

## 15. Frequently Asked Questions

Q. No./ Answer	Questions
Question No1.	District administration and UIT asks opinion of RSPCB for conversion of land, whereas it is not required according to existing environmental laws.
Response	<p>The State Pollution Control Board is responsible for implementing the provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986. As per the provisions of Air Act and Water Act, the powers and functions of the State Board are confined to examining and taking measures relating to prevention and control of air and water pollution caused by emission of air pollutant into the environment and discharge of sewage or trade effluent on land, water body etc. respectively.</p> <p>The State Board is not under obligation to provide opinion on the suitability of site for the purpose of establishment of industry/ infrastructure projects, but examine the adequacy of pollution control systems once the project is submitted for approval (Consent) to the State Board.</p>
Question No 2.	Clear recommendation for seeking/ exemption of Land Conversion letter (industrial use) in case of Green Category project.
Response	The Regional Officers shall take decision as per provisions of Rajasthan Water (Prevention and Control of Pollution) Rules, 1975.
Question No 3.	Clear direction/ order are required for disposal of Authorization application of Hospital / Health Care Facilities not having any CBMWTDF within 150 KM range (Deep Burial, etc).
Response	If CBMWTDF is not available within 150 KM of Hospital/ Health Care facility, the Consent/ Authorization may be allowed subject to condition that the deep burial pits are constructed and operated as per the prescribed norms.
Question No 4.	Whether Power of attorney mandatory for receiving consent order or any other related document by hand .
Response	The Group In-charge / Regional Officer should ensure that any letter after signature and dispatch is sent immediately to the project proponent by post. However, in case it is to be delivered by-hand they shall satisfy themselves that the person receiving letter is authorized representative of project proponent. The hand delivery by the concerned ministerial staff shall be counter

	signed by the concerned Group In-charge / Regional Officer. All the communication should also be made through E-mail and SMS.
Question No 5.	Validity of CTE is 03 years, if PP do not establish project in 03 years, provisions of Establishment should be considered with fresh application with applicable fees. What would be the period for validity of CTE? Whether fresh application for renewal of CTE with fee would be required?
Response	As per office order no. F.14 (15) Policy/RSPCB/Plg./2260-2286 dated 10/08/2001 consent to establish will be for a period of three years or till the commissioning of the unit. The Consent to Establish shall be issued for period of three years. In case project is not completed in three years unit can request for extension in period. If the request is received before expiry of consent, the State Board can extend it without asking for fees and application but if a request for extension is received after expiry of consent then it should be accompanied with application and requisite fee.
Question No 6.	When the unit's land/ building taken on rent:- In so many cases the unit has taken the land/building on rent basis, in that case problem for investment in land and building arises. The CA shows that the land/ building is on rent. (What value is to be taken for land/ building?)
Response	The reserve price of land & construction cost at the prevalent rate shall be basis of incorporating cost of land & building for the purpose of calculation of fees. The proponent may submit separately the same certified from registered valuer/ estimator or chartered civil engineer.
Question No 7.	Acknowledgement of Green category- It is not clear that acknowledgement shall be issued twice (CTE/ CTO), should be cleared.
Response	The acknowledgement issued against application for consent to establish shall be sufficient.
Question No 8.	Basis for charging consent fees under Air Act in case where DG set is the only source of air pollution. Whether consent fees to be charged on the basis of total capital investment including land, building plant & machinery or only based on the cost of DG set.

Response	As per office order no. F.14(34) Policy/RSPCB/Plg./2295-2316 dated 18/08/2001, in respect of industries which have D.G. Set as the only source of Air pollution the basis of charging consent fees (i.e., capital investment) under Air Act, 1981 shall be the cost of D.G. Set including acoustic enclosure for processing application for consent to establish/ operate under the provisions of Air Act, 1981.
Question No 9.	In case unit applies for renewal of consent to operate after expiry of previous consent, then consent fees of lapse period to be asked or not.
Response	The operation of the industry without consent is violation hence, either the Board may decide to file prosecution for default period or in case of industry without significant impact of pollution may decide to regularize the period of consent by charging fee for the lapsed period.
Question No 10.	In case reply of the show cause notice is not complete in all respect, what action to be taken on pending consent application. How to be processed further? It needs clarification.
Response	In case reply of show cause notice is not adequate then action for refusal may be initiated.
Question No 11.	In many cases, the State Board has granted more than one consent to establish and operate to the industry. Needs clarification that one consolidated consent to operate may be issued or not.
Response	The State Board can not consolidate or combine consent application issued at different time.
Question No 12.	In many cases the project proponent is applying fresh application of CTO before date of commissioning. Needs clarification about the validity of consent to operate granted from date of application or date of commissioning.
Response	The consent to operate shall be granted from date of propose commissioning.
Question No 13.	The State Board issued directions under the provisions of the Water Act and Air Act to the defaulter industries. The clarification about the validity of consent also required in case of deciding application of CTO of these industries.

Response	The consent shall be issued from the date of grant of consent.
Question No 14.	In many cases the unit has taken the land/building on rent basis, and they submitted only the copy of rent deed with application. Permission from RIICO has not been submitted by the owner with application. Whether permission from RIICO is required or not?
Response	We may take rent deed only, permission from RIICO is not mandatory.
Question No 15.	RIICO allotted the land to unit for specific purpose, but part of the land is given on rent, without changing the land use pattern. Whether land use pattern is required to be changed from competent authority?
Response	In case a land use is for unit under certain category (Red/Orange/Others) & the changed land use is for equivalent on lower than we should not insist for this.
Question No 16.	When the unit has applied for fresh consent to establish with new name after directions:- In few cases after directions, unit owner sold the premises/plant and new owner has applied for consent to establish with the new name, along with the desired documents. The consent is to be issued or not?
Response	If the new owner intends to operate the same plant then the procedure as applicable in case of other industries to which directions have been issued, would be followed. If the new owner intends to establish the new industry after dismantling old plant and changes product, it shall be treated as a new case and CTE can be granted. However the legal obligation on the part of past owner towards the violation of Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974 and Environment (Protection) Act, 1986 and rules made there under shall not be effected.
Question No 17.	When the stone Crusher is established on mining lease:- In few cases the stone crusher is established within the mining

	lease area, in that case, what cost is to taken in the land head, or in that case the land conversion is also required from competent authority for stone crusher. \
Response	<ol style="list-style-type: none"><li>1. For land conversion refer guidelines for stone crushers.</li><li>2. The cost of land should be accounted for at the DLC rate.</li></ol>