STANDARD OPERATING PROCEDURE

- **Consent to Established/Operate Procedural Guidelines**
- **Consent to Establish NOC Check List**
- **Consent to Operate NOC Check List**
- **Renewal to Consent to Operate Check List**
- **Time Frame** (for CTE, CTE (R), CTO, CTO (R))
- **ANNEXURE-I** (Details of fee for consent to Establish/Operate)
- **ANNEXURE-II** (Validity of Renewal of Consent to Operate)
- **ANNEXURE-III** (Fee for the Public Hearing)

**About H.P. State Pollution Control Board**

The Himachal Pradesh State Pollution Control Board (HPSPCB) is a statutory authority entrusted to implement environmental laws & rules within the jurisdiction of the State of H.P.. The Board ensures proper implementation of the statues, judicial and legislative pronouncements related to environmental protection within the state. The Board was established in the year 1975 under the provisions of Water (Prevention & Control of Pollution) Act 1974. Over the years, HPSPCB was entrusted with various responsibilities under different enactments made. Currently HPSPCB is responsible completely or partially for the implementation of following Acts and rules:

- The Water (Prevention & Control of Pollution) Act, 1974 and Rules made there off
- The Air (Prevention & Control of Pollution) Act, 1981 and Rules made there off
- The Water (Prevention & Control of Pollution) Cess Act 1976 and Rules made there off
- The Public Liability Insurance Act, 1991 and Rules made there off
- The Environmental Protection Act, 1986 and Rules made there off
  - Hazardous Wastes (Management, Handling & Transboundary Movement) Rules 2008
  - Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 as amended
  - Municipal Solid Waste (Management and Handling) Rules, 2000
  - Bio Medical Waste (Management and Handling) Rules, 1998 as amended

**Introduction:**

A Consent/No Objection Certificate of the State Board is required by industrial units, tourism projects, mining units, local bodies, hospitals etc. to establish/operate such industry, operation or process or any treatment and disposal system or an extension or addition
thereto, which is likely to emit any air pollutant and/or to discharge sewage or trade effluent into a stream, well, sewer or on land. With a view to simplify procedures the State Board has:

(i) Exempted 101 categories of industries from the Consent Mechanism as listed is available on our web portal http://hppcb.gov.in

(ii) Delegated powers in respect of 136 categories of industries in consent matters to the Environmental Engineer/Assistant Env. Engineer of the State Board located at Chamba, Dharamshala, Kullu, Bilaspur, Una, Baddi, Parwanoo, Paonta Sahib, Rampur and Shimla. There are two Sub-Regional Office Kala Amb and Nurpur. The list is available on our web portal http://hppcb.gov.in

(iii) Made available application forms and other assistance to the entrepreneurs in the Regional Offices and Head Office of the Board.

The entrepreneurs are advised to contact the nearest Regional Office for further assistance in any matter related to the consent mechanism before filing their application for consent.

Granting Consent under the provisions of section 25 and section 21 of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Bio-Medical Waste (Management & Handling) Rules, 1998, the Hazardous Waste (Management, Handling & Transboundary Movement) Rules, 2008 and the Municipal Solid Waste (Management and Handling) Rules, 2000 are some of the important functions of the Board. A brief note / guidelines for obtaining the NOC / Consent / Authorization for the entrepreneurs are illustrated below:

**Water Act**
Control of water pollution is achieved through administering conditions imposed in consent issued under provision of the Water (Prevention & Control of Pollution) Act, 1974. These conditions regulate the quality and quantity of effluent, the location of discharge and the frequency of monitoring of effluents.

**Air Act**
Under the Air (Prevention & Control of Pollution) Act, 1981 consent of the Board is mandatory for releasing emissions to the atmosphere. The Board issues consent to air polluting industries with conditions to regulate the quality and quantity of emission and stipulate the frequency for monitoring the emissions.

Primary issues for considering an application for consent are:

(i) Assessing potential environmental impacts in terms of water, air and soil pollution;

(ii) Evaluation of Pollution Management Plan and engineering designs and drawings with reference to the adequacy of the mitigation measures proposed therein;
(iii) Compatibility and Compliance of the proposal to other rules/regulations/norms/standards as notified by the State or the Central Governments.

**Consent to Established/Operate**

To establish an industry with potential for water pollution/air pollution; prior consent under the Water Act/Air Act is to be obtained respectively which needs to be obtained in three phases:

- Consent to Establish NOC
- Consent to Operate
- Renewal of Consent to Operate

Before applying for consent to establish following procedural guidelines must be followed:

**Procedural Guidelines**

**Brief description of approvals required on matters related to siting of environment and safety:**

<table>
<thead>
<tr>
<th>TYPE OF REGISTRATION/ APPROVAL</th>
<th>ACTS APPLICABLE / DEPARTMENT/VALIDITY / CONDITIONS OF APPROVAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site appraisal Committee for Site Appraisal.</td>
<td>Under the Chairmanship of the Chief Inspector of Factories under the provisions of Indian Factories Act and under the Chairmanship of the Labour Commissioner.</td>
</tr>
</tbody>
</table>
| Joint Inspection committee for  
  i) Location of crusher.  
  ii) Mining lease. | Under chairmanship of SDM concerned under the Policy Guidelines notified by the State Govt. |
| Approval of the project report and provisional registration by the Industries Department. | Nodal department for registration. |
(Required only in case of industries as Schedule of EIA Notification no. SO-1533 dated 14-09-2006). |
| Consent to establish (COE):  
Forms Required to be filled up:  
FORM-XIII  
FORM-I  
FORM -NOC | 1. Water (Prevention and Control Pollution) Act, 1974;  
4. Consent fees as prescribed. (Annexure-I)  
Validity for one year or the commissioning of the unit whichever is earlier. |
Consent to operate (COP)
Forms Required to be filled up:
FORM-XIII.
FORM-I
FORM-NOC
Authorization for Hazardous Wastes.
FORM-I

1. As in Consent to Establish.
2. Validity from date of grant till end of that financial year or part thereof, as the case may be.

RENEWAL OF CONSENT (ROC)
1). Validity as per Annexure-II
2). Environment Statement Form-V

For the benefit of the people, it is worthwhile to clarify in the beginning that all the applications under the provisions of the Water (Prevention and Control Pollution) Act, 1974; Air (Prevention and Control Pollution) Act, 1981 or for the purpose of environmental clearance from the Government of India under EIA Notification of 2006 as amended up-to-date within purview of the Environment (Protection ) Act, 1986 shall be filed by the applicants in the Regional Office of the State Board concerned where the activities of the applicant exist/proposed. On receipt of the application for Consent to Establish complete in all respects as above, the cases are scrutinized to determine if the industry is of polluting nature and if so, the nature of pollutants and whether the pollutants can be treated or not and if the site proposed is suitable for such type of industry. After scrutinizing these aspects:

(i) Consent to Establish is issued with certain conditions, if industry does not require Environmental Clearance from Government of India.

(ii) In case the industry requires Environmental Clearance from Government of India then:

(a) The State Board notifies through the newspapers the date, time and venue of the Environmental Public Hearing as per procedure specified.
(b) Proceedings of the Environmental Public Hearing are forwarded to the State Level Environmental Impact Assessment and Monitoring Committee for consideration and forwarding the case to the Government of India.
(c) After the grant of Environmental Clearance, the State Board grants conditional Consent to establish.
(i) **Consent to Establish NOC**

This consent is to be obtained prior to establishing/constructing a plant the proposed industry should obtain NOC under the Water Act and/or the Air Act. The application form for **NOC (Consent to Establish)** under the Water Act / Air Act is to be submitted in duplicate through the Regional Offices of the Board.

**Check List**

The application for Consent to Establish for a proposed industrial unit shall include the following documents and submitted in the Regional Office of the State Board under jurisdiction of which the proposed unit shall be located:

1. “NOC Performa & Form - I and/or Form- XIII each in triplicate under Air Act, 1981 and Water Act, 1974 as may be applicable to the unit” duly filled up. The Performa can be obtained from the Board’s Head Office as well as from the nearest Regional Offices on payment.
2. “Project Report” of the proposed industry duly approved and accepted by the GM Industries Department and Provisional Registration Certificate issued by the Industries Department or by State Level Single Window Clearance & Monitoring Authority.
3. Clearance of proposed Site by the State Level Site Appraisal Committee headed by the Labour Commissioner, if the proposal is covered under the provisions of Indian Factories Act.
4. Clearance of Joint Inspection Committee in respect stone crushers and Provisional Registration and Mining Lease/Permission, in case of forest land there must be approval under Forest Conservation Act.
5. NOC from the Panchayat or the Local Body concerned under jurisdiction of which the proposed unit shall be located.
6. NOC from the Town & Country Planning Department if the proposed location is outside approved Industrial Area/Estate within a Planning Area.
7. Detailed manufacturing process along with flow chart of various operations to be carried out, type of raw materials, details of plant & machinery, material & water balances, Chemical Safety Data Sheet for each chemical to be used in the process, total investment proposed in the project and the estimated outlay earmarked for pollution control measures.
8. Engineering designs & drawings of the proposed pollution control measures for treatment and control of wastewater, emissions and solid waste. These proposals are to be supported by information about likely waste water quality / emission quality of air pollutants, safe disposal of hazardous wastes, efficiency of equipment, mode of final disposal of treated effluent / air emissions and air quality after treatment and before discharge.
(ix) On-Site & Off-Site Emergency Plans in case the proposed industry fall in the ambit of Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989.

(x) ‘Site Plan’ showing the location of the proposed industry and physical, features like streams, villages, towns and distance from the nearest link road and main road including human habitation, detailed layout plan showing manufacturing units, water supply and waste lines, location of treatment units/air pollution control equipment and solid waste disposal site.

(xi) In case of hydro power units site plan of muck dumping site.

(xii) “Consent Fee” as prescribed according to the Rules.

(xiii) Environmental Impact Assessment (EIA) Report and Environmental Management Plan (EMP) with prescribed fee for public hearing (Annexure-III) only in respect of projects requiring Environmental Clearance from Govt. of India as per notification No.SO-1533 (E) dated 14-09-2006

(xiv) Environmental Public Hearing is mandatory in cases requiring Environmental Clearance from Government of India.

(ii) **Consent to Operate NOC** [BACK TO TOP]

Once the industry or process plant is established along the required pollution control systems, the entrepreneur is required to obtain consent to operate the unit. The consent is given for a particular period, which is mandatory to be renewed regularly.

*Check List*

The application for Consent to Establish for a proposed industrial unit shall include the following documents and submitted in the Regional Office of the State Board under jurisdiction of which the proposed unit shall be located:

(i) “NOC Performa & Form - I and/or Form- XIII each in triplicate under Air Act, 1981 and Water Act, 1974 as may be applicable to the unit” duly filled up. The Performa can be obtained from the Board’s Head Office as well as from the nearest Regional Offices on payment.

(ii) Application for authorization under Hazardous Wastes (Management & Handling) Rules, 1989 as amended from time to time, if these Rules apply to the proposed industry.

(iii) Compliance Status Report on the conditions of Consent to Establish granted by the State Board.

(iv) Copy of Environmental Clearance from the Government of India, if the unit is covered under the related regulations and status report on the conditions of such clearance.

(v) Performance report of the pollution control devices preferably accompanied with analysis of untreated & treated effluent/emissions/solid waste, as the case may be.
(vi) “Consent Fee” as prescribed according to the Rules.
(vii) In case of Hydro power unit ensure 15% discharge.
(viii) Provided Rain Water Harvesting Structure.

Consent to Operate is issued by the State Board with the Conditions related to the operation & maintenance of the Pollution Control devices in conformity to the norms prescribed.

(iii) **Renewal to Consent to Operate**

Consent to operate is granted to every industry for the financial year or part thereof and needs to be renewed for variable periods according to the nature of industry. Primary consideration for the renewal of consent to operate is the compliance status to the norms prescribed for the effluents/emissions/solid waste, as the case may be, in the period previous period at the time of consideration of the renewal.

**Check List**

(i) “Form - XII and/or Form-I each in triplicate under Air Act, 1981 and Water Act, 1974 as may be applicable to the unit” duly filled up. The Performa can be obtained from the Board’s Head Office as well as from the nearest Regional Offices on payment.
(ii) “Consent Fee” as prescribed according to the Rules.
(iii) Performance Report of the pollution control devices during the preceding year vis-à-vis prescribed norms for effluent/emission/solid waste along with analysis results.
(iv) Application for renewal of authorization under Hazardous Wastes (Management & Handling) Rules, 1989 as amended from time to time, if these Rules apply to the proposed industry.
(v) Environment Statement form (form-V).
(vi) All Cess Charges and Lab Charges till date have been paid by the Unit.
Time Line for Application Approval

Application for CTE, CTE (R), CTO, CTO (R)

Green

Orange

Red

Application Received at Regional Office

Delegation of Powers

Member Secretary

On receipt of application, inspection of applicant unit to be conducted by the concerned Regional Officer within 12 days, and application shall be forwarded to next higher level within 3 days.

In Head Office concerned dealing Assistant shall process and put up application to concerned Head Office Staff within 5 days after receipt.

Head Office Staff shall process it within 4 days

Hazardous Waste Management Division shall process it within next two days.

Processing by Unit Heads within 2 days after application put up to them.

Decision on application at Member Secretary/Unit Head level on complete application in next 2 days.

*Once the Regional Officer approve the case, system automatically generates the inspection which needs to be conducted within 48 hours otherwise Inspector cannot freeze it as system will be locked

Remarks:

CTE- Consent to Establish
CTO- Consent to Operate
CTE (R)- Consent to Establish Renewal
CTO (R)- Consent to Operate Renewal
### NOTIFICATION

In exercise of the powers vested under Section 3 of the HP Public Services Guarantee Act, 2011, the Governor, Himachal Pradesh is pleased to notify the following services, Designated Officers and Appellate Authorities there under for providing the services within the prescribed time limits relating to the State Pollution Control Board, Himachal Pradesh for the purpose of the above said Act:

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Title of Services</th>
<th>Designated Officers</th>
<th>Time limit for providing service</th>
<th>Designation of 1st Appellate Authority</th>
<th>Designation of 2nd Appellate Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Grant of Consent to Establish to Green and Orange categories of industries not requiring environmental clearance located in notified industrial areas / estates falling in the delegated powers of Senior Environmental Engineers / Regional Officers of HPPCB under Water Act, 1974 and Air Act, 1981.</td>
<td>Senior Environmental Engineers / Regional Officers of HPPCB</td>
<td>Within 15 days on receipt of complete application in all respects by Senior Environmental Engineer / Environmental Engineer concerned.</td>
<td>Member Secretary, HPSPCB, Shimla.</td>
<td>State Information Commissioner</td>
</tr>
<tr>
<td>2</td>
<td>Grant of Consent to operate to Green and Orange categories of industries not requiring environmental clearance located in notified industrial areas / estates falling in the delegated powers of Senior Environmental Engineers / Regional Officers of HPPCB under Water Act, 1974 and Air Act, 1981.</td>
<td>Senior Environmental Engineers / Regional Officers of HPPCB</td>
<td>Within 40 days on receipt of complete application in all respects by Senior Environmental Engineer / Environmental Engineer concerned.</td>
<td>Member Secretary, HPSPCB, Shimla.</td>
<td>State Information Commissioner</td>
</tr>
<tr>
<td>3</td>
<td>Grant of Renewal of consent to establish to Green and Orange categories of industries not requiring environmental clearance located in notified industrial areas / estates falling in the</td>
<td>Senior Environmental Engineers / Regional Officers of HPPCB</td>
<td>Within 15 days on receipt of complete application in all respects by Senior Environmental Engineer /</td>
<td>Member Secretary, HPSPCB, Shimla.</td>
<td>State Information Commissioner</td>
</tr>
</tbody>
</table>

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### Additional Notes

- Senior Environmental Engineers / Regional Officers of HPPCB
- Member Secretary, HPSPCB, Shimla.
- State Information Commissioner

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**Contd. 1/2**
<table>
<thead>
<tr>
<th>Delegated Powers of Senior Environmental Engineers / Regional Officers of HPPCB under Water Act, 1974 and Air Act, 1981</th>
<th>Environmental Engineer Concerned</th>
<th>Member Secretory, HPSPCB, Shimla</th>
<th>State Information Commissioner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant of Renewal of consent to establish Green and Orange categories of industries not requiring environmental clearance located in notified industrial areas / estates falling in the delegated powers of Senior Environmental Engineers / Regional Officers of HPPCB under Water Act, 1974 and Air Act, 1981</td>
<td>Senior Environmental Engineers / Regional Officers of HPPCB</td>
<td>Within 30 days on receipt of complete application in all respects by Senior Environmental Engineer / Environmental Engineer concerned.</td>
<td>Shimla.</td>
</tr>
</tbody>
</table>

By Order

Pr. Secretary (Env. S & T) to the Government of Himachal Pradesh.

Endst. No. As above.

Dated: Shimla-2, 24th April, 2016.

Copy for information and necessary action is forwarded to:

1. The Secretary to Governor, Himachal Pradesh, Raj Bhawan, Shimla-2.
2. The Pr. Secretary to Chief Minister, HP, Shimla-2.
3. The Sr. Private Secretary to Chief Secretary, HP, Shimla-2.
4. All Administrative Secretaries to the Govt. of HP, Shimla-2.
5. The Secretary (Admin. Reforms) to the Govt. of HP, Shimla-2.
6. The Director, Environment, Science & Technology Deptt., HP Shimla-1.
7. The Member Secretary, HPSPCB, Shimla.
8. The Controller (Printing), HP Govt. Press, Ghora Chowki, Shimla-5 for publication in the Rajpatra.
9. Director, NIC, H.P. Secretariat, Shimla-2.

Special Secretary (Env. S & T) to the Government of Himachal Pradesh.
OFFICE ORDER

In view of the Action Plan finalized for 2011-12 and with a view to streamline and fasttrack the consent mechanism, the following time frame is prescribed to be strictly followed by all concerned both in the Head Office and at the Regional Office level:

(i) **Regional Office level:-**

   (a) On receipt of application, inspection of applicant unit to be conducted by the concerned Regional Officer within 12 days, and application shall be forwarded to next higher level within 3 days, in case it does not fall in the delegated category of Environmental Engineer/Assistant Environment Engineer in the Regional Offices.

   (b) In cases of delegated powers to the Environmental Engineer/Assistant Environmental Engineer shall process complete application for grant within next 15 days.

(ii) **Unit Head / Head Office Level:**

   (a) In Head Office concerned dealing Assistant shall process and put up application to concerned Head Office Staff within 5 days after receipt.

   (b) Head Office staff shall process it within 4 days.

   (c) Hazardous Wastes Management Division shall process it within next 2 days.

   (d) Processing by Unit Heads within 2 days after application put up to them.

   (e) Decision on application at Member Secretary/Unit Head level on complete application in next 2 days.

Copy forwarded to following for information and necessary action:

1. SEE, HPPCB, Shimla/ Baddi.
2. All Regional Officers, H.P.S.P.C.B Baddi, Parwanoo, Palan Pahal, Shimla, Una, Jassur, Chamba, Kullu, Bilaspur, Rampur
5. All Dealing Assistants in Consent Division Shimla.

Member Secretary
H.P.S.P.C.B

Member Secretary
H.P.S.P.C.B
Classified details of fee for consent to Establish/Operate as approved by the Board under Water Act/Air Act.

( i ) **Fee for all Development Projects**:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Classification (Capital Investment)</th>
<th>Consent Fee (Amt. in Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>All Projects above Rs.10000 Crores.</td>
<td>10,00,000.00</td>
</tr>
<tr>
<td>2.</td>
<td>More than Rs.5000 Crores and up to Rs.10000 Crores.</td>
<td>7,50,000.00</td>
</tr>
<tr>
<td>3.</td>
<td>More than Rs.1000 Crores and up to Rs.5000 Crores.</td>
<td>5,00,000.00</td>
</tr>
<tr>
<td>4.</td>
<td>More than Rs.600 Crores and up to Rs.1000 Crores.</td>
<td>4,00,000.00</td>
</tr>
<tr>
<td>5.</td>
<td>More than Rs.300 Crores and up to Rs.600 Crores.</td>
<td>2,50,000.00</td>
</tr>
<tr>
<td>6.</td>
<td>More than Rs.100 Crores and up to Rs.300 Crores.</td>
<td>1,50,000.00</td>
</tr>
<tr>
<td>7.</td>
<td>More than Rs.50 Crores and up to Rs.100 Crores.</td>
<td>1,00,000.00</td>
</tr>
<tr>
<td>8.</td>
<td>More than Rs.5 Crore and up to Rs.50 Crores.</td>
<td>75,000.00</td>
</tr>
<tr>
<td>9.</td>
<td>More than Rs. 1 Crores and up to Rs.5 Crores.</td>
<td>25,000.00</td>
</tr>
<tr>
<td>10.</td>
<td>More than Rs.50 lakhs and up to Rs. 1 Crores.</td>
<td>7,000.00</td>
</tr>
<tr>
<td>11.</td>
<td>More than Rs.10 lakhs and up to Rs. 50 lakhs</td>
<td>3,000.00</td>
</tr>
<tr>
<td>12.</td>
<td>Minimum Fee.</td>
<td>1,500.00</td>
</tr>
</tbody>
</table>

- The fee for Consent to Establish/Operate shall be charged only once and consent shall be valid for one year.
- The Renewal fees shall be 40% of the Consent to Establish/Operate.
<table>
<thead>
<tr>
<th>Classification of Applicant</th>
<th>Scale of Applicant</th>
<th>Validity of Renewal of Consent to Operate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Red</td>
<td>Large &amp; Medium</td>
<td>Five financial years</td>
</tr>
<tr>
<td></td>
<td>Small</td>
<td>Five financial years</td>
</tr>
<tr>
<td>Orange</td>
<td>Large, Medium &amp; Small</td>
<td>Ten financial years</td>
</tr>
<tr>
<td>Green</td>
<td>Large, Medium &amp; Small</td>
<td>Fifteen financial years</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mining Activities falling under EIA notification of 1994</th>
<th>Validity of Renewal of Consent to Operate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Five financial Years depending upon valid period of mining permission or lease deed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mining Activities not falling under EIA notification of 1994</th>
<th>Validity of Renewal of Consent to Operate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Five financial Years depending upon valid period of mining permission or lease deed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hotel/Institutions not falling under EIA notification of 1994 &amp; Local bodies including Water Treatment Plants</th>
<th>Validity of Renewal of Consent to Operate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Five financial years.</td>
</tr>
</tbody>
</table>
Environmental Public Hearing is mandatory for the specified categories of projects. Apart from requisite documentation as described earlier the industry is required to pay the charges for conduct of the Public Hearing. Charges for conducting Public Hearing is to be borne by the Project Proponent: The charges on the basis of capital investment of the proposed project are as under:

<table>
<thead>
<tr>
<th>Project having Capital Outlays</th>
<th>Fee for the Public Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than Rs.5 Crores</td>
<td>Rs.5,000.00</td>
</tr>
<tr>
<td>Rs.5 Crores to Rs.10 Crores</td>
<td>Rs.10,000.00</td>
</tr>
<tr>
<td>Rs.10 Crores to Rs.100 Crores</td>
<td>Rs.25,000.00</td>
</tr>
<tr>
<td>Above Rs.100 Crores</td>
<td>Rs.75,000.00</td>
</tr>
</tbody>
</table>