



STATE POLLUTION CONTROL BOARD, ODISHA

(Department of Forest & Environment, Govt. of Odisha)

Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII

Bhubaneswar – 751012

No. 16400 /Ind-II-NOC-Misc.-118

Date 13-10-2015

CIRCULAR

The guidelines for levy on pollution charges duly approved by the Forest & Env. Deptt., Govt. of Odisha has provision to levy pollution charge an industry / operation / mines in the case establishes or take steps to establish their unit without prior consent to establish of the Board u/s 25 of Water (Prevention & Control of Pollution) Act. 1974 and / or Air (Prevention & Control of Pollution) Act. 1981 as per section 3.2 and 3.3 of the guideline. The clause 3.2 of the guidelines says that in case a person established an unit without prior consent to establish but on a later date the site is otherwise found suitable then the unit is liable to pay pollution charges equivalent to five times the consent fees.

In the meantime, while disposing an appeal seeking clarification, whether pollution charges should be calculated on the basis of the fees prevailing at the time of committing the offence or at the time of determining the pollution charge, the matter was reviewed, and it was decided that henceforth the pollution charge shall be calculated on the basis of consent fees prevailing at the time of committing the offence and not prevailing at the time of determining the pollution charge.

MEMBER SECRETARY

Memo No. 16401 dt. 13-10-2015

Copy forwarded to All Sr. Env. Engineers / All Sr. Env. Scientists / Administrative Officer / All R.Os / Sr. Law Officer / Law Officer, SPC Board, Odisha, Bhubaneswar for information and necessary action.

MEMBER SECRETARY

Memo No. 16402 dt. 13-10-2015

Copy forwarded to Mrs. Mamata Patnaik, Env. Engineer-cum-System Administrator, SPC Board, Bhubaneswar for information and necessary action. She is requested to display the order in the web site of the Board.

MEMBER SECRETARY

GUIDELINE FOR LEVY OF POLLUTION CHARGE



STATE POLLUTION CONTROL BOARD, ORISSA
Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII,
Bhubaneswar – 751 012, INDIA

March 2007

GUIDELINE FOR LEVY OF POLLUTION CHARGE AND ITS UTILISATION

1. OVERVIEW

It was observed that many industries and mines are violating various provision of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 for a limited period. By the time the Board processes for appropriate penal action as per the law, such as issuing direction for closure or filing prosecution in the Court of Law, the concerned industry returns to compliance and proposed action of the Board loses most of its relevance. In the process the defaulting unit escapes the penal action for temporary violation and in the hind side it acts as a disincentive to industries / mines who is law abiding. In the above background the Board in its 90th meeting held on 10.03.2006 decided that a system of pollution charge be levied for such temporary violation so that the instrument shall act as a deterrent for the defaulting unit and the units will have some incentive to quickly return to compliance. The Board in its 91st meeting held on 24.07.2006 decided that, a guideline is prepared for levying pollution charges.

This document in the present form will serve as a guideline for determination of pollution charge and utilization of funds generated through this mechanism.

2. BASIC PRINCIPLE

2.1 LEGAL BASIS

2.1.1. Section 17(1) (a) of Water (Prevention & Control of Pollution) Act, 1974 and section 17 (1) (a) of Air (Prevention & Control of Pollution) Act, 1981 stipulates that the State Board has to plan a comprehensive programme for prevention, control or abatement of Water / Air pollution and to secure execution thereof. It is in the process of securing execution of pollution prevention / control / abatement by complying to consent conditions and provisions of these Acts, this economic instrument (i.e. pollution charge) is being instituted.

2.1.2 The pollution charge is in no way be considered as penalty / fine / compensation for the violation caused by the industry / mines.

2.1.3 The pollution charge shall be calculated on the basis of this guideline and an order u/s 33(A) of Water (PCP) Act, 1974 and / or u/s 31(A) of Air(PCP) Act, 1981 shall be issued to the defaulting units for payment of pollution charge.

2.2 GENERAL CONSIDERATION

2.2.1 The system of levying pollution charge is an economic instrument to achieve real progress towards making the industry environmentally more responsible without jeopardizing the economic growth.

2.2.2 The pollution charge shall not be imposed if pollutants or waste are released to environment.

(a) In quantities or in a manner for which consent is not required.

(b) Due to *force majeure*

- (c) To prevent pollution on a larger scale or an accident which may cause loss of life.

2.2.3 Payment of pollution charge does not exempt the person who released pollutant or waste into environment from payment of compensation for damage to third party incurred due to pollution and is payable to them under any law.

3. POLLUTION CHARGE FOR ESTABLISHMENT OR OPERATION OF INDUSTRIES / MINES WITHOUT CONSENT

3.1 An industry / operation / mines establishes or take steps to establish without prior consent to establish of the Board u/s 25 of Water (Prevention & Control of Pollution) Act, 1974 and / or Air (Prevention & Control of Pollution) Act, 1981 shall pay a pollution charge as per section 3.2 and 3.3 of this guideline.

3.2 Provided that the proposed industry/ operation has established or taken steps to establish on a site which is otherwise subsequently

found suitable and the proposed activity/ies operation (s) do not contravene any restriction or prohibitory orders of the State Government and/or the State Pollution Control Board a pollution charge equivalent to 5 times the consent to establish fee shall be payable by the project proponent before consideration of their case for Consent to Establish.

3.3 Provided that the site of proposed industry / operation is not found to be suitable or it is found to be established or in the process of establishment in contravention of any restriction or prohibition of State Government and/or State Pollution Control Board no pollution charge shall be levied and appropriate legal action shall be taken under Water (PCP) Act, 1974 and / or Air (PCP) Act, 1981.

3.4 Provided an industry / mines enters into operation for the first time without even applying for consent u/s 25 of Water (PCP) Act, 1974 and / or u/s 21 of Air (PCP) Act, 1981 a pollution charge equivalent to 2 times the consent fee shall be charged. In addition to this all the emission and effluent will be treated as unauthorized for the period for which there is no consent and an additional pollution

charge shall be levied on the basis of pollution units and shall be calculated as per section 4 and 5 of this guideline.

3.6 Provided that an industry / mine enters into operation for the first time and application for consent to operate have been made within less than 4 months of operation, then all the emission and effluent will be treated as unauthorized for the period for which there is no consent an additional pollution charge shall be levied on the basis of pollution units and shall be calculated as per section 4 and 5 of this guideline.

3.7 Provided an industry / mines continue operation without applying for renewal of consent to operate u/s 21 of Air (PCP) Act,1981 and / or section 25 of Water (PCP) Act, 1974, pollution charge shall be levied in the following rate.

Sl.No.		Charge
1.	up to 3 months from due date of renewal	No charge
2.	delay in applying for renewal of consent beyond 3 months	10% of the consent fee for every calendar month (or part thereof) beyond 3 months.

In addition to this all the emission and effluent will be treated as unauthorized for the period for which there is no renewal of consent an additional pollution charge shall be levied on the basis of pollution units and shall be calculated as per section 4 and 5 of this guideline.

4. POLLUTION CHARGE FOR NOT OPERATING/ IMPROPERLY OPERATING POLLUTION CONTROL SYSTEMS

- 4.1 In case any industry or mine are found to be operating, keeping the pollution control equipment idle thereby causing pollution of surrounding environment, then pollution charge shall be levied by the Board which shall be proportional to the pollution units released to the environment during the period of violation.
- 4.2 Pollution unit is calculated on the basis of pollutant parameters discharged / emitted as specified in section 5 of this guideline

depending upon their relative potential for environmental damage.

4.3 The pollution charge per pollution unit shall be determined by a committee to be constituted by the Chairman from time to time by an office order.

4.4 If an industry or mine disposes its solid waste in an area which is not approved by the State Pollution Control Board and / or disposes the waste in a manner not prescribed by the Board and / or that causes or likely to cause contamination of surface water, ground water and / or ambient air, then pollution charges shall be calculated as per section 5.2 and 6.5 of this guideline.

5. METHOD OF DETERMINATION OF POLLUTION UNITS

5.1 Pollution units due to emission of air pollutant and discharge of water pollutant shall be done following measurement of flow rate and pollutant concentration for the parameters relevant for calculation of pollution charges. The measurement shall be carried out by an officer of the State Pollution Control Board not below the rank of AEE/AES and sampling shall be carried out as per the provision of Section 21 of water (PCP) Act, 1974 and section 26 of Air (PCP) Act, 1981.

- 5.2 Pollution unit due to solid waste disposal shall be done on the basis of estimation made by the inspecting officer, not below the rank of Asst. Env. Engineer / Asst. Env. Scientist.
- 5.3. The concerned industry / mine shall make proper arrangement for flow measurement of effluent and emission. If proper arrangement for flow measurement has not been made by the industry / mine then the flow rate shall be estimated by the inspecting officer whose decision shall be final.
- 5.4 During the period of observation, samples of effluent and emission shall be taken and concentration of pollutant parameters shall be established through laboratory analysis by the Board.
- 5.5 The number of pollution units for each parameters will be calculated by dividing the quantity of pollutant being discharged by the quantity defined as one pollution unit for each parameter under consideration, in section 6 of this guideline.
- 5.6 Provided that the industry / mine has a consent issued by the Board u/s 25 of

Water (PCP) Act, 1974 and / or u/s 21 of Air (PCP) Act, 1981 which is valid during the period of assessment, then the quantity of pollutant parameter which the industry / mines is allowed to discharge / emit and equivalent amount of pollution unit are exempted from payment of pollution charge.

- 5.7 The period of violation shall be determined on the basis of days violation. A part of a day shall be treated as a full day violation.
- 5.8 Chargeable pollution unit shall be obtained after subtracting the exempted Pollution units from the gross pollution units.
- 5.9 The assessing officer shall summarise the calculation of pollution units in Form-II of this guideline.

6. POLLUTION UNITS

6.1 Pollution units (PU) for water polluting

Sl.No.	Parameters	Pollution unit
1	COD	100 kg.
2.	TSS	25 kg.
3.	BOD	15 kg.
4.	O & G	2 kg.
5.	Fluoride	200g.
6.	Chromium	100 g.
7.	Mercury	1 g

6.2 Pollution units (PU) for air emission through stack

Sl.No.	Parameters	Pollution unit
1.	Particulate matter (coal) emission through stack	120 kg.
2.	Particulate matter (Oil burning)	0 kg.
3.	Particulate matter (Cement)	50 kg
4.	Particulate matter (Sponge Iron)	10 kg
5.	Particulate matter (others)	15 kg.

- 6.3 Particulate matter pollution units (PU) for fugitive emission in case of (on the basis of quantity of material handled) Mining (Excavation and transport only)

Sl.No.	Parameter	Pollution unit
1.	Coal mining	1000 ton
2.	Iron Ore mining	1000 ton
3.	Manganese mining	1000 ton
4.	Bauxite mining	1200 ton
5.	Graphite mining	1000 ton
6.	Other mineral mining	2000 ton

- 6.4 Pollution units (PU) for fugitive particulate emission from crushing / screening

Sl.No.	Parameter	Pollution unit
1.	Iron Ore crushing and screening	1500 ton
2.	Manganese crushing and screening	1500 ton
3.	Chrome Ore crushing and screening	1500 ton
4.	Coal crushing and screening	10000 ton
5.	Other mining crushing and screening	500 ton

6.5 Pollution units for improper disposal of solid waste

Sl.	Parameter	Pollution unit
1.	Hazardous waste	10 ton
2.	Non-Hazardous waste	20 ton

7. COLLECTION AND EXPENDITURE OF POLLUTION CHARGE

- 7.1 On the basis of nature of violation, extent of pollutant discharge/ emission and improper disposal of solid waste (As per the report of inspecting officer) the pollution charge shall be calculated by a committee to be constituted by Chairman. The calculation shall be done in Form-I appended to this guideline.
- 7.2 The committee may consider a discount on the total pollution charge not exceeding 20 percent of total charge on the ground of degree of co-operation and history of compliance of the concerned industry or mines.

- 3 The committee shall then recommend to the Member Secretary to pass appropriate order for payment of pollution charge.

- 4 The Member Secretary will issue direction u/s 33(A) of Water(PCP) Act, 1974 and / or section 31(A) of Air(PCP) Act, 1981 (as the case may be), directing the defaulting industry / mine to deposit the pollution charge so determined by the above committee as constituted under section 7.1 of this guideline.

- 5 The pollution charge determined by the committee is final. However if any person / industry / mine feels aggrieved they may prefer an appeal to the Chairman, State Pollution Control Board against the order of the committee / Member Secretary within 15 days of issue of the direction.

- 6 The defaulting industry / mines shall deposit the amount as directed through a Demand Draft drawn in favour of Member Secretary, State Pollution Control Board, Orissa – Pollution Charge – A/C, within 30 days of issue of the direction.

7.7 The amount so collected as pollution charge shall be deposited in a separate account to be maintained by State Pollution Control Board. The Board may keep 20% of the amount collected during a financial year as administrative cost. The remaining amount shall be spent for programmes / projects for enhancement of environmental quality in the concerned area in consultation with the concerned District Collector.



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FORM - I

WORKSHEET FOR CALCULATION OF POLLUTION CHARGE

1. Name of the Industry / Mines _____
2. Name and address of the Occupier _____

3. Charges of violation

Sl.No.	Charge	Chargeable under para

4. Period for which pollution charge is calculated.

From Dt. _____ to Dt. _____

DOCUMENT TITLE

5. Calculation of pollution charge.

i) Pollution charge under section 3 :
Rs. _____

ii) Pollution charge under section 4
(As per detail calculation in Form-II) :
Rs. _____

Grand Total :
Rs. _____

iii) Discount (if any) considered by the
committee as per section 7.2 (-) :
Rs. _____

6. NET POLLUTION CHARGE PAYABLE :
Rs. _____

(Member – 1)

(Member – 2)

(Member -3)