fundamental cannon of environmental jurisprudence.
- V. The impugned Notification has several deficiencies which are against the basic letter and spirit of the Act of 1986 and the Notification of 2006.
- VI. 'Ease of doing responsible business' cannot be in fact and in law the ground for making amendment to the environmental laws, as it primarily falls beyond the scope of the object and purposes of the environmental laws in force. It is only a ploy to circumvent the provisions of the environmental assessment. The comprehensive process for evaluating the impact on environment due to various projects has been negated by the said amendment.
- VII. Under the impugned Notification, local authority is responsible for development and passing the development

plan vested through the environment cell with the power to impose conditions relating to environmental protection and ensure their compliance. The local authorities which are the sanctioning authorities would also become adjudicatory authorities under the impugned Notification. This dual functioning by the same authority make them judge in their own cause in contravention with the Principle of Natural Justice, nemo judex in sua causa, as well as give rise to the plea of conflicting interest.

- VIII. Exemption granted under the amended Notification has no nexus to the object sought to be achieved, i.e., the environmental protection.
- IX. The impugned Notification is in derogation of India's international commitment and obligation under the Rio Declaration (1992), particularly Principle 15 to 17 and the Paris Agreement, 2016.
- X. The impugned Notification, if given effect to, as framed would result in wiping out the effect of environmental laws in force and hence would not be in consonance with the doctrine of non-regression.
- XI. In addition to above, Applicant has also contended that the impugned Notification has an impact of disturbing the federal structure as provided in the Constitution of India. The Central Government cannot exercise power, authority and control in relation to subject matter of the Notification over the local authorities. The Environmental Cell, constituted under the amended Notification, would be under control of the local

authority or the State Government, as the case may be and, therefore, it will have apparent conflict with the Central Regulating Authority.

XII. In terms of the Notification, the violations of environmental conditions would be punishable and action would be taken under local laws, thus, divesting the CPCB or the State Regulatory Authority from taking punitive action against the defaulters and, therefore, would not be in consonance with the scheme of 1986 Act. The Notification is a manifest ploy for ousting of the application of the Environmental Acts and even the jurisdiction of the Tribunal. Furthermore, power under Section 3(1) of the Act of 1986 can b: exercised in harmony and consonance with other provisions of the Act. The power under Section 3 is to be exercised for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmen al pollution. The measures contemplated under Section 3 can only be taken in that behalf. Thus, power cannot be exercised for purposes beyond Section 3(1) and the provisions of the Act of 1986.

XIII. It is also contended by Applicant that MoEF has not provided any appropriate answer to the questions formulated by the Tribunal in its order dated 21st December, 2016 and 28th July, 2017.

XIV. There is no power with the Central Government to transfer its responsibility to the local authorities. The impugned

Notification does not provide power of refusal or rejection of the application seeking Environmental Clearance. The impugned Notification which introduces Paragraph no. 14 to the Notification of 2006, would be in apparent conflict with Para 1 to 13 of the Notification 2006. The Environmental Cell would not be able to function independently, fairly and in a transparent manner.

XV. The impugned Notification is unsustainable as on one hand it is not based on any study and on the other it ignores the recommendations made in the various studies conducted by the Ministry itself including Dr. Kasturirangan's reports. The positive suggestions and recommendations made in these reports have been ignored. The Notification attempts to hide behind the poor for the benefit of the builders. It also lacks in providing for requisite expertise of the members constituting the environmental cell in the interest of environment. No, criteria or qualifications have been fixed for the Member of environmental cell unlike the law in existence, which certainly would have adverse impacts as there will be massive construction activity causing serious environmental degradation.

5. From the above grounds, the applicants in all these applications pray that the impugned Notification dated 9th December, 2016 should be declared as ultra vires and be quashed. The challenge to the Notification is on legal grounds as well as on other reasons that it will have an adverse impact on environment, ecology and natural resources. In fact, it is contended that it will also have serious

& Control of Pollution Act, 1981 and under the Water (Prevention & Control of Pollution) Act 1974.

### AND

For issuance of an appropriate order staying the operation of the impugned refusal order No.HSPCB/ Consent/ 329962318 GUNOCTO 5228732 dated 08.05.2018 (Annexure A1) and refusal order No.HWM/GUNO/2018/5228678 dated 16.05.2018 (Annexure A2) during the pendency of the present appeal.

### AND

Por issuance of an appropriate order or direction in favour of the appellant which this Hon'ble Authority may deem fit and proper in the facts and circumstances of the case.

CORAM: MR. JUSTICE S.D. ANAND MAJ. GEN. HARISH JIT SINGH DR. SUKHDEV KUNDU PRESIDENT MEMBER MEMBER

Argued by:

Mr. Pratik Gautam, Advocate for the appellant Mr. Ramesh Kumar Chahal, Advocate for the respondents.

MAJ. GEN. HARISH JIT SINGH. MEMBER, APPELLATE AUTHORITY

Condominium Owners Welfare Association - hereinafter referred to as the appellant, to obtain the invalidation of the impugned

9/79/98

order dated 08.05.2018 (Annexure A-1), vide which the application for consent to operate under Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act 1981, on the sole premise that the unit has not deposited late fees.

The averments in the grounds of appeal are as under. The appellant came into be after having obtained "license from DTCP Haryana, Environment clearance from MOEF & CC GOI, Consent to Establish from Haryana State Pollution Control Board and all applicable approvals from competent authorities". On \*completion of construction and successful installation of all required Pollution Control measures Trial Consent to Operate was granted by HSPCB for the period 04.11.2015 to vide 03.02.2016 no.HSPCB/Consent/:2821215GUNOCTOHWM2350170 dated AIR Act. letter under 16.11.2015 no.HSPCB/Consent/:2821215GUNOCTO2350170 16.11.2015 under WATER Act and Authorization under Management Rules Hazardous Waste no.HSPCB/Consent/:2821215GUNOCTOHWM2350170 dated 16.11.2015

On checking of Structural & Functional adequacy of the Pollution Control regular measures, first "Regular Consent to Operate was granted by HSPCB for the period 61.04.2016 to 31.03.2017 Yide Setter NO. HSPCB/Consent/:2821216GUNOCTOHWM2691640 dated 01.03.2016 under AIR Act, vide Setter No. HSPCB/Consent/:2821216GUNOCTO2691640 dated

01.03.2016 under WATER Act and Authorization under Hazardous Waste Management Rules vide letter no.HSPCB/Consent/:2821216GUNOCTOHWM2691640 dated 01.03.2016 (Annexure A4)\*\*.

The Ministry of Environment, Forest and Climate Change, Government of India, "exempted residential projects having built up area less than 1,50,000 sqm from obtaining CTE & CTO under Water Act & Air Act ("No consent to Establish and Operate under Water (Prevention & Control of Pollution) Act 1974 and Air (Prevention & Control of Pollution) Act 1981 will be required from state pollution control boards for Residential Buildings upto 1,50,000 Square Meters").

valid upto 31.03,2017, the renewal thereof had to be applied for 90 days before 31.12.2016.

However, the appellant did not apply for aforementioned renewal in the light of the Notification dated 09.12.2016. The CTE and CTO related provisions of the Notification dated 09.12.2016 were quashed by the Hon'ble National Green Tribunal, New Delhi, vide order dated 08.12.2017 in case titled Society for Protection of Environment & biodiversity V. Union of India and others. The Hon'ble NGT directed the Ministry to re-examine the notification.

3. As soon as the fact of order dated 08.12.2017 of the Hon'ble
NGT came to the notice of the appellant, it applied for renewal of
Consent to Operate under Water Act and Air Act and
Suthorization under Hazardous Waste Management Rules.
However, vide Show Cause Notice dated 01.01.2018, the

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application was returned with two number of objections (\*1. Not submitted proof of deposition of CTO fees alongwith late fees. 2. Not submitted analysis report from board approved lab.\*). On finding the response satisfactory, the Respondent No.2 "recommended the case for grant of CTO renewal and forwarded it to Respondent no.3 Haryana Enterprises Promotion Centre". The fact (pointed out by the appellant in the reply to the Show Cause Notice) that the provisions regarding late fee would not apply in the facts and circumstances of the case including the fact that the Notification dated 09.12.2016 exempting the likes of the appellant from Consent Management came to be quashed only vide order dated 08.12.2017 recorded by the Honbie NGT, did not find favour with the Competent Authority. Thereafter, the application came to be rejected on the premise that the appellant had not deposited late fees (@ 300%).

It may be indicated here that the plea with regard to the challenge to the orders under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 was withdrawn by the learned Counsel for the appellant on 18.06.2018. ("The appellant herein has applied for the invalidation of the two impugned orders, one out of which had been passed under the Air and Water (Prevention and Control of Pollution). Act; while the other had been passed under the Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016. Insofaras the latter challenger is concerned, we have no reservations in allowing the verbal plea made by the learned Counsel for the appellant to withdraw it.

md.

9/81/101

The learned Counsel states that he applied for that part of the relief before the Competent Authority\*).

- 5. The Respondents No.1 and 2 reiterated the correctness of the impugned demand for the payment of late fees @ 300%, on an averment that the late fees regime is applicable because "the unit has applied for Consent to Operate on 29.12.2017 & 25.03.2018 after the decision of Honble National Green Tribunal dated 08.12.2017".
- We have heard the learned Counsel for the appellant and the Respondents No.1 and 2. None entered appearance on behalf of Respondent No.3:
  - During the course of hearing on 29.06.2018, the learned Counsel for the parties had agreed that the main cue to the determination of the controversy would be adjudication of about whether the appellant is liable to the levied late fees or not.
  - The Competent Authority declined the application filed by the appellant (under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 of Air (Prevention and Control of Pollution) Act, 1981, on the plea that "unit has not deposited late fees".

5. The plea raised on behalf of the appellant was that it is not liable to pay any late fees because it being a project with a built up area of 1,27,460.546 sq. mirs., was within the preview of MOEP & CC. Government of India Notification dated 09.12.2016 which exempted a project of that area from consent management. That the appellant became liable to consent management only after 08.12.2017 and it filed a plea for the grant of consent almost immediately thereafter is the plea on

behalf of the appellant in support of the averment that there was no delay in the filing of the plea for consent and, thus, it is not liable to the payment of any amount of late fee, muchless the exorbitant amount @ 300%).

 The learned Counsel for the respondents argued the contrary by pointing out that the application was not filed in time.

We find ourselves in agreement with the pica made on behalf of the appellant to the extent indicated hereunder. The reasoning therefor is recorded hereunder.

12. The learned Counsel appearing on behalf of the appellant argued that the question of any liability on the part of the appellant to pay any late fee did not arise in view of the report dated 23.01.2018 made by none-else or other than the Assistant Environmental Engineer of the Poliution Control Board which (report) was ratified by the Regional Officer of the Pollution Control Board. The reports recorded by the Assistant Environmental Engineer and the Regional Officer dated 23.01.2018 and 29.01.2018 respectively, are extracted hereunder (from out of Annexure P-10):

"Unit has replied "Late fees is not applicable since the CTO renewal was not applied as the same was exempted vide MoEF&CC Notification dated 09 Dec 2016 (Copy enclosed with relevant text highlighted) however CTO again become applicable only after order of Honble National green Tribunal whereby the said notification of MoEF&CC was stayed. In light of the above you are requested to drop the late fees for our project being not applicable and kindly grant the

CTO renewal at the earliest please. In view of above, CTO -may be granted to the unit as already recommended, please."

### XXXXXXX

"Unit has replied "Late fees is not applicable since the CTO renewal was not applied as the same was exempted vide MoEF&CC Notification dated 09 Dec 2016 (Copy enclosed with relevant text highlighted) however CTO again become applicable only after order of Hon'ble National green Tribunal whereby the said notification of MoEF&CC was stayed. In light of the above you are requested to drop the late fees for our project being not applicable and kindly grant the CTO renewal at the earliest please". In view of above, CTO may be granted to the unit as aiready recommended, please."

13. The learned Counsel appearing on behalf of the respondents relied upon the below extracted provision of 3.3.2 of the policy, as per which an industrial unit/project falling under the Red, Orange and Green categories had to make an on-line plea for grant/renewal of the consent atleast 90 days before the period of validity of the already granted consent.

14. The following facts of incontrovertible nature are evident from the above discussion. It is beyond the pale of controversy that the liability to consent management came into being with the quashment of GOI Notification dated 09.12.2016 by the order dated 08.12.2017 of the Honble NGT. That the appellant applied for Consent to Operate in one facet on 29.12.2017 is the own plea of the respondents (in the course of Para-13 of the parawise reply). It cannot be wished away by the appellant that the Consent under the other facets was applied for on 26.03.2018. At the same time, the respondents cannot validly impose the rigour of penalty (@ 300%) upon the appellant. Here, thus, was a case wherein the GOI Notification granted exemption from consent management to the likes of the appellant. The exemption was quashed by an order dated 08.12.2017 of the Hon'ble NGT. If a highly technical view of the provision is taken, the appellant had to file a plea for consent within 90 days from 08.12.2017. The plea filed by it was delayed by about 18 days. The circumstances available on record indicate that the appellant had submitted itself to the rigour of consent management by filing a consent plea on 29.12.2017 though under one facet. It was not running away from the liability of being bound by the consent management. In that view of things, the view taken by the Competent Authority in imposing 300% penalty would appear to be hyper technical which we cannot approve.

allow this appeal. The rejection of the consent plea having come about at the hands of the Competent Authority on the sole premise of non deposit of late fees @ 300%, we have no hesitation in negating that premise of rejection, particularly when the Hon'ble NGT had directed the Ministry to re-examine the exempting part of the notification. The matter was, thus, in the oven, in the light thereof, no amount of intentional culpability can be read into the act of the appellant in filing the

application for consent after a delay of about 18 days. The rigour of the rules, cannot be allowed to be imposed upon the concerned unit because the amount (300%) is patently exorbitant and it does not provide for any intelligible criteria for imposition.

- 16. The appeal shall stand allowed accordingly.
- 17. The parties shall bear their own costs of the cause in the facts and circumstances of the case.

Announced in the presence of:

Mr. Ramesh Kumar Chahal, Advocate and Mr Sathir Singh,
District Attorney for the respondents.

Dated: 04.07.2018

(MAJ. GEN. HARISH JIT SINGH)

Momber

Appellate Authority

I agree

(JUSTICE S.D. ANAND)
President
Appeliate Authority

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Lesisted Annual Authority HSPCS Parchicula

I agree

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(DR. SUKHDEV KUNDU)

Member
Appellate Authority



## HARYANA STATE POLLUTION CONTROL BOARD

C-11 Sector-6, Panchkula Ph - 0172- 577870-73, Fax No. 2581201

E-mail- hspcbhoagmail.com Website: hspcb.gov.in

No. HSPCB/PLG/2018/

Dated: 24-7-2018

The Director General,

Information, Public Relations & Cultural Affairs Department, Haryana, Chandigarh.

Publication of Advertisement regarding Public Notice to all the concerned industrial sectors and stake holders which falls under the provisions of notification no. S.O. 3999(E) dated 09.12.2016 to apply for obtaining necessary consent to establish or consent to operate without late fees from the Board within 30 days.

Kindly refer to the subject noted above.

In this connection, I have been directed to enclose herewith an advertisement regarding Public Notice to all the concerned industrial sectors and stake holders which falls under the provisions of notification no. S.O. 3999(E) dated 09.12.2016 to apply for obtaining necessary consent to establish or consent to operate without late fees from the Board within 30 days and to request you for publication of the same in the following leading newspapers on DAVP rates:

1. National English newspaper.

2. Major Hindi vernacular daily news paper.

You are requested to publish the said advertisement at the earliest in the above said newspapers and copy of release order may be sent to this office accordingly. DA/Notice.

Sr. Environmental Engineer-I (HQ) For Chairman

Endst. No. HSPCB/2018/ 15 2-3-46

Dated: 24-7-2-15

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

 All the Branch Incharges in Head Office dealing consent management, Haryana State Pollution Central Board

2. All the Regional Officers Regional Officer, Haryana State Pollution Control Board,

Nodal Officer, HEPC, Panchkula

Sh. Sandeep Sharma, Jr. Programmer (HQ) to upload the public notice on website of the Board after the publishing of the advertisement in the newspaper.

DA/Notice.

Sr. Environmental Engineer-I (HQ) For Chairman

Endst. No. HSPCB/2018/ \547-50

Dated: 24-7-2018

A copy of the above is forwarded to the following for information please:-

Additional Chief Secretary to Govt. Haryson, Environment Department, Chandigarh.

2. Director General, Environment Department, Haryana, Chandigarh.

3. PA to Chairman.

4. PA to Member Secretary.

DA/ Notice.

27/2/18 Sr. Environmental Engineer-I (HQ) OCE For Chairman



#### HARYANA STATE POLLUTION CONTROL BOARD C-11 Sector-6, Panchkula Ph - 0172-577870-73, Fax No. 2581201 E-mail-hspcbseel@gmail.com

Website: hspcb.gov.in

#### NOTICE

This is for the information of all the concerned units/industries that Government of India, Ministry of Environment, Forest and Climate Change (MoEF & CC) has notified the amended notification no. S.O. 3999(E) dated 09.12.2016 in EIA Notification No. S.O. 1533 dated 14.09.2006 with one of the provision that the residential building projects upto 1,50,000 sqm. were exempted from obtaining consent to establish (CTE) and consent to operate (CTO) under Water Act, 1974 and Alr Act, 1981.

The amended notification no. S.O. 3999(E) dated 09.12.2016 was challenged before the Hon'ble National Green Tribunal in OA No. 677 of 2017 and the Hon'ble Tribunal vide judgment dated 08.12.2017 has quashed the amendments and issued directions to MoEF&CC to re-examine and amend the notification dated 09.12.2016 and take appropriate steps to delete, amend and rectify the clauses of the said notification in the light of the judgment. The Hon'ble NGT further directed to the MoEF & CC not to implement the impugned provisions of the said Notification.

Some of the units having residential building projects which did not apply either for renewal of CTE or for obtaining CTO under Water Act, 1974 and Air Act, 1981 after issue of above notification dated 09.12.2016 wherein their projects were exempted from consent management, have represented to the Board that their application for gannt of CTO have been rejected by the Regional Officers concerned on the grounds that they have not applied for extension of the CTE or not obtained CTO within the prescribed time period and did not deposit the applicable late fees for the same but applied after the decision of Hun'ole NGT in OA No. 677 of 2017 and requested to wave off the late fees and/or to consider their application for grant of CTO without considering the said period as non violation period.

On the same issue the appeals were also filed before the Ld. Appellate Authority (Haryana) constituted under Water Act, 1974 and Air Act, 1981 by the two project proponents i.e. M's Puri construction Pvt. Ltd., Gurugram and M's Uptown Condominium Owners Welfare Association Gurugram vide Appeal No. 52 of 2018 and 53 of 2018 respectively against the order of the Board issued for refusal of consent of these units and the Appellate Authority in its judgments dated 04.07.2018 has allowed the appeals.

There are some other units which have not applied for renewal of the CTE/CTO after expiry of validity period of previous CTE/CTO after issue of the above said notification dated 09.12.2016 by MoEF & CC. Some of the units might have applied for renewal of the CTO after quashing of the above said notification by Hon'ble NGT and their cases are being dealt by the Board.

Therefore in view of above, all the conserved industrial sectors and stake holders which fall under the provisions of notification no. S.O. 3999(E) dated 09.12.2016, are hereby given one opportunity through this public notice to apply for obtaining the necessary consent to establish or consent to operate under Water Act, 1974 and Air Act, 1981 without late fees from this Board, as the case may be, within 30 days from publishing of this notice, failing which concerned industrial sectors and stake holders will be liable to pay late fees thereafter as per policy of the Board or for legal action under the provision of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act,

Please take note that no separate notice will be issued in this regard.



Chairman

Annual Action Plan of the Board for the year 2018-2019.

The Board in its 169<sup>th</sup> meeting held on 18.11.2013 vide resolution no. 169.19 has approved the comprehensive plan for taking up development works/activities for preservation & protection of Environment for the year 2013-18.

A note dated 08.08.2018 (Annexure-I) has been received from the office of Additional Chief Secretary to Govt. Haryana, Industries, Environment and Civil Aviation departments to provide the complete details of Annual Action Plan of the Board alongwith monthly mile stone.

The Annual Action Plan of the Board for the year 2018-19 has been prepared and sent to the Government vide this office letter no. HPSCB/2018/1735 dated 16.08.2018 (Annexure-III), copy of which is annexured as (Annexure-III).

The Annual Action Plan of the Board for the year 2018-19 is placed before the Board for consideration and Ex-post Facto approval of the same.





### HARYANA STATE POLLUTION CONTROL BOARD

C-11 Sector-6, Panchkula Ph - 0172- 577870-73, Fax No. 2581201 E-mail- hspebho@gmail.com

Website: hspcb.gov.in

No. HSPCB/2018/ 1725

Dated: 1(8)18

10/3/110

To

The Additional Chief Secretary to Govt. Haryana, Department of Environment and Climate Change, Chandigarh.

Sub: Information regarding Milestones, Annual Action Plan and Budget for the year 2018-19.

Kindly refer to your office note dated 08.08.2018 on the subject noted above.

In this connection, the point wise information regarding Milestones, Annual Action Plan and Budget for the year 2018-19 as desired vide your note under reference is given as under:-

1. Monthly Milestones.

The monthly milestones for major activities and projects for the year 2018-2019 are given as per Annexure-A.

2. Complete detail of Annual Action Plan.

The copy of Annual Action Plan of the board for the year 2018-2019, is attached as pre Annexure-B.

Budget Allotted and expenditure incurred during 1<sup>st</sup>/2<sup>rd</sup>
 Quarter, in view of instructions of Finance Department.

No Budget Allotted.

- Relaxation, if any, for 2<sup>nd</sup> Quarter.
   Not application.
- 5. Budget demand, if any.

No Budget demanded.

It is submitted for information & further necessary action please.

JA/ As above.

Sr. EE-I (HQ) For Chairman

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10/4/111

# Annual Action Plan 2018-19 Haryana State Pollution Control Board

#### A. Introduction

The Haryana State Pollution Control Board (HSPCB) is a statutory authority entrusted with the duty to implement environmental laws and rules within the jurisdiction of the State of Haryana. The Board ensures proper implementation of the statutes, judicial and legislative pronouncements related to environmental protection within the State. Haryana State Pollution Control Board was constituted under Water (Prevention and Control of Pollution) Act, 1974 vide Notification No. 86/(4)(iv)74/33298 dated 19.9.1974 initially for Prevention and Control of Water Pollution and maintaining or restoring wholesomeness of water. The State Pollution Control Board was also entrusted with additional responsibility of implementing the Water (Prevention and Control of Pollution) Cess Act, 1977 with a view of augmenting the resources of the State Pollution Control Boards. The State Pollution Control Board was also given additional responsibilities under Air (Prevention and Control of Pollution) Act, 1981 to take appropriate steps for preservation of quality of Air and Control of Air Pollution. The Board was subsequently given the responsibility of implementing the Environment (Protection) Act, 1986 and Rules and notifications issued there under.

Various Environmental Acts and Rules being implemented by the Board are given as under:-

- The Water (Prevention and Control of Pollution) Act, 1974 and Rules made there under.
- The Water (Prevention and Control of Pollution) Cess Act, 1977 and Rules made there under.
- 3. The Air (Prevention and Control of Pollution) Act, 1981 and Rules made there under.
- The Public Liability Insurance Act, 1991and Rules made there under.
- The Environment (Protection) Act, 1986 and the following Rules and notifications made there under:-
  - The Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2011.
  - The Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989.
  - (iii) The Biomedical Waste (Management and Handling) Rules, 2011.
  - (iv) The Plastics Waste (Management and Handling) Rules, 2011.
  - (v) The Municipal Solid Waste (Management & Handling) Rules, 2000.
  - (vi) The E-waste (Management & Handling) Rules, 2011.
  - (vii) The Noise Pollution (Regulation and Control) Rules, 2000.
  - (viii) The Batteries (Management and Handling) Rules, 2001.
  - (ix) Environment Impact Assessment Notification 2006.
  - (x) Notification dated 14.09.1999 issued by MoEF&CC under EPA, 1986 regarding directions for Utilization of Fly Ash generated from coal or ignite based Thermal Power Plants.
  - (xi) Notification dated 07.05.1992 issued by MoEF&CC under EPA, 1986 restricting certain activities in specified area of Aravalli Range

#### B. Functions of the Board

The section 17 of the Water (Prevention and Control of Pollution) Act, 1974 and the section 17 of the Air (Prevention and Control of Pollution) Act, 1981 have clearly prescribed the legally mandated responsibilities of the State Pollution Control Boards which are summarized as below:

- To plan comprehensive programme for the prevention, control or abatement of water and air pollution in the state and to secure the execution thereof;
- To advise the State Government on any matter concerning the prevention, control or absternent of water and air pollution;
- To collect and disseminated information relating to water and air pollution, and the prevention, control or abatement thereof;
- To encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;
- To collaborate with the Central Board in organizing the training of persons engaged or to be engaged in programs relating to prevention, control or abatement of water and air pollution and to organize mass education programs relating thereto;
- To inspect sewage or trade effluent treatment works and plants installed for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by the Water Act & Air Act, or in connection with the grant of any Authorization or registration as required by the Environment (Protection) Act, 1986 and Rules made there under;
- To inspect, at all reasonable times, any control equipment, industrial plant or manufacturing process and to give, by order, such directions, to such persons as it may consider necessary to take steps for the prevention, control or abatement of air pollution;
- To inspect air pollution control area at such intervals as it may think necessary, assess the quality of air there in and take steps for the prevention, control or abatement of air pollution in such areas;
- To lay down, modify or annual effluent standards for sewage and trade effluents and
  for the quality of receiving waters (not being water in an inter-state stream)
  resulting from discharge of effluents and to classify waters of the state;
- To lay down, in consultation with the Central Board and having regard to the standards for the quality of air laid down by the Central Board, standards for emission of air pollutants in the atmosphere from industrial plant and automobiles or for the discharge of any air pollutant into the atmosphere from any other source whatsoever not being a ship or an aircraft;
- To evolve economical and reliable methods of treatment of sewage and trade
  effluents having regard to the peculiar conditions of soils, climate and water
  resources of different regions and more specifically the prevailing flow
  characteristics of water in streams and wells which render it impossible to attain
  even the minimum degree of dilution;
- To evolve methods of utilization of sewage and suitable trade effluents in agriculture or other utilities;
- To evolve efficient methods of disposal of sewage and trade effluent on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;

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To lay down standards of treatment of sewage and trade effluents to be discharged
in any particular stream by taking into account the minimum fair weather dilution
available in that stream and the tolerance limits of pollution permissible in the water
of the stream, after the discharge of such effluents;

To make, vary or revoke any order for prevention, control or abatement of discharge
of waste into streams or wells and requiring any person concerned to construct new
systems for the disposal of sewage and trade effluents or to modify, after or extend
any such existing system or to adopt such remedial measures as are necessary to
prevent control or abate water pollution;

 To lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both, and to lay down, modify or annual effluent standards for the sewage and trade effluent;

 To advice the State Government with respect to the suitability of the any premises or location of any industry, which is likely to cause air pollution or likely to pollute a stream or well;

 To perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government; and

 To do such other things and to perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purpose of the Air Act.

### C. Annual Action Plan for the year 2018-19

Although the Board's primary responsibility is to implement the environmental regulations within the state of Haryana, but during the last decade there has been a paradigm shift in the concept of implementing Environmental Regulations with a judicious mix of command and control regime with economic instruments for controlling pollution, as also, solving various long standing environmental issues through consensus where the Board went beyond its mandated activities and acted as a promoter, providing assistance for controlling pollution in Government Department's projects.

In view of above, the Board need to prepare annual action plan for taking activities/developmental programmes for conservation and protection of environment. Various activities which have been or to be undertaken by the Board during the year 2018-19 along with timelines for completion of the same are given as under:-

## Installation of 19 new continuous Ambient Air Quality monitoring stations (CAAOMS)

The Board is in the process of installing 19 new continuous Ambient Air Quality monitoring stations (CAAQMS) at Panipat, Sonepat, Dharuhera (Rewari), Bahadurgarh, Karnal, Kaithal, Yamuna Nagar, Manesar (Gurgaon), Faridabad, Ambala, Bhiwani, Fatchabad, Hisar, Jind, Kurukshetra, Mahendragarh, Mewat, Palwal and Sirsa in addition to the four already existing such stations.

The addition of 19 new CAAQMS will cover the entire State for monitoring the Ambient Air Quality continuously through Automatic system. Monitoring results generated from these stations will be displayed on prominent public places in the towns. Installation of these new stations will also strengthen the real time Ambient Air Quality data generation in the State which will help in making the policies and plans to control and reduce the pollution level in the State.

The High Power Purchase Committee in Government of Haryana has already approved lowest rates for the above project in response to the tender published by the Board for procurement of 19 CAAQMS and the process of issuing the notification of award is in progress. The following activities are

pending which are proposed to be completed during the year 2018-19 as per timeline mentioned below:-

Activity	Timeline	Remarks
Issuance of notification of award	21.05.2018	Issued vide no. HSPCB/SSC/2018/ 6298_dated26.06.2018
Start of installation of CAAQMS		Construction to make the foundation for shelter of CAAQMS will be completed up to 10.07.2018
Completion of installation of CAAQMS	30,11,2018	All 19 CAAQMS stations will be installed
Commissioning of CAAQMS	01.11.2018	Data of some CAAQMS will be supplied by the firm from 01.11.2018.

# 2. Installation of 22 new Manual Ambient Air Quality monitoring stations

The Board is proposing to install 22 Manual Ambient Air Quality Monitoring Stations as per the directions of Hon'ble Supreme Court of India. The Central Pollution Control Board in Writ Petition No. 13029/1985 titled "M.C Mehta Vs. Union of India & Others" submitted a proposal to the Apex Court for installation of Real Time Monitoring Stations in the Country. Pursuant to above, in the first review meeting on 'Strengthening of Air Quality Monitoring in NCR Region' held in CPCB on 19.12.2016, it was decided that 22 Manual Ambient Air Quality monitoring stations be installed in Haryana.

This matter was placed before the Board in its 180° meetings held on 08.06.2018 and it was decided to install 22 Manual Ambient Air Quality monitoring stations in different districts in the State of Haryana. The following activities for this project are pending which are proposed to be completed during the year 2018-19 as per the timelines mentioned below:-

Activity	Timeline	Current Status		
Issuance of Notice 15.07.2018		Draft agenda bid documents prepared & committee for scrutinizing the same habeen constituted vid HSPCB/SSC/2018/6379-81 date 26.06.2018		
Submission of Bids	15.08.2018			
Evaluation of bids	20.08.2018			
Finalization of the bidder	30.09.2018			
Issuance of notification of award	20.10.2018			
Start of installation of AAQMS	20.12.2018			
Completion of installation of CAAQMS	01.01.2019			



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## 3. Strengthening of the Laboratories of the Board.

Haryana State Pollution Control Board has already established 04 Nos Laboratories i.e. Panchkula, Faridabad, Gurugram and Hisar. HSPCB is going to establish one more new Laboratory in Panipat. Laboratory in Panchkula is NABL accredited. Board is in the process of up gradations of all existing laboratories. The instruments in all laboratories are outdated and required to be replaced with new instruments.

The process of purchasing the new instruments is lengthy as it has to follow no. of steps i.e. preparations of bids, Publication of Tender documents, Opening of Technical Bids, Opening of Financial Bids, approval of High Powered Purchase Committee and procuring of the instruments.

The Board has accordingly proposed to purchase new instruments for the laboratory within 02 years.

#### 4. Yamuna Action Plan

Yamuna Action Plan has been submitted before the Hon'ble NGT by the State of Haryana and is being reviewed from time to time by ACS, Environment, Haryana. The Yamuna Action Plan proposed is as under:-

 (a) Action Plan for completion of STPs/CETPs under construction and installation of proposed new STPs/ CETPs in Yamuna Catchment area.
 i) Action plan for completion of STPs under construction.

	Name of the town/city	Concerned Department	capacity (MLD)	Date of Completion of construction
1	Graunda	PHED	7	31.08.2018
2	Parwaloo, Jagadhri	PHED	24	30.09.2018
3	Sec-19, Panipat	HUDA	30	31.10.2018
4	Sec-6, Panipat	HUDA	0.8	31.10.2018
5	Baddimajra, Yamuna Nagar	PHED	10	31.12.2018
6	Karnal	PHED	8	31.12.2018

## ii) Action plan completion of CETPs under construction.

Sr. No.	Name of the town/city	Deptt.	capacity (MLD)	Date of Completion of construction
1	IE Bahadurgarh	HSIID	12.5	30.9.2018
2	Panipat	HUDA	21	31.10.2018

## iii) Action plan for proposed STPs.

Sr.No.	Name of the town/city	Concerned Departmen t	(MLD)	Date of Start of construction
1.	Sihi, Gurugram	ULB	1	Sept., 2018

2.	Ghata, Gurugram	ULB	2	Sept., 2018
3.	Grauli Khurd, Gurugram	ULB	1	Sept., 2018
4.	Grauli Kalan, Gurugram	ULB	1	Sept., 2018
5.	Sarai Allawardi, Gurugram	ULB	1	Sept., 2018
6.	Gaval Pahari, Gurugram	ULB	- 1	Sept., 2018

# (b) Action Plan for laying of sewers in approved areas of cities/ towns.

Sr. Name of No. town	Concerned Department	%age sewer area	Action plan for laying of sewers system in approved areas		
			Approved	Target Dates	
1.	Gannaur	PHED	85	10	31.12.2018.
2.	Samalkha	PHED	80	20	31.12.2018
3.	Taraori	PHED	75	-	31.12.2018.
4.	Hathin	PHED	80	20	31.12.2018.

## (c) Action Plan for Monitoring of drains joining river Yamuna for the quality & quantity of effluent.

Sr. No.	Activity	Irrigation Deptt./ HSPCB	Timeline
1.	Effluent samples of drains for quality and quantity	Irrigation Deptt./ HSPCB	August, 2018
2.		Irrigation Deptt./ HSPCB	Nevember, 2018
3.		Irrigation Deptt./ HSPCB	February, 2019

# (d) Action Plan for Installation of Online Monitoring Devices on STPs.

Sr. No.	Name of the town/ city	Concerned Departmen t	Existing STP and Capacity (MLD)	Target Dates
1.	Pataudi	PHED	4.5	30.06.2018
2.	Hodal	PHED	9	31.10.2018.
3.	Sec-36, Bahadurgarh	HSVP	10	March, 2019
4.	Sec-25, Rohtak	HSVP	10	March, 2019



#### (e) Upgradation of existing STPs.

Sr. No.	Name of the town/ city	Concerned Department	Existing STP and Capacity (MLD)	Date of Start of construction and date of completion
1.	Gharaunda	PHED	3	31.10.2018
2.	Radaur	PHED	3.5	31.12.2018
3.	Assandh	PHED	5	31.12.2018
4.	Nilokheri	PHED	6	31.12.2018
5.	Tarori	PHED	5.5	31.12.2018

#### 5. Ghaggar Action Plan

The untreated/ treated effluent is entering into Ghaggar through Drains from Haryana, Punjab and Himachal Pardesh at 21 points. The Ghaggar Action Plan is being executed and the plan includes the following activities:-

### (a) Construction of STPs/ CETPs in Ghaggar Catchment area.

### i) Action Plan for completion of STPs under construction

Sr. No.	Name of the town/city	Concerned Departmen t	(MLD)	Date of Completion of construction
1	Rania	PHED	6	30.07.2018
2	Hansi	PHED	6.5	31,12,2018
3	Thanesar	PHED	25	31.3.2019

#### ii) Action Plan for Proposed STPs.

Sr.No.	Name of the town/city	Concerned Departmen t	(MLD)	Date of Start of construction
1	12 Cross Road, Ambala	ULB	12	August., 2018
2	Vill. Nangal, Ambala	ULB	12	August., 2018
3	Nangal & Allipur	ULB	0.5	Sept., 2018
4	Khagesara & Taka	ULB	0.5	Sept., 2018
5	Sukhdarshanapur	ULB	0.75	Sept., 2018
6	Khatoli	ULB	0.75	Sept., 2018
7	Kot	ULB	0.75	Sept., 2018
8	Billa	ULB	0.75	Sept., 2018
9	Tipra (Khanguwala)	ULB	1	Sept., 2018
10	Ramgarh	ULB	1	Sept., 2018
11	Saketri	ULB	1.5	Sept., 2018



### (b) Action Plan for Monitoring of drains joining river Ghaggar for the quality & quantity of effluent.

Sr. No.	Activity	Irrigation Deptt./	Timeline
L	Effluent samples of drains for quality and quantity	Irrigation Deptt/ HSPCB	August, 2018
2	Effluent samples of drains for quality and quantity	Irrigation Deptt./ HSPCB	November, 2018
3.	Effluent samples of drains for quality and quantity	Irrigation Deptt./ HSPCB	February, 2019

## (c) Action Plan for Installation of Online Monitoring Devices on STPs.

Sr. No.	Name of the town/ city	Concerned Departmen t	Existing STP and Capacity (MLD)	Target Date
1.	Dabara Tosham Road, Hisar	HSVP	15	October, 2018

#### (d) Upgradation of STPs.

Sr. No.	Name of the town/ city			Date of Start of construction and date of completion
1	Nalagarh Road, Pinjore	PHED	5	30.10.2018

#### (e) Recycling of treated effluent from STPs.

Sr. No.	Name of the town/ city	Concerned Departmen t	Existing STP and Capacity (MLD)	Target Date
1	Fatehbad Village Majra	HSVP	10	December 2018.

#### (f) Refinement of Ghaggar Action Plan

Further, the Ghaggar Action Plan is being prepared on the pattern of Yamuna Action Plan. It has been decided to engage a consultant for this purpose as per policy issued by the IT Department, Haryana Government. A Committee of officers of the Department of HSVP, PHED, ULBD, HSIIDC and HSPCB has been constituted in this regard. The Committee shall discuss with empanelled consultants and finalized the TOR. The proposal shall be submitted by the empanelled consultants. The committee shall examine and finalize the consultant. The timelines proposed for the different activities are as under:-

Sr. No.	Activity	timelines
1	Meeting with consultants for finalization of TOR	July, 2018
2	Submission of proposal by consultants	15 August, 2018

	Finalization of Consultants	30 August, 2018
4	Submission of action plan by Consultants	30 Sept., 2018
5	Review Meeting to monitor progress of the action plan	Monthly basis

#### 6. Implementation of Waste Management Rules

Haryana State Pollution Control Board, is committed for the implementation of various waste management Rules notified by MoEF & CC, in the State.

The State is having 01 no. Common Treatment, Storage and Disposal Facility (CTSDF) for Hazardous Waste, located at village Pali, District Faridabad, which is authorized for collection, transportation, treatment and disposal of various hazardous wastes generated in the State.

The HSPCB has authorized 124 nos, of private facilities for commonly recyclable hazardous wastes, as per annual report for hazardous waste for the year 2016-17.

The HSPCB has authorized 11 nos. of Common Bio-medical Weste Treatment Facilities (CBMWTF) for collection, transportation, treatment and disposal of Bio Medical Waste generated from the Health Care Units in the State.

Similarly, the HSPCB has authorized 18 nos. of recyclers/dismantlers/refurbishers for collection, transportation and treatment of E-Waste generated in the State.

The State Level Advisory Body has been constituted in the State for implementation of Solid Waste Management Rules, 2016.

Action plan proposed for implementation of various waste management Rules with target date for different activities is as under-

Sr. No.	Corresponding Duties	Target Date
	<ol> <li>Hazardous and Other Wastes (Management and T Movement) Rules, 2016</li> </ol>	ransboundary
a)	Preparation of Annual Report for the year 2017-18	30.09.2018
b)	Formation of In-house team "Hazardous Waste Response Team" for estimating/implementing environmental damage liability and financial penalty	31.07.2018
	ii) Bio-Medical Waste Management Rules, 2016	January Steams
a)	Inspection of all the CBWTFs in the State w.r.t. compliance of BMW Rules 2016.	31.07.2018
b)	Preparation of Annual Report for the year 2018.	31.08.2018
c)	Gap Analysis as per guidelines issued under BMWM Rules 2016.	31.10.2018
	iii) E-Waste (Management) Rules, 2016	
a)	Preparation of Annual Report for the year 2017-18	30.09.2018
274	iv) Plastic Waste Management Rules, 2016	
-6)	Preparation of Annual Report for the year 2017-18	31.08.2018
11	v) Solid Waste Management Rules, 2016	
a)	Preparation of Annual Report for the year 2017-18	31.08.2018
	vi) Construction and Demolition Waste Management	Rules, 2016
n)	Preparation of Annual Report for the year 2017-18	31.08.2018
	vii) Batteries (Management and Handling) Rules, 2001	
a)	Annual Compliance Status report to be submitted to CPCB	31.08.2018.



#### 7. Air Pollution Control

The Board has made efforts to introduce improved air emission in the State as per prescribed standards so that the air pollution in the State is brought under control.

An action plan for the State of Haryana to contain air pollution in NCR has been prepared as per the orders passed by Hon'ble National Green Tribunal, Principal Bench, Delhi in the matter of Vardhmaan Kaushik Vs. Union of India & Ors (OA No. 21 of 2014).

The Graded Response Action Plan (GRAP) has been prepared in which various departments i.e. Haryana State Pollution Control Board, Environment Department, Police Department, Urban Local Bodies Department, Town & Country Planning Department, Agriculture Department, Industries Department and Department of Renewable Energy are stakeholders and each department has been assigned the specific activity to be implemented by that department.

As per the Graded Response Action Plan Notification, issued by Government of India, for reducing air pollution, the graded measures according to AQI are listed and these measures are cumulative. Emergency and Severe levels include cumulatively all other measures listed in the lower levels of AQI including Very Poor, Poor and Moderate. The notification has also made it clear that the actions listed in the poor category need to be implemented though out the year and during the months when weather conditions turn more adverse, there is need for greater scrutiny on enforcement.

The following timelines has been proposed to review the State Action Plan/GRAP:-

Activity	Timeline	
Review of State Action Plan/GRAP.	November, 2018	

Action plan for the control of air pollution from the following specific fields of air pollution is given as under:-

#### (a) Control of Air Pollution in Brick Kilns.

All the brick kilns in the State of Haryana has been asked to convert to zig-zag technology. Environment Pollution (Prevention & Control) Authority (EPCA) has directed vide their letter dated 11.01.2018 that no brick kilns will be allowed to operate without zig-zag technology after 30.06.2018 in the NCR.

855 no. of brick kilns have already converted to zig-zag technology in the NCR districts of Haryana which will substantially reduce the air pollution in the region.

The following timelines for different activities has been proposed to implement the action plan:-

Activity	Timeline	Remarks	
		RO's will inspect the brick kilns to check the status of providing of zig zag technology in brick kilns.	
<ol><li>Conducting of</li></ol>	31.07.2018	RO's will conduct meetings with	

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meeting by RO's with the brick kiln associations.	brick kiln associations to aware them regarding providing of zig-zag technology and for use of fly ash in manufacturing of bricks.
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## (b) Ban on use of Furnace Oil & Pet Coke.

The use of petcoke and furnace oil as fuel in industries has been banned in Haryana w.e.f. 01.11.2017 as per the direction of Hon'ble Supreme Court. Presently no industry in Haryana is using pet coke or furnace oil as fuel in their boiler/furnace.

The following timelines for different activities has been proposed to implement the action plan:-

Activity	Timeline	Remarks
Checking regarding use of Pet Coke and Furnace as fuel in the industry.		RO's will submit fortnightly report regarding use of furnace oil and pet coke as fuel by the industry.

#### 8. Public Awareness

Haryana State Pollution Control Board is conducting awareness programmes on various International Environmental Days and other occasions including on the eve of Diwali for the general awareness of Public and particularly for school students.

Haryana State Pollution Control Board conduct large scale campaigns in all the Districts of Haryana with the help of students of Eco Clubs to aware the public about the ill effects and Health Problems faced by human being due to bursting of fire crackers on Diwali, burning of wheat stubble/ paddy straw and on other environmental issues.

In addition to the awareness programmes on various international Environmental Days, the following awareness activities will be performed:-

Activity	Timeline	Remarks will be
Public Awareness	From October,2018 to December, 2018	Various public awareness programme will be conducted to aware general public about ill effects of use of fire crackers and to aware the farmers regarding ill effects of burning of crop residue.

## 9. Environmental Studies

The Board has proposed to get the study conducted from HARSAC for the Entire State during the year 2018 for both the seasons i.e. wheat as well as paddy, so that the cases of crop residue burning cases be monitored throughout the State on daily basis and restricted accordingly in compliance of NGT directions, so that pollution due to crop residue burning be controlled in order to save Environmental degradation.

HSPCB has engaged Haryana Space Application Centre (HARSAC) for the year 2018 to monitor the stubble burning activities in the form of satellite imageries for entire State and other remote evidences on the activities captured in the State for effective monitoring and enforcement purposes, on daily basis. Further HARSAC is sending the messages of crop residue burning through SMS alerts to Deputy



Commissioners, Officers of Agriculture Department and Officers of Haryana State Pollution Control Board.

Studies on various issues proposed by the Board alongwith the timelines are given as under:-

## a) Effect of Crop Residue burning.

A	ctivity	Timeline	Remarks
1.	Crop Residue burning study during wheat season 2018	Study has been completed by HARSAC.	
2.	Crop Residue burning study during Paddy Season 2018	HARSAC will start the study during the paddy harvesting season 2018 (beginning of October)	
3.	Mobile Application for crowd sourcing for reporting stubble burning locations.	Already developed by	Mobile Application has been developed by HARSAC for crowd sourcing for reporting stubble burning locations from the field functionary using the link (hrsdi.in-Active Crop Fire Location-> Download AFL), so that they may be able to check the location of burning incidences through their Mobile Application and can collect the environmental compensation from the defaulting farmers in compliance of NGT order dated 10.12.2015.

#### b) Diwali Season

On the occasion of Diwali, Haryana State Pollution Control Board carries out monitoring of Ambient Air Quality and Noise at the prominent places of district head quarters and data of the same is being supplied to Central Pollution Control Board and also shared with the local news papers for the knowledge and awareness of general public. In the coming Diwali season monitoring activities will be undertaken as per detail given below:-

Activity		Timeline	Remarks
Monitoring Ambient Quality Noise Level	Air	Samples of AAQ and Noise level will be collected for three days i.e. 06.11.2018 to 08.11.2018 from the prominent places of district head quarters.	Data of the same will be supplied to

## c) Study on the Level and Source of Pollution in Haryana.

In the 9th meeting of State Level Committee held on 16.03.2018 in the matter of Vardhmaan Kaushik Vs. Union of India & Ors under the Chairmanship of Chief Secretary, Govt. of Haryana, it was decided that a specific study on Level and Source of Pollution in Haryana be conducted through a reputed university.

The proposal of the same was forwarded to Additional Chief Secretary to Govt. of Haryana, Environment Department vide letter dated 05.04.2018 for conducting the

study through reputed university. Director, Environment & Climate Change Department, Haryana has written vide letter dated 29.05.2018 to the Director General, Higher Education, Haryana for conducting the study through reputed universities.

#### 10. Strengthening of the Board

# a) Present status of manpower of the Board

Sr. No.	Figure and American	Sanctioned posts	Filled up	Vacant posts	Timeline	Remarks
.		01	01		-	-
2.		01	01	•	•	•
3.		02		02		
4.	Senior Scientist	01	*	01	-	
5.	Environmental Engineer	21	12	09	-	01 on deputation
6.	Scientist 'C'	07	04	03	-	
7.	District Attorney	01	01		+	
8.	Development Team Leader	01	-	01	7	
9.	Senior Accounts Officer	01	01	1	-	
10.	Accounts Officer	01		01		
11.	Administrative Officer	01	•	01	51	-
12.	Law Officer	01	1 3	01		
13.	Assistant District Attorney	03	02	01		
14.	Scientist 'B'	20	11	09	*	- 02
15.	CONTRACTOR OF THE PARTY OF THE	49	36	13		deputation
16	The second secon	01		01		-
17	and the second second second second	01		01		
18		03	03			-
19	and the contract of the contra	02	02	1		1
20	The second secon	1 01		01	1	
21	The second secon	e 02		02	1	



	Deputy Superintendent	01	01			-
23.	Statistical Assistant	01	-	01	-	-
24.	Senior Scientific Assistant	07	02	05	-	
25.	Junior Scientific Assistant	10	-	10	-	
26.	Personal Assistant	01	-	01		-
27.	Junior Environmental Engineer	13	05	08		03 on deputation
28.	Senior Scale Stenographer	03	02	01	-	1.
29.	Assistant	32	21	11		
30.	Accountant	04	02	02	1.	
31.	Computer Operator/ Junior Programmer	01	01			01 post was sanctioned now in diminishin g cadre
32.	Junior Scale Stenographer	02		02	-	1-
33.	Accounts Clerk	02		02		-
34.	Steno-Typist	08	-	08	-	-
35.	Clerk	22	11	11		-
36.	Driver	17	10	07	1.	-
37.	Laboratory Attendant	10	03	07	-	-
38.	Daftri	01	-	01		
39.	Senior Peon	02	02			-
40.	Peon	30	05	25	1-	-
41.	Mali-cum- Chowkidar	02	02			02 post was sanctioned now in diminishin g cadre
42.	Field Attendant	10	05	05		
43.	Sweeper	01	01			01 post was sanctioned now in diminishin



g cadre

 Board is proposing for strengthening of manpower and creation of additional posts. The proposal for strengthening of manpower and creation of additional posts has been approved by the Board in its 180° meeting which has been sent to the Government for the necessary approval.

The details of proposal approved by the Board in its 180° meeting is as under:-

Sr. No.	Name of Post	No. of posts proposed for creation	Present status of proposal	Timeline	Remarks	
1.	Chief Environmental Engineer	01	Case of proposal for creation of	for creation of		
2.	Senior Environmental Engineer	06	Posts sent to Govt. Vide letter No.	-	-	
3.	Environmental Engineer	12	HSPCB/Estt./2018/ 4829 dated		1	
4.	Assistant Environmental Engineer	43	25.06.2018	•		
5.	Scientist - B	12	-	-	+ :	
6.	Junior Environmental Engineer	12		-	-	
7.	Deputy Superintendent	06			+ .	
8.	Assistant	19		-	-	
9.	Clerk	25		-	+	
10	Field Attendant	12				-
11		19		-		
-	Total	167		-		

# 11. Creation of Project Management units

The Board has invited proposals from consulting firms to provide consultancy services for Selection of Project Management Units (PMU) for process improvement by organization restructuring, strategic roadmap and identification of manpower deployment for each wing of the Board. The evaluation of the Bid has been carried out at the level of Board by the evaluation committee and the case has been forwarded to the Administrative Secretary for putting up in the next meeting of Special High Powered Committee.

The following timelines for different activities has been proposed for completing the project:-

A Life Park	Current Status		
Activity	Issued on 03.02.2018		
Issuance of RFP	or trend on dotted 18 06 2015		
L'ASIGNATURE OF DECO	The meeting of Special High Powered Committee  the meeting of Special Hi		
Finalization of the bidder			
On boarding of the selected bidder	& Young LLP was selected to provide units		
Survey implemented period	consultancy services or project		



for process, improvement and strategic road map for the HSPCB.

 Construction of Regional Office, building and Residential Complex for the employees of the Board Office in Sector-23 at Panchkula.

# a) Residential Complex for the employees of the Board at Panchkula.

The Haryana Urban Development Authority (HUDA) allotted a plot of 6012 Sq.mtr. (1.5 Acres) to HSPCB for the construction of multi-storey residential complex for employees of the Board at GH-5 Sec-23, Panchkula. The work of construction of residential complex has been assigned to HSAMB. HUDA has granted sanction of Building Plan of Residential Complex vide letter dated 10.11.2017 and accordingly HSAMB had submitted an estimate of Rs. 320378400/- (Thirty Two Crore Three Lakh Seventy Eight Thousand Four Hundred Only) of the project Sanction for administrative approval for the construction of residential complex was got approved in the 179° meeting of the Board and the same was conveyed to the Haryana State Agriculture Marketing Board (HSAMB). Accordingly HSAMB has floated the tenders for construction of the residential complex for the finalization of contractor.

Sr. No.	Activities	Timeline
1	Floating and opening of tender for building construction and finalization of contractor	Tender opened on 25.07.2018 by HSAMB.
2	Completion of building	December, 2020

#### b) Regional Offices

Regional Offices of Haryana State Pollution Control Board are already functioning in its own official Buildings at Yamuna Nagar, Panipat, Faridabad (common building for Faridabad and Ballabgarh) and Hisar.

The Board has purchased plots to construct Regional Office Building at Sonepat and Gurugram (South) and construction work has yet not been started.

The Board is operating its Regional Offices of Dharuhera, Gurugram (North), Bahadurgarh, Panchkula and Jind at Bhiwani Regions in the rental buildings.

Status of Existing Infrastructure alongwith the proposal for the infrastructure to be developed for the Regional Offices of the Board and timelines proposed for the same, is given as under:-

# (i) Construction of Building for Regional Office Sonepat.

Lan Tota Fina	d : Already Purchased al budget : Yet to access ancial target : Yet to finalise	
Sr. No.	Activities	Timeline
1	Engagement of Architect and consultant and	15.05.2018

_	preparation of Building plan/drawing	4
2	Approval of Drawing/ Layout plan by department state	15.10.2018
3	Preparation of design and drawing, detailed Estimate	15.01.2019
4	Finalization and approval of design and DER of our	15.03.2019
5	Floating of tender for building construction and finalization of contractor	15.05.2019
6	Completion of building	31.12.2020

# (ii) Construction of Building for Regional Office Gurugram (South)

Land Total Finan	; Already Purchased budget : Yet to access icial target : Yet to finalise		
Sr. No.	Activities	Timeline	Current Status
1	Engagement of Architect and consultant and preparation of Building plan/drawing	a.	Architect already engaged.     Preparation of Building plan/drawing is under process.
2	Approval of Drawing/ Layout plan by department/state government /competent authority	15.07.2018	Building plan/drawing received in Head Office for approval.
3	Preparation of design and drawing, detailed Estimate Report (DER) and	05.08.2018	
4	Finalization and approval of design and DER by State	20.08.2018	
5	Floating of tender for building construction and finalization of contractor	1	
6	Completion of building	30.10.2018	



# 13. Annual Action Plan for different IT programmes:

#### a) Inspection Module

The module for computerised risk assessment based inspection in OCMMS has already been allotted to NIC Delhi. The provision of issuing Show Cause Notice, Closure Order, Time Grant for upgradation of ETP/APCM, release of performance security and revocation of consent will be incorporated in this module.

This module is expected to be completed by 31st Aug, 2018.

# Registration/ Authorization under E Waste Rules, 2016

The work for development of module for Registration/ Authorization under E Waste rules has already been allotted to NIC Delhi Industry Side of the Module has already been prepared and office side is in progress.

This module is expected to be completed by 31st Aug. 2018.

## Central Software for display of real time data of Air emission & effluent from Industries, STPs/CETPs

The Board has decided to get developed own central software for Online Monitoring devices installed for Air emissions and effluents. The data from cloud server of industries shall be fetched by Central Software for displaying the reports of pollution parameters on real time basis.

This module is expected to be completed by 31st Aug. 2018.

## d) Name change of the projects/ industries

Whenever, the name/ ownership of the industry is changed due to any reason then the liabilities/ consent / authorisation automatically transferred to the new industries as per Water / Air Act.

The module in OCMMS shall be developed by the NIC by 30th Sep, 2018 to process such request of the units.

# Registration under Plastic Waste Management Rules, 2016

The process development of Module for processing the applications for registration under Plastic Waste Management Rules, 2016 shall be started after completion of the module for Authorization under E-Waste Module, by 30th Sep, 2018.

f) Filing of Annual Returns under E Waste Management Rules, 2016, Battery Rules, 2001, Plastic Waste Management Rules, 2016 and Solid Waste Management Rules, 2016.

The module for submitting returns under E Waste Management Rules, 2016, Battery Rules, 2001, Plastic Waste Management Rules, 2016 and Solid Waste Management Rules, 2016 will be completed by 30th Sep, 2018.

#### g) Laboratory Module

The module for collection of field data regarding sample collection and then generating analysis reports shall be developed in OCMMS by 31st, Jan 2019.



## Registration under Battery Rules, 2001

The Module for obtaining registration shall be started after completion of Lab Module and procedure/ policy to be defined by the HSPCB.

This module is expected to be completed by 31st March 2019.

# Return under HWTM and tracking of waste

The Module related to disposal of the hazardous waste by industries and treatment by TSDF is under preparation.

This module is expected to be completed by 31°, Jan 2019.

## 14. Ease of doing business

The action plan for implementation of the points of Business Reform Action Plan for Ease of doing business for the year 2018 which are yet to be implemented by the Board is given as under with timelines:-

Sr. No.	Enablers	Area	Recommendation	Haryana Departmen t	Remarks	To be completed by
i	Access to Information and Transparenc y Enablers	Facilitate draft regulations for public comments	Mandate and make arrangements to publish draft regulations online & invite public comments/feedback & showcase how they are addressed in the final regulation	HEPC and All other departments	Feasible	31.12.18
	i)5. Environment registration enablers	Registration under Plastic Waste (Management and Handling) Rules, 2011	Furnish information and implement an online application system with the following features and mandate that all applications are submitted online  1. Publish information about the procedure and a comprehensive list of documents required on the Department's website ii. Publish clear timelines on the Department's website mandated through the Public Service Delivery Guarantee Act (or equivalent) legislation for decision (approval/rejection) on the application submission, payment thereof tacking and monitoring without any need of physical touch point for document submission and verification iv. Ensure that the system allows the user to downloss final signed approval certificate.  V. Allow third parties to verification of the company of		Feasible and under preparatio n	30.09.18

			the final approval certificates in public domain			
1	Environment - registration crablers	(Management and Handling) Rules, 2011	Furnish information and implement an online application system with the following features and mandate that all applications are submitted online  i. Publish information about the procedure and a comprehensive list of documents required on the Department's website  ii. Publish clear timelines on the Department's website mandated through the Public Service Delivery Guarantee Act (or equivalent) legislation for decision (approval/rejection) on the application submission, payment thereof, tacking and monitoring without any need of physical touch point for document submission and verification iv. Ensure that the system allows the user to download final signed approval certificates in public domain	HSPCB	Feasible and under preparation	31.08.18
Î	y)10. Inspection enablers 3 5	Central Inspection Framework	Institutionalize a Central Inspection System (CIS) responsible for undertaking compliance inspections of the departments concerned. Define risk criteria (such as High, Medium and Low risk) to classify industries which undergo inspections conducted by Departments under the CIS. Differentiate compliance inspection requirements based on risk profile of industries.	Boilers / HSPCB /ULB Com mercial Tax/Food and civil supplies/Foo d Safety PHE	Risk criteria already defined by HSPCB. Monitorin g report needs to be framed by HEPC.	Monitorin g report needs to be framed by HEPC.
v	) 10. Inspection enablers 3 6	Central Inspection Framework	Design and develop an online inspection system for scheduling of inspections which is capable of:  i. Identifying establishments that need to be inspected based on computerized risk ii. Computerized allocation of inspectors iii. Intimating (through e-mail /SMS) to the establishment identified for inspection the details of type	Labour / Boilers / HSPCB /ULB/Com. mercial Tax/Food and civil supplies/Foo d Safety/PHE D/Mines & Geology/HE PC	Point i, ii are already implement ed and point iii is under preparatio n.	31.08.18

	A DESCRIPTION OF THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAMED IN	and date of inspection	Labour /	n i	31.08.18
vi)10. Inspection enablers 3	Central Inspection Framework	inspections based on complaints are conducted with	Boilers / HSPCB AULB/Com mercial Tax/Food and civil supplies/Foo d Safety/PHE D/Mines & Geology/HE PC	Inspection are carried after due permission from Competent Authority, as per inspection policy of the Board, ii)To be implement ed after complete preparation of inspection module.	31.00.10
vii) 0. Inspection erlablers 6 8	Compliance inspection under The Water (Prevention and Control of Pollution) Act, 1974	Design and implement a system which is capable of: i. Identifying establishments that need to be inspected based on computerized risk ii. Computerized allocation of inspectors iii. Allowing users to view and download submitted inspection reports of at least past three years	HSPCB	i) Already implement ed. ii) Already implement ed iii) To be implement ed.	31.08.18
hito. Inspection enablers 1 7	Compliance inspection under The Air (Prevention and Control of Pollution) Act, 1981	Design and implement a system which is capable of:  i. Identifying establishments that need to be inspected based on		i) Already implement ed. ii) Already implement ed. iii) To be implement ed.  od.	*
ix)10. Inspection enablers 7 4	Compliance inspection under Authorization of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016	Design and implement a system which is capable of:  i. Identifying establishments that need to be inspected based on computerized risk  ii. Computerized allocation of inspectors  iii. Allowing users to		i) Already implement ed. ii) Already implement ed. iii) To be implement ed.	

# 15. Budget Summary 2018-19

Budget estimates of the Board for the financial year 2018-19 is given as under:-

Estimate of Receipts	Proposed for the year 2018-19 (Rs. In Lac)		
Boards Receipts	The state of the s		
Cess Receipts (From GOI)	6180.00		
Grant-in Aid from CPCB	100.00		
Grant-in Aid from Central Govt.	25.00		
Shortage in Receipts	0.00		
Total	6457.00		
Estimate of Expenditure	12762.00		
Salaries			
Office maintenance	3009.70		
Loan and advances	959.10		
Strengthening of existing leb	109.00		
Strengthening of existing lab, air quality monitoring & other capital expenditure	8684.20		
l'otal			
	12762.00		