

Procedure for obtaining consent to operate under Water Act, 1974 & Air Act, 1981 and authorization under Hazardous & Other Waste (M&TM) Rules, 2016.

A. Procedure for Grant of Consent to Operate (CTO) for Red and Orange Category units

I. First Consent to Operate

The new units after installation of their project, are required to obtain consent to operate under Water Act, 1974 and Air Act, 1981 before starting even trial production. No separate trial consent will be granted. Ist consent to operate will include trial consent. Such industrial units shall apply for consent to operate through Online Consent Management and Monitoring System (OCMMS) under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 respectively along with documents as per check list, compliance of conditions of CTE and Environmental Clearance (if applicable) and consent fees applicable. In case the unit is covered under Hazardous & Other Waste (Management, Transboundary & Movement) Rules, 2016, it shall simultaneously apply for the same. For hazardous waste application, no fee is required to be deposited.

Inspection of the industry will be carried out by the authorized officer/ officers of the Board before commissioning of the production in the unit and before giving the Ist CTO, after approval from the Competent Authority to check the status regarding installation of pollution control measures/ devices undertaken at the time of obtaining the CTE as well as their structural adequacy before deciding the cases of Ist CTO under Water Act, 1974 / Air Act, 1981 and also authorization under Hazardous Waste Management Rules (if applicable).

After grant of the Ist CTO / authorization, the inspection of the unit will be carried out by the authorized officer within a period of 3 months of grant of Ist CTO for collection of samples of effluent/ air emissions/ noise in case sampling is required.

In case the analysis report of samples of Air/ effluent/ noise so collected are found complying the standards prescribed under EP Rules, 1986, the Ist CTO so granted will remain valid for the period of CTO for which it has been granted based upon the category of the unit or as was demanded by the unit but in case of failure of sample

the 1st CTO so granted will be revoked/ cancelled after following the due procedure.

Validity of period of consent to operate for different category of industries/projects under Water Act, 1974 and Air Act, 1981, will be as under:-

Industry/Project Category	Validity Period
Red Category	5 Years
Orange Category	10 Years

The authorization under Hazardous Waste Management Rules shall be granted for 5 years as provided in the Rules.

The industries / projects shall be at liberty to apply for consent to operate for lesser period also.

The units will be at liberty to deposit the full applicable fee for consent to operate for the whole period prescribed depending upon their category. However, the fees for consent to operate can be deposited by the industries as per time schedule given below :-

Sr. No	Category	Validity period of consent	Time schedule
1	Red	05 years	For the First 03 years, at the time of filing of application and for the remaining 02 years before ending the 3 rd year.
2	Orange	10 Years	For the First 04 years, at the time of filing of application, for next 03 years before ending the 4 th year and for the remaining 03 years before ending the 7 th year.

In case the rates of consent fees are revised during the period of consent to operate and the unit has opted to deposit the consent fees in the installments then such units will have to deposit the consent fee at the revised / enhanced rates for the remaining period from the date of revision of the consent fees. However, the units which have opted to deposit the full consent fees at the time of filing the application for consent to operate will not be liable to pay the revised / enhanced

consent fees in case the consent fee is enhanced during the period of consent to operate.

The consent to operate granted shall have the validity ending as indicated in the table below:-

Sr. No.	Category	Validity month
1	Red	End of September
2	Orange	End of March

II. Renewal of Consent to Operate

There will be provision of auto renewal of CTO as per policy of the Board framed in this regard, but there will be no requirement of inspection of industries at the time of renewal of CTO in case the unit submits the analysis reports of effluent, air emissions and noise as applicable, from any of the recognized laboratories showing the compliance of prescribed standards with self certification and undertaking for compliance of the relevant provisions of Acts/Rules as applicable and adherence to the prescribed standards alongwith latest Mandatory Inspection report / analysis reports conducted by the team of officer of the Board as per provisions of Inspection policy of the Board.

The industrial units / projects which are already in operation shall submit the consent application only through Online Consent Management System for renewal of consent under Water Act, 1974/ Air Act, 1981 and authorization under the Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016, for the prescribed period depending upon the category of the units / projects alongwith the documents as per Check List and prescribed consent fees, before 90 days of the expiry of the period of consent/authorization so that the consent/authorization case can be decided before the expiry date of the consent / authorization as per following procedure:-

1. The industry/project proponent intending for renewal of the CTO, shall apply through OCMMS 90 days before expiry of the period of previous CTO granted by the Board under Water Act, 1974 and Air Act, 1981 on prescribed Performa as Annexure-A, self certification and undertaking on compliance of conditions of previous consent to operate granted to the unit alongwith the requisite consent fees and documents as per Check List. In case the unit is covered under Hazardous Waste Management Rules then such unit will also apply for authorization under these rules simultaneously.

2. This application shall be submitted by the authorized official of the industry/project, duly authorized by the owner/Board of directors / partners of the unit.
3. The consent to operate will be renewed only in those cases where there is no change in the raw material, process, product, increase in overall capital investment cost on land, building, plant and machinery, production capacity and also in pollution load of the unit and will remain the same as declared in the original application for obtaining previous CTO. The authorization under Hazardous Waste Management Rules if required will be renewed on submission of the documents as per check list in addition to above declaration by the unit.
4. No documents will be allowed to submit manually.
5. The CTO will be renewed only for those units which are complying the standards for discharge of pollutants prescribed under EP Rule, 1986.
6. The validity of renewal of CTO will be 05 years in case of Red category and 10 years for Orange category of units/ projects except for the units engaged for reprocessing/ recycling/ dismantling Hazardous Waste/ E-Waste/ Plastic Waste and registered with the Board under the relevant Rules for their said activity. For such units the validity of CTO will be valid upto the expiry date of such registration/ authorization or prescribed validity period of renewal of CTO depending upon category of the unit whichever is earlier. The validity of renewal of authorization under Hazardous Waste Management and Handling Rules will be 5 years.
7. Renewal of CTO will not prevent the Board from taking appropriate action against the defaulting units including revoking the CTO, which will fail to comply with any of the conditions of the CTO or any relevant provisions of the Water Act, 1974 and Air Act, 1981.

However, unit shall not operate without valid consent to operate under Water Act, 1974/ Act, 1981 and authorization under the Hazardous Waste Management Rules from the Board.

If the industrial units / projects fails to apply before 90 days of the expiry of previous consent and applies 60 days before the expiry of previous consent, the unit shall have to pay additional consent fee @ 50% of the consent fee notified under the Rules. Subsequently, if the unit fails to apply before 60 days of the expiry of previous consent and applies 30 days before the expiry of previous consent, then the unit will have to

pay additional consent fee @ 100% of the consent fee applicable. If the unit fails to apply 30 days before the expiry of the previous consent, the unit will have to pay additional consent fee @ 200% of the consent fee applicable. Thereafter, the Board will take closure action under the provisions of Water Act, 1974/ Air Act, 1981 against such units for not having the valid consent to operate. In, case the unit apply for renewal of CTO-after the date of expiry of consent period or after taking the penal action as prescribed above then such applications will be entertained only if such units deposit consent fees for the longer period as per the policy of the Board depending upon the category of the unit alongwith the additional fees @ 300%, of the consent fees prescribed for one year alongwith normal consent fees for subsequent years.

III. Analysis Report

In case the unit wants to get their samples of effluent/air emissions/noise, analyzed from Board's laboratories for the purpose of renewal of consent to operate, the inspection will be carried out for the purpose of this sampling by the officer of the Board permitted by Competent Authority.

There will be no need to submit analysis report for small boilers having steam generating capacity upto 2 tonnes per hour where Light Diesel Oil/ High Speed Diesel / Gas / Electricity is used as fuel provided the unit has minimum stack height of 11 meters for such Boilers or 3 meters above the roof level whichever is higher The Ambient Air Quality report is required only in the cases of large and medium scale units or where there are specific complaints. In case water is used only for cooling purpose and being circulated completely there would be no requirement of any analysis report. However the units which have installed Effluent Treatment Plants/ Sewage Treatment Plants and utilizing the treated effluent within their process or agriculture/horticulture purpose within their premises shall also submit the analysis report from outlet of their ETPs/STPs. In case of Brick-Kilns, the monitoring report of air emissions alongwith adequacy certificate for Gravitational Chamber and Stack height issued by any of the authorized agencies will be submitted alongwith the consent to operate application.

However, in case the increase in quantity of effluent is intended to exceed the quantity of effluent for which consent to establish was granted or there is increase in no of stacks/ source of emission from the previous year or any expansion in the project or change in

manufacturing process is proposed, then the fresh prior consent to establish will be taken.

In case the industry is found to create conditions that generate any type of pollution in excess of the standards or if there is any objection/complaint from the surrounding community & if on verification, it is found that such objection has some substance even after grant of CTE/CTO by the Board, the Board shall be at liberty to revoke/withdraw the CTE/CTO already issued & take legal action under the provisions of the Water (Prevention & Control of Pollution) Act 1974, the Air (Prevention & Control of Pollution) Act 1981 and the Environment (protection) Act, 1986 as considered appropriate.

B. Green Category

The industrial units / projects failing under Green Category and other units not covered under Red & Orange category of units has been exempted from Consent Management and need not apply for Consent to Operate to the Board. However, these units will have to provide pollution control devices depending upon their process and activities These industrial units/projects shall be governed by self regulatory regime and would not be permitted to pollute the environment.

No document will be submitted manually by the industries in the Board's offices for obtaining the CTO under Water Act, 1974 and Air Act, 1981 and for Authorization under Hazardous Waste Management Rules, and all the required documents as per checklist will be uploaded only on the OCMMS while submitting applications through online system.