

**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, Orange and Green 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, Trans boundary & Movement) Rules, 2016, it shall simultaneously apply for the same. For hazardous waste application, 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).

Ist CTO will be for one year and after submission 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 2<sup>nd</sup> CTO will be granted for the period of CTO for which it has been applied based upon the category of the unit or as was demanded by the unit but in case of failure of sample

The 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
Green Category	15 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	Inspection schedule
1	Red	05 years	Compliance Inspection will be carried out at the interval of 2 years
2	Orange	10 Years	
	Orange low Risk		CTO will be granted on the basis of self certification by the industry and Compliance Inspection will be carried out at the interval of 5 years
	Orange High Risk		CTO will be granted on the basis of third party inspection by the industry and Compliance Inspection will be carried out at the interval of 3 years
3	Green	15 Years	CTO will be granted on the basis of self certification by the industry and Compliance Inspection will be carried once during the Consent period.

## II. Renewal of Consent to Operate

The CTO so granted will be renewed only if 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/affidavit for procuring raw material from the valid source and undertaking for compliance of the relevant provisions of Acts/Rules as applicable and adherence to the prescribed standards

along with 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 & Trans boundary Movement) Rules, 2016, for the prescribed period depending upon the category of the units / projects along with 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 only on line on prescribed Performa self certification and undertaking on compliance of conditions of previous consent to operate granted to the unit along with 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.

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.

2. 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.
3. No documents will be allowed to submit manually.

4. The CTO will be renewed only for those units which are complying the standards for discharge of pollutants prescribed under EP Rule, 1986.
5. The validity of renewal of CTO will be 05 years in case of Red category and 10 years for Orange category (low and high Risk) 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 up to 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.
6. 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 Board will take penal 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 unit submits 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.

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 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.

### **C. White 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.

**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.**