



STATE POLLUTION CONTROL BOARD, ODISHA

(Department of Forest & Environment, Govt. of Odisha)
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII
Bhubaneswar – 751012

No 356 /IND-II-NOC- Misc.-170 Date 07.01.2021

CIRCULAR

Sub: Revised Auto-renewal mechanism for Consent to Operate based on self-certification - Reg.

Ref: This office circular no. 10142/IND-II-NOC-Misc.-170, dated 19.06.2015 and circular no. 9835/IND-I-CON(M).-1377, dated 18.06.2016

1. The Board vide its office circulars no. 10146, dated 19.06.2015, no. 9775, dated 18.06.2016 and no. 2496, dated 21.02.2017 had decided to grant Consent to Operate to Red category of industries for a validity period of 5 years, Orange category of industries for a validity period of 10 years and Green category of industries for a validity period of 15 years.
2. Auto-renewal mechanism for Consent to Operate was implemented by the Board vide circular nos. under reference based on self-certification for Red and Orange category of industries.
3. The Board has noticed that the auto-renewal mechanism does not seem to be serving the purpose for which it was designed. Further, the Green categories of industries have not been included in the above auto-renewal mechanism of Consent to Operate. The issue was discussed with the officials of the Board and it was decided that the auto-renewal mechanism of Consent to Operate may be reviewed and made more applicant-friendly.
4. The matter was discussed in the 121st Board meeting held on 15.10.2020 and the Board has approved to implement the revised auto-renewal mechanism for Consent to Operate for Red, Orange and Green categories of industries / units / mines / projects / installation based on the self-certification.

In pursuance of decision taken in the 121st Board meeting held on 15.10.2020, the revised mechanism of auto-renewal of Consent to Operate for Red, Orange and Green categories of industries/ units / mines / projects / installation based on the self-certification is hereby implemented subject to fulfilling the following conditions:

- (i) The proponent shall apply for auto - renewal of Consent to Operate within 2 months before expiry of the validity of Consent to Operate.
- (ii) The Board should not have issued fresh show cause notice / directions under 33 (A) of water (Prevention and Control of Pollution) Act and 31(A) of Air (Prevention and Control of Pollution) Act or obtained Bank Guarantee during the validity period of Consent to Operate and industry is not under closure order issued by Board / CPCB / Government under Environment law or when such orders are under consideration of the Board.

- (iii) There are no pending prohibitory directions from Courts / Appellate Authority / National Green Tribunal / any Judicial Authority and there is no pending fresh case.
- (iv) There is no increase in production and / or pollution load / operation of expansion unit.
- (v) The auto-renewal can be availed for a period of maximum Five Years for Red category, Ten Years for Orange category and Fifteen Years for Green category of industries/ units / mines / projects / installation subject to payment of prescribed fees. After expiry of the above mentioned maximum allowed period, the proponent has to apply for Consent to Operate in fresh online application.
- (vi) The industry shall submit application under "Mechanism of Auto-Renewal of Consent to Operate" through the online portal of the Board. The renewal shall be issued by concerned office and be reflected in the website of OSPCB within one month.
- (vii) The proponent shall submit the following for auto-renewal of Consent to Operate:
 - a) Prescribed Consent Fee
 - b) Latest capital investment in the form of Latest Annual Report or Audited balance sheet certified by the Chartered Accountant.
 - c) Auto Renewal Form cum Self Certification enclosed as **Annexure - A**.
- (viii) Auto renewal of Consent to Operate will not prevent the Board from taking appropriate action against the defaulting units including revoking the Consent to Operate.
- (ix) In case, any industry is under obligation to obtain Consent to Operate from the Board does not want to opt or does not qualify the criteria as fixed above for consent under auto-renewal, it can apply for consent to operate online by submitting the online consent application form along with adequate fees. Applications for Consent to Operate for such cases shall be disposed following the prevailing procedure on merit.
- (x) Auto-renewal of Consent to Operate order will be issued as per the format enclosed as **Annexure-B**.

This order supersedes earlier order issued by the Board and will come into force with immediate effect.

By order of the Board.

Encl: As above.


Member Secretary

P.T.O...

Memo No. 357 /date 07.01.2021

Copy forwarded to the Principal Secretary to Govt., Industries Department, Govt. of Odisha, Bhubaneswar for kind information and necessary action.



Member Secretary

Memo No. 358 /date 07.01.2021

Copy forwarded to the Director (Env.)-cum-Special Secretary, Govt. of Odisha, Forest & Environment Department, Bhubaneswar for kind information and necessary action.



Member Secretary

Memo No. 359 /date 07.01.2021

Copy forwarded to All Chief Env. Engineers / All Chief Env. Scientists/ All Sr. Env. Engineers / All Sr. Env. Scientists/ All Regional Officers / Sr. Law Officer-L-II / Addl. Administrative Officer, SPC Board, Odisha, Bhubaneswar for information and necessary action.



Member Secretary

Memo No. 360 /date 07.01.2021

Copy forwarded to Env. Engineer-cum-System Administrator, IT Cell, SPC Board, Bhubaneswar for information and necessary action. She is requested to upload the Circular in the website of the Board.



Member Secretary

Memo No. 361 /date 07.01.2021

Copy to concerned file for record.



Member Secretary



STATE POLLUTION CONTROL BOARD, ODISHA

Parivesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII,
Bhubaneswar - 751 012

ANNEXURE-A

Auto Renewal Form-Cum-Self Certification

From

(Occupier and address of the industry)

To

The Member Secretary,
State Pollution Control Board, Odisha,
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar

Sub: Auto Renewal of Consent to Operate - Submission of Self-Certification - Reg.

Ref: Previous Consent to Operate Order issued on _____ valid upto _____.

It is to submit that the Board has issued Consent to Operate under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 to our industry / project vide order No _____ with a validity period upto _____.

We are here by certify that

1. We have complied with the conditions and standards stipulated in the Consent to Operate issued vide order dated _____.
2. There is no change in information provided in the prescribed Consent to Operate Application submitted for obtaining earlier Consent to Operate.
3. There is no increase in production and / or Pollution load / there is no expansion of unit.
4. The Board has not issued fresh show cause notice / directions under 33 (A) of water (Prevention and Control of Pollution) Act and 31(A) of Air (Prevention and Control of Pollution) Act or obtained Bank Guarantee during the validity period of Consent to Operate and industry is not under closure order issued by Board / CPCB / Government under Environment law.
5. There are no pending directions from Courts / Appellate Authority / National Green Tribunal / any Judicial Authority and there are no pending fresh cases during last one year.

6. There is no increase in capital investment.
7. We undertake to comply with the conditions and standards stipulated in Consent to Operate order and with any further conditions / directions which may be stipulated by the Board in future and we may also pay fees / charges in future as demanded by the Board.

In view of fulfilling of the Board conditions for Auto Renewal as certified by the above, we request to renew our Consent to Operate under Auto renewal mechanism for the period upto _____ for which we are herewith paying consent fee of ₹_____ as per latest Annual Report or Audited balance sheet certified by the Chartered Accountant which was enclosed.

Encl:

1. Consent Fees details.
2. Latest capital investment in the form of Latest Annual Report or Audited balance sheet certified by the Chartered Accountant.

Yours faithfully,

Place:

Date:

**Name and Designation of Occupier /
Name and address of the industry**



ANNEXURE - B

Tel : 2564033/2563924
EPABX : 2561909/2562847
E-mail: paribesh1@ospcboard.org
Web site : www.ospcboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

Parivesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII,
Bhubaneswar - 751 012

No. _____/IND-I-CON- Date _____/

AUTO RENEWAL OF CONSENT TO OPERATE ORDER

In response to your online application Id no. _____ dated _____ for Auto Renewal of Consent to Operate Order, the Board is hereby extending validity period of Consent to Operate order under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 issued vide order no. _____ dated _____ valid upto _____ for further period of _____ Years i.e. upto _____ with following conditions.

- 1.
- 2.
- 3.
- 4.

This auto renewal of consent order is valid for the product quantity, specified outlets, discharge quantity and quality, specified chimney/stack, emission quantity and quality of emissions as specified in the earlier order. This consent is granted subject to the general and special conditions stipulated therein the earlier order.

To
The Occupier
(Industry/Project Address)

For State Pollution Control Board, Odisha

Memo No. _____ **date** _____

Copy forwarded to;

- (i) The Regional Officer, State Pollution Control Board, _____
- (ii) The Collector and District Magistrate, _____
- (iii) The Director of Mines, Odisha, Bhubaneswar
- (iv) The Director Factories and Boiler, Bhubaneswar
- (v) The D.F.O, _____
- (vi) Consent Register for record.

For State Pollution Control Board, Odisha



STATE POLLUTION CONTROL BOARD, ODISHA

(Department of Forest & Environment, Govt. of Odisha)
Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII
Bhubaneswar – 751012

No. 10534 /Ind-II-NOC-Misc.-68

Date 27.06.16

NOTIFICATION

GUIDELINES FOR AUTO REVALIDATION OF CONSENT TO ESTABLISH

- 1) The Board grants consent to establish to industries and mines under section 25 of Water (Prevention & Control of Pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981. Such consent to establish is valid for a period of five years from the date of issue of consent to establish order provided substantial physical progress of the project has not taken place in the meantime.
- 2) The proponents who are unable to achieve substantial physical progress of the project within this five years period of consent to establish, are required to revalidate the consent to establish for another five years. The procedure for revalidation of consent to establish under different conditions are laid down in the guidelines issued vide No. 5187 dtd. 28.3.2009.
- 3) This guidelines lays down the procedure to revalidate / modify consent to establish without going through a detailed process of scrutiny as required in the case of a fresh application.
- 4) The Department of Industrial Policy and Promotion (DIPP), Govt. of India under 'Ease of Doing Business' programme has suggested an action point to allow for auto-renewal of consent to establish under Water(PCP) Act, 1974 and Air (PCP) Act, 1981 based on self-certification or third party certification.
- 5) In compliance to the above action point of DIPP, Govt. of India, following provisions of auto-revalidation is made, so that, the revalidation can be effected on the basis of self-declaration and without any site inspection.
 - a) The consent to establish shall be auto-revalidated for a period of five years in the following cases :
 - i) A project whose consent to establish has become invalid but its environmental clearance is valid.
 - ii) A project which does not require environmental clearance, but its consent to establish has become invalid.
 - b) Projects falling within the categories specified in para (a) shall make a request on the online consent management portal of State Pollution Control Board alongwith applicable one time consent to establish fee, upload

- relevant document in support of the project cost and a signed copy of self declaration form in the format enclosed as **Annexure-A** of this notification.
- c) After verification of the documents and self-declaration, Sr. Env. Engineer / Sr. Env. Scientist in charge of consent to establish cell in the Head Office or the Regional Officer (as the case may be) shall issue a revalidation order through online system without seeking any further approval from the Member Secretary or the Regional Officer (as the case may be).
 - d) The proponent shall be allowed for auto-revalidation of consent to establish only once after the expiry of first consent to establish for a maximum period of five years.
- 6) Application for auto-revalidation of consent to establish shall be made not later than six months from the date of validity of consent to establish.
 - 7) No application received after the expiry of six months from the date of validity shall be considered by the Board for revalidation of consent to establish. The applicant has to make a fresh application after the expiry of six months from the date of validity.
 - 8) The guidelines No. 5187 dtd. 28.3.2009 is modified accordingly by incorporating the above modification and is enclosed as **Annexure-B** of this notification.

By order of the Chairman

Encl : Annexure - A & B


MEMBER SECRETARY

Memo No..10.535..dt. 27.06.16
Copy forwarded to All Sr. Env. Engineers / All Sr. Env. Scientists / Administrative Officer / All R.Os / Sr. Law Officer, SPC Board, Odisha, Bhubaneswar for information and necessary action.

Encl : As above


MEMBER SECRETARY

Memo No..10.536..dt. 27.06.16
Copy alongwith Guidelines forwarded to Mrs. Mamata Patnaik, Env. Engineer-cum-System Administrator, SPC Board, Bhubaneswar for information and necessary action. She is requested to display the guidelines in the web site of the Board replacing the old guidelines. She is also requested to develop facility for online submission of application for Auto revalidation as per the guidelines.

Encl : as above


MEMBER SECRETARY

ANNEXURE - A

FORMAT FOR SELF CERTIFICATION BY THE INDUSTRY FOR AUTO REVALIDATION OF CONSENT TO ESTABLISH

To,

The Member Secretary
State Pollution Control Board, Odisha. } For Head Office
Bhubaneswar

Or
The Regional Officer, SPC Board, _____ } For Regional Office

Sub: Self Certification for Auto Revalidation of the Consent to Establish under Water (PCP) Act, 1974 and Air (PCP) Act, 1981.

Ref: Consent to establish issued by the Board vide letter No _____ dated which is valid up to _____

Dear Sir,

We wish to apply for the auto revalidation of consent to establish referred above. We undertake the following:

1. We have consent to establish from SPCB, Odisha which is valid upto _____ vide above referred letter and copy of the same is enclosed.
2. The project capacity and configuration remains the same as submitted vide our original application No _____ dated _____.
3. The capital investment of the industry, as per SPCB, Odisha vide above referred consent to establish was ₹..... (Rupees _____). The Capital Investment for the proposed consent to establish auto revalidation is ₹..... (Rupees _____). (The change in capital Investment, if any, is only due to investments in infrastructure development, clean technology, pollution control systems and better production management).
4. There is no increase in production or pollution load than as referred in the earlier consent to establish granted vide letter no. _____, dated _____.
5. We are submitting a fees of ₹..... (Rupees _____) for consent to establish corresponding to the present cost of the project duly supported by the Chartered Accountants certificate to that effect.

- 6. We undertake to comply with any further condition which may be stipulated by SPCB, Odisha in future and also, undertake to pay all the charges/fees/demands in future.
- 7. We hereby declare that the information furnished here is true as per the records. We further understood that suppression of information or giving any false information is punishable under section 42(1)(f) of Water (PCP) Act, 1974 and under section 38 (f) of Air (PCP) Act, 198.1

It is requested to approve the auto revalidation of the consent to establish in favour of our unit for the period upto _____ .

Thanking You

Encl: As above.

Signature of occupier, Name and designation with phone and email address and Seal of the Company

ANNEXURE - B

**GUIDELINES FOR
AUTO REVALIDATION / MODIFICATION OF CONSENT
TO ESTABLISH ORDER**

JUNE, 2016



STATE POLLUTION CONTROL BOARD, ODISHA

Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII,
Bhubaneswar – 751 012, INDIA

GUIDELINES FOR AUTO REVALIDATION / MODIFICATION OF CONSENT TO ESTABLISH

The Board grants consent to establish industries and mines under section 25 of Water (Prevention & Control of Pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981. Consent to establish is valid for the product, quantity, manufacturing process and raw-materials as mentioned in the application for a period of five years from the date of issue of consent to establish order provided substantial physical progress of the project has not taken place in the meantime. Some proponents who are unable to do substantial physical progress of the project within this five years period of consent to establish, request for revalidation of consent to establish. Some proponents are also requesting to issue modify consent to establish for change in plant configuration as well as correction in consent to establish. The proposals of revalidation / modification of consent to establish are broadly fall within the following category.

1. Invalid consent to establish as well as environmental clearance after lapse of 5 years.
2. Invalid consent to establish after lapse of 5 years but environmental clearance is valid.
3. Consent to establish is invalid after 5 years, process of EIA (i.e. public hearing etc.) has been completed long back but environmental clearance has not been accorded by MoEF&CC, Govt. of India.
4. Invalid consent to establish after lapse of 5 years but the project does not require environmental clearance.
5. Change in plant configuration without exceeding overall capacity for which consent to establish granted.
6. Major change in plant configuration as well as consented capacity for which consent to establish granted.
7. Correction sought in conditions stipulated in consent to establish order.

This guideline aims at resolving the issues arising in above circumstances and puts forth a uniform procedure to be adopted by the Head Office as well as the Regional Office which modifying or revalidating consent to establish.

1. Invalid consent to establish as well as Environmental Clearance :

In the case when the consent to establish (CTE) and environmental clearance (EC) are expired the consent to establish issued earlier can not be revalidated.

This type of proposal shall be treated as old case and the proponent shall be advised to apply afresh for consent to establish observing all formalities and conduct fresh EIA study for obtaining environmental clearance (if required).

2. Invalid consent to establish but valid Environmental Clearance :

A. i) If the proponent fails to do substantial physical progress of the project within 5 years period of consent to establish, consent to establish shall be **auto revalidated** for 5 years after receipt of the following from the proponent.

- a. Adequate one time consent to establish fees as per present fees structure of the Board for the proposal.
- b. Supportive documents w.r.t present project cost.
- c. Signed copy of self certification / declaration form indicating that the project capacity and configuration has not changed with respect to the original application.

ii) After verification of the documents and self-declaration, Sr. Env. Engineer / Sr. Env. Scientist in charge of consent to establish cell in the Head Office or the Regional Officer (as the case may be) shall issue a revalidation order through online system without seeking any further approval from the Member Secretary or the Regional Officer (as the case may be).

iii) The proponent shall be allowed for **auto-revalidation** of consent to establish only once after the expiry of first consent to establish for a maximum period of five years.

iv) Application for **auto-revalidation** of consent to establish shall be made not later than six months from the date of validity of consent to establish.

v) No application received after the expiry of six months from the date of validity shall be considered by the Board for revalidation of consent to establish. The applicant has to make a fresh application after the expiry of six months from the date of validity.

B. i) If the proponent fails to do substantial physical progress of the project within 5 years of **auto revalidation** period, the proposed site shall be verified to assess if any substantial changes in environmental setting have taken place in and around the proposed project area. If the development in the proposed area is not significant then consent to establish shall be revalidated for another 5 years after receipt of the following from the proponent :

- a. Adequate one time consent to establish fees as per present fees structure of the Board for the proposal.


Member Secretary

- b. Supportive documents w.r.t present project cost.
- c. Signed copy of self certification / declaration form indicating that the project capacity and configuration has not changed with respect to the original application.

ii) If the development in the proposed area is significant then the proponent shall be asked to apply afresh for consent to establish for the proposal.

C. In case the project configuration has changed then the proponent shall make a fresh application for consent to establish.

3. Invalid consent to establish, process of EIA (i.e. public hearing etc.) has been completed but environmental clearance has not been accorded:

i) The proposed site shall be verified to assess if any substantial changes in basic environmental setting have taken place in and around the proposed project area. If the development in the proposed area is not significant than consent to establish shall be revalidated after receipt of the following from the proponent :

- a. Adequate consent to establish fees as per present fees structure of the Board for the proposal.
- b. An undertaking that the project capacity and configuration has not changed with respect to the original application.
- c. In case the project configuration has changed then the proponent shall make a fresh application for consent to establish.


ii) If the development in the proposed area is significant then the proponent shall apply afresh for consent to establish and conduct fresh EIA in the project for obtaining environmental clearance.

4. Invalid consent to establish of a project which does not require environmental clearance :

A. i) If the proponent fails to do substantial physical progress of the project within 5 years period of consent to establish, consent to establish shall be **auto revalidated** for 5 years after receipt of the following from the proponent.

- a. Adequate one time consent to establish fees as per present fees structure of the Board for the proposal.
- b. Supportive documents w.r.t present project cost.

- c. Signed copy of self certification / declaration form indicating that the project capacity and configuration has not changed with respect to the original application.
 - ii) After verification of the documents and self-declaration, Sr. Env. Engineer / Sr. Env. Scientist in charge of consent to establish cell in the Head Office or the Regional Officer (as the case may be) shall issue a revalidation order through online system without seeking any further approval from the Member Secretary or the Regional Officer (as the case may be).
 - iii) The proponent shall be allowed for **auto-revalidation** of consent to establish only once after the expiry of first consent to establish for a maximum period of five years.
 - iv) Application for **auto-revalidation** of consent to establish shall be made not later than six months from the date of validity of consent to establish.
 - v) No application received after the expiry of six months from the date of validity shall be considered by the Board for revalidation of consent to establish. The applicant has to make a fresh application after the expiry of six months from the date of validity.
- B. i)** If the proponent fails to do substantial physical progress of the project within 5 years of auto-renewal period, the proposed site shall be verified to assess if any substantial changes in environmental setting have taken place in and around the proposed project area. If the development in the proposed area is not significant then consent to establish shall be revalidated for another 5 years after receipt of the following from the proponent :
- a. Adequate one time consent to establish fees as per present fees structure of the Board for the proposal.
 - b. Supportive documents w.r.t present project cost.
 - c. Signed copy of self certification / declaration form indicating that the project capacity and configuration has not changed with respect to the original application.
- ii) If the development in the proposed area is significant then the proponent shall be asked to apply afresh for consent to establish for the proposal.
- C.** In case the project configuration has changed then the proponent shall make a fresh application for consent to establish.


Member Secretary

5. Change in plant configuration where overall capacity remains within the consented quantity for which consent to establish granted :

The proponent shall be issued a modified consent to establish incorporating the change in plant configuration after surrendering the original consent to establish order issued earlier. However, validity of the modified consent to establish shall be with effect from the date of issue of the original consent to establish.

6. Change in major plant configuration as well as consented capacity for which consent to establish granted:

The proponent shall apply afresh for consent to establish for the proposal and also obtain fresh environmental clearance if proposal requires environmental clearance.


7. Correction in stipulated conditions of consent to establish :

- i) In case the proponent seeks to modify or drop any condition stipulated in the consent to establish order, the merit of such modification or exemption shall be evaluated by the competent authority. In case the competent authority is satisfied that the desired modification or exemption is not compromising the desired environmental quality then such modification and/or exemption can be granted by the Authority.

(N.B.: In this case the competent authority means the office which has the authority to grant consent to establish for the project in question).

- ii) The proponent shall be issued a modified consent to establish incorporating the necessary correction after surrendering the original consent to establish issued earlier. However, validity of the modified consent to establish shall be with effect from the date of issue of earlier consent to establish order.

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Member Secretary