

HARYANA STATE POLLUTION CONTROL BOARD

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Subject: Policy for grant of short term provisional consent to operate under Water Act, 1974 for 06 months to the building and construction residential projects, to whom consent to operate is refused by the Board under Water Act, 1974 on the ground of failure of effluent samples of STP of the project or any other reasons.

Whereas, the Board vide its Office order no. HSPCB/PLG/2020/1767-93 dated 4.12.2020 has issued amended procedure for obtaining consent to establish (CTE) and consent to operate (CTO) under the provisions of the Water (Prevention & Control of pollution) Act, 1974 and the Air (Prevention & Control of pollution) Act, 1981 alongwith amended categorization of red, orange, green and white category of industrial/non industrial sector/project/unit under the consent management of the Board; and

Whereas, as per the provisions of section 25 of the Water Act, 1974, no person without the previous consent of the State Board, can establish or take any steps to establish any industry, operation or process or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land; and

Whereas, as per the provisions of section 27 of the Water Act, 1974, State Board cannot grant its consent under section 25 (4) for the establishment of any industry, operation or process or treatment and disposal system or extension or addition thereto or to bring into use of new or altered outlet unless the industry, operation or process or treatment and disposal system or extension or addition thereto or the outlet is so established has to comply with any conditions imposed by the Board to enable it to exercise its right to take samples of the effluent; and

Whereas, as per the Environment Impact Assessment (EIA) notification dated 14.09.2006, the building construction projects, covered under category B (having an area > 20000 sq.m and <150000 sq.m) are required to obtain environment clearance as required under said notification from the SEIAA and to apply for consent to establish and consent to operate to the State Pollution Control Board under the provisions of section 25/26 of Water Act, 1974. The building and construction projects such as residential complex, apartments, township, town houses, condominiums, educational institutions hostels, multi story buildings, commercial buildings i.e office complexes, shopping complex, multiplex, dormitories or any other project covered under consent management of the Board based on waste water generation and required to install sewage treatment plants before discharge of their domestic effluent into sewerage system or any other mode of disposal; and

Whereas, the performance of sewage treatment plants of residential building complex is being monitored by the Regional offices of Haryana State Pollution Control Board from time to time. However, during the monitoring of performance of STPs, sometime the effluent samples of the treated sewage discharged by these residential projects do not meet with the standards prescribed by the Board, resulting into violation of provisions of the Water Act, 1974 which warrants legal action under the provisions of the section 43/44/47 of Water Act, 1974 alongwith imposition of environment compensation as directed by the Hon'ble National Green Tribunal. Consent to operate is refused/not granted by the Board under the provision of the Water Act, 1974 to such residential projects and untreated waste water of the residential projects is

continued to be discharged and damage is caused to the environment because due to habitation of the projects the electric supply, water supply and sewerage system cannot be disconnected to stop the discharge of untreated wastewater for any mode of disposal; and

Whereas, it has been observed that after refusal of consent/ not granting consent to operate under the Water Act, 1974 to the project proponent, the Board files prosecution under the provisions of said Act against the project proponent and other concerned persons but no remedial steps are taken to stop the damage caused to the environment due to the continuous discharge of untreated wastewater from such projects. Being residential complex, the electricity supply, water supply and sewerage system cannot be disconnected to stop the discharge of untreated sewage for any mode of disposal. Therefore, damage caused to the environment can be controlled only by operating the sewage treatment plant by the project proponent/Resident Welfare Association (RWA) by way of granting consent to operate on provisional basis and monitoring the sewage treatment plant of the project by the HSPCB within the period of provisional consent to operate; and

Whereas, a committee was constituted for framing a policy by the Board for grant of short term provisional consent to operate under the Water Act, 1974 for 06 months to residential projects. After detailed deliberation, the committee recommended the policy for grant of short term provisional consent to operate under the Water Act, 1974 for 06 months to residential projects, to whom consent to operate is refused by the Board under the Water Act, 1974 on the ground of failure of effluent samples of STP of the project or any other reasons;

Whereas, the above recommendations of the committee was placed before the Board for consideration and approval in its 197th meeting held on 12.09.2023 vide agenda item no. 197.04 and the same has been approved by the Board in its said meeting, with some additions and amendments.

In view of above and in partial modification of the procedure for obtaining consent to establish and consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 issued vide Head Office order Endst. No. HSPCB/2020/PLG/1767-1795 dated 04.12.2020, it is hereby ordered to grant provisional consent to operate for 06 months under the provisions of the the Water Act, 1974 to residential building and construction projects such as apartments, township, town houses, condominiums, student hostels of educational institutions, multi storey residential buildings, commercial buildings i.e. shopping complex, multiplex, dormitories or any other such project covered under consent management of the Board based on waste water generation and where consent to operate is refused by the Board under the provisions of said Act. The criteria for grant of provisional consent to operate for 06 months under the provisions of Water Act, 1974 is given as under:-

- i. The Board may launch prosecution under the provisions of the Water Act, 1974/Environment (Protection) Act, 1986 against the project proponent/Resident Welfare Association for violation of provisions of said Act, in such cases where consent to operate is refused on the ground of failure of effluent samples or operating the project without Environment Clearance as required under EIA notification dated 14.9.2006 or any other reason and further, environment compensation may be imposed as per the methodology formulated by the CPCB and approved by the Hon'ble National Green Tribunal.

- ii. The Project proponent/Resident Welfare Association shall continue to operate its primary effluent treatment units to reduce pollution load in the disposal system and environment.
- iii. The project proponent /Resident Welfare Association shall upgrade/remove deficiencies in various components of sewage treatment plant and other activities within 04 months and report may be submitted to the Board.
- iv. The Board shall monitor the performance of STP of the project and check its all compliances within 01 month.
- v. In case the performance of STP of the project is found adequate and analysis results of the treated sewage are within the norms, the Board may extend its further consent to operate for 01 year and further check the performance of sewage treatment plant on quarterly basis.
- vi. During the first 06 months, in case the project proponent/Resident Welfare Association/Institution fails to achieve the prescribed standards and the performance of STP is found inadequate and fails to comply with other environment compliances, additional prosecution under the provision of the Water Act, 1974 shall be launched alongwith imposition of additional amount of environmental compensation on the project proponent/residential complex.
- vii. In case the performance of STP of the project is found adequate for 01 year and all the treated wastewater samples of sewage treatment plant collected in a year are found within the norms, the Board may consider to grant consent to operate under the provisions of the Water Act, 1974 on yearly basis or as per the policy of HSPCB.
- viii. During the upgradation period of STP, the project proponent/Resident Welfare Association shall achieve the values of the parameters in the treated wastewater better than the values of the parameters as mentioned in the analysis results of the last samples collected by the Board.
- ix. The provisional consent to operate (CTO) so granted shall be without prejudice to the action taken for past violations and CTO so granted will have no effect on prosecution action or any other penal action taken or to be taken by the Board against such projects.
- x. Being special policy, the powers to grant provisional consent to operate for 06 months under the Water Act, 1974 to such residential projects shall be exercised by the Chairman of the Board.

These orders shall come into force with immediate effect.

Dated Panchkula, the
29th September, 2023

P. Raghavendra Rao,
Chairman

Endst. No. HSPCB/PLG/2023/ 140-176

Dated: 03-10-2023

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

1. All Branch Incharges dealing with consent management in Head Office of the Board.
2. All Regional Officers of the Board in the field.
3. Sr. Environmental Engineer -cum- Nodal Officer of the HSPCB, Haryana Enterprises Promotion Centre (HEPC) Bay No. 63-64-65-66, Sector 2, Panchkula.
4. Branch incharge (IT) for uploading the orders on the website of the Board and making necessary changes in the OCMMS and online inspection module.

Satinder Pal
Sr. Env. Engineer (PLG)
For Chairman

Endst. No. HSPCB/PLG/2023/ 177-178

Dated: 03-10-2023

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

1. PS to Chairman
2. PA to Member Secretary

Satinder Pal
Sr. Env. Engineer (PLG)
For Chairman