



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

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No. F14(99-Corres)/RSPCB/Plg/ 2222

Dated 31-10-2019

Regional Officer,
Rajasthan State Pollution Control Board,
Alwar, Balotra, Bhilwara, Bharatpur, Bikaner,
Chittorgarh, Jaipur(S)/ (N), Jodhpur, Kishangarh, Kota,
Pali, Sikar, Bhiwadi and Udaipur

Group In- charge
Planning/ CPM & Petcock/ Mines & SCMG/
HOP/ Textile/ MUID/CD & Projects/ HSW,
(MSW, Plastic)/ PDF & IT/ BMW/ E-Waste/
Liquid Waste/ IEC/RTI, VTR/ L.A. / ACP, RSPCB, Jaipur

Sub: Mechanism for environmental management of critically and severely Polluted Areas and consideration of activities/ projects in such areas in compliance to Hon`ble NGT order dated 23.08.2019 in the matter of O.A. No 1038/2019.

- Ref: i) Hon`ble NGT order dated 10/07/2019 & 23/08/2019 in O.A. No. 1038/2019.
ii) CPCB letter dated 25.10.2019. (Copy enclosed)
iii) State Board's order No. F.14(5-Adm)/ RPCB/Plg/1657-82 dated 26/07/2019.
iv) State Board's letter No. F.Tech(E-140) RPCB/CPM/ 920-942 dated 18/09/2019.

In compliance to Hon`ble NGT order dated 10/07/2019 in O.A. No 1038/2019, State Board had issued an order directing, not to grant any CTE / CTO vide letter dated 26/07/2019. Further, a letter was issued in this regard for issuing of CTE / CTO, to industries which are located outside industrial clusters of 5 CEPI cities. Also, a committee was formed vide State Board's order dated 13/09/2019 to recommend the further course of action for deciding CTE / CTO applications in 5 CEPI clusters. The committee has submitted its recommendations vide letter dated 10/10/2019.

However, in compliance of Hon`ble NGT order dated 23/08/2019 in the matter of O.A. No 1038/2019, Ministry of Environment, Forest & Climate Change(MOEF & CC), Government of India has issued Mechanism for environmental management evolved for Critically and Severely polluted Areas and consideration of activities/ projects in such areas. The same has been forwarded by CPCB vide its letter dated 25/10/2019 to Chief Secretaries of all States and a copy of which has also been endorsed to all State Boards for further necessary actions.

Therefore, superseding State Board's earlier letters dated 26/07/2019 & 18/09/2019, the "Mechanism evolved by MOEF & CC as forwarded by CPCB is being sent to you for taking necessary action in all cases of CTE/ CTO in all 5 CEPI areas in accordance with it."

Needless to say, that the recommendations submitted by the committee vide letter dated 10/10/2019 have become in-fructuous in the light of CPCB letter dated 25/10/2019 and no action needs to be taken on it.

This bears approval from Competent Authority.

Yours sincerely,


(Shailaja Deval)
Member Secretary

Copy to the following for information & necessary action-

1. PS to Chairperson, RSPCB, Jaipur
2. Sr. P.A. to Member Secretary, RSPCB, Jaipur
3. CEE/CSO/CAO, RSPCB, Jaipur
4. GIC(IT), RSPCB, Jaipur for uploading the letter on State Board's website.

~~Member Secretary~~



Hon'ble NGT Matter

Dated: 25/10/2019

CPCB/IPC-VII/CEPI/NGT/2019

To

The Chief Secretary of concerned State/UT Govts.
(List as provided)

Sub: Mechanism for environmental management of Critically and Severely Polluted Areas and consideration of activities/projects in such areas in compliance to Hon'ble NGT order dated 23/8/2019 in the matter of O.A. No 1038/2018-reg.

Sir,

With reference to the Hon'ble NGT order dated 23/8/2019 in the matter of O.A. No 1038/2018, based on environmental quality monitoring (CEPI) carried out by CPCB during 2017-18, it is directed that

"...There is no absolute bar to such units being setup if they are found to be viable. This clarification should take care of any possible apprehension that the order of the tribunal will obstruct any legitimate industrial activity. MoEF&CC can forthwith devise an appropriate mechanism to ensure that new legitimate activity or expansion can take place after due precautions are taken in the areas in question by Red and Orange category of units".

Accordingly, MoEF&CC has prepared a mechanism and directed CPCB to share with the State/UT Governments and SPCBs/PCCs for implementation. In this regard, I am directed to communicate the mechanism for information and necessary action, please (copy enclosed).

Yours faithfully,


(P.K. Gupta)

AD& Div. Head, IPC-VII

Encl: As above

Copy to:

1. The Member Secretary, Concerned SPCBs/PCCs : for information and n/a, please.
2. The Director, Department of Environment, Concerned State/UT Govts. : for information and n/a, please.
3. The Joint Secretary, CP Division (Water), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhavan, Aliganj, JorBagh Road, New Delhi-110003 : for information, please.
4. The Regional Directors, CPCB : for information, please.
5. PS to CCB : for information of CCB, please.
6. PS to MS : for information of MS, please.


(P.K. Gupta)

o/c

Mechanism evolved after consultation with stakeholders for new activities/ expansion by Red & Orange Category of industries in Critically/ Severely Polluted areas

A. Environmental Management of CPAs and SPAs
Protocol to be followed by the State Pollution Control Boards (SPCBs)/ Pollution Control Committees(PCCs) For improvement of environmental quality in the Critically Polluted Areas (CPAs) and Severely Polluted areas(SPAs)

- i. The CEPI score assessment done by CPCB may be used as warning tool by the State Governments, SPCBs and other concerned to understand the severity of pollution existing in the area and to formulate appropriate action plan.
- ii. The State Govts. / Union Territories / SPCBs/PCCs may finalize the time bound action plans within three months for the identified CPAs and SPAs to restore environment quality within norms. Short term and long term action points have to be formulated with time frames of up to one year and more than one year, as may be required, respectively.
- iii. The action plan may be prepared by a committee constituted by Chief Secretary. Representative of industries association may be included in the committee constituted. The final preparation of action plan including its execution may be overseen by the Chief Secretary of the concerned state. The same may shall be submitted to CPCB for consideration & approval.
- iv. While preparing action plans, the committee constituted by the Chief Secretary shall follow the directions issued by CPCB under section 18(1) (b) of the Water (Prevention & Control of pollution) Act, 1974 and the Air (Prevention & Control of pollution) Act,1981 on 26.04.2016, which include (i) environmental quality monitoring in all CPAs, (ii) installation of continuous ambient air quality monitoring stations/ Strengthening of manual monitoring stations (iii) installation of continuous water quality monitoring stations, (iv) application of revised CEPI version and (v) action plan & monitoring. Long term and short term action plans, along with sector and region wise action points, should be defined clearly with time lines and responsible implementing agencies. Additionally, Source apportionment Studies may be conducted to ascertain contribution from sources including industries for planning actions.
- v. The progress of implementation of action points may be reviewed by district and State Level Monitoring Committees, quarterly. It would be ensured that there is no slippage either in terms of time frame or the activities to be completed relating to the action plan. In case of delay/ inefficiency in implementation of action plan, the concerned State

Government will take appropriate action against the responsible authorities, implementing agencies, industries, etc. under the provisions of relevant acts/laws.

- vi. The SPCBs/PCCs may undertake environmental quality monitoring for evaluating CEPI in the critically and severely polluted areas falling under their jurisdiction through an outside third party recognized agency (laboratory) under Environment (Protection) Act, 1986 and accredited under NABL. The frequency of monitoring may be twice in a year i.e. pre-monsoon season and post-monsoon season.
 - vii. The action plans prepared for the CPAs/SPAs, environmental quality monitoring data, evaluated CEPI scores (as per revised CEPI-2016 concept) and progress reports of committee meetings to be placed in public domain through their respective State Govts. / UTs / SPCBs / PCCs websites. CPCB may also review the progress of implementation of action plans of CPAs/ SPAs on a quarterly basis.
 - viii. In case CEPI scores of a particular CPA continue to be in critical category for a year, MoEF&CC may review the action plans with the concerned State Govt. / Union territory and impose additional safeguards such as revising the time limits for implementation of action points, supplementary action points and may recommend penal action against the authorities responsible for implementation of action plan for environmental management of CPAs/SPAs.
 - ix. CPCB may also carry out re-assessment of CEPI scores in CPAs, with concurrence of MoEF&CC and report outcome for further consideration and decision by MoEF&CC.
 - x. Carrying capacity study of the each of the area may be carried out by State Govts. / Union Territories / SPCBs/PCCs based on the protocols prepared by CPCB.
- B. Consideration of proposals for grant of Environmental clearance for new and expansion activities listed in 'Red' and 'Orange' Categories located in Critically Polluted Areas and Severely Polluted areas:**
- i. Any project or activity specified in Category B1 will be appraised at the Central Level, if located in whole or in part within 5 km from the boundary of Critically Polluted Areas or Severely Polluted Areas. However, Category B2 projects shall be considered at state level stipulating Environmental Clearance conditions as applicable for the Category 'B1' project/activities.

- ii. Proposals located in CPAs and SPAs may be examined by the sectoral Expert Appraisal Committee (EAC) during scoping/appraisal based on the CEPI scores of Air/Water/Land Environment as published by CPCB from time to time. In such proposals, appropriate mitigation measures for the environment possessing higher CEPI score may be made by EAC in the form of recommendations/decision. These recommendations may be explicitly mentioned in the Terms of Reference/Environmental Clearance letter and to be ensured by the member secretary concerned.
- iii. SPCBs/PCCs may prescribe following additional conditions, deemed fit for grant Consent to establish (CTE)/Consent to Operate (CTO) to those projects/activities of Red/Orange Categories located in CPAs/SPAs which are not covered under the provisions of the EIA Notification, 2006.

| Environment | Mitigation Measures |
|-------------|---|
| Air | <p><u>Stipulation of conditions such as:</u></p> <ul style="list-style-type: none"> i. Stack emission levels should be stringent than the existing standards in terms of the identified critical pollutants. ii. CEMS may be installed in all large/medium red category industries (air polluting) and connected to SPCB and CPCB server. iii. Effective fugitive emission control measures should be imposed in the process, transportation, packing etc. iv. Transportation of materials by rail/conveyor belt, wherever feasible. v. Encourage use of cleaner fuels (pet coke/ furnace oil/LSHS may be avoided). vi. Best Available Technology may be used. For example, usage of EAF/SAF/IF in place of Cupola furnace. Usage of Supercritical technology in place of sub-critical technology. vii. Increase of green belt cover by 40% of the total land area beyond the permissible requirement of 33%, wherever feasible. viii. Stipulation of greenbelt outside the project premises such as avenue plantation, plantation in vacant areas, social forestry, etc. |

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|------------------------------|--|
| | ix. Assessment of carrying capacity of transportation load on roads inside the industrial premises. If the roads required to be widened, shall be prescribed as a condition. |
| Water | <p><u>Stipulation of conditions such as:</u></p> <ul style="list-style-type: none"> i. Reuse/recycle of treated wastewater, wherever feasible. ii. Continuous monitoring of effluent quality/quantity in large and medium Red Category Industries (water polluting). iii. A detailed water harvesting plan may be submitted by the project proponent iv. Zero liquid discharge wherever techno-economically feasible. v. In case, domestic waste water generation is more than 10 KLD, the industry may install STP. |
| Land | <p><u>Stipulation of conditions such as:</u></p> <ul style="list-style-type: none"> i. Increase of green belt cover by 40% of the total land area beyond the permissible requirement of 33%, wherever, feasible for new projects. ii. Stipulation of greenbelt outside the project premises such as avenue plantation, plantation in vacant areas, social forestry, etc. iii. Dumping of waste (fly ash, slag, red mud, etc.) may be permitted only at designated locations approved by SPCBs/ PCCs. iv. More stringent norms for management of hazardous waste. The waste generated should be preferably utilized in co-processing. |
| Other Condition(Additional): | <ul style="list-style-type: none"> i. Monitoring of compliance of EC conditions may be submitted with third party audit every year. ii. The % of the CHR may be at least 1.5 times the slabs given in the OM dated 01.05.2018 for SPA and 2 times for CPA in case of Environmental Clearance. |