

AIR LAW & POLICY

Reporter

Notification Alert !

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Consents no longer required for Building / Construction / Area Development and Township Projects: CPCB

With the critical levels of air pollution still persisting and the National Green Tribunal struggling to ensure implementation of its orders to prevent further contribution to air pollution, the Central Government has yet again released another circular adding onto the burden of causes for air pollution.

The Air Act requires all persons to obtain prior consent of the State Board to *establish* or *operate* any industrial plant in an air pollution control area (Section 21 of Air (Prevention and Control of Pollution) Act, 1981 (Air Act)). These requirements are the 'Consent to Establish' and the 'Consent to Operate'.

The Consent to Establish (CTE) is required before commencement of construction activities on the site and Consent to Operate (CTO) is required prior to commencement of production activities.

The Central Pollution Control Board (CPCB) vide its Circular dated February 2, 2017 has exempted White category

industries¹ from obtaining Consents under the Water Act and Air Act and it states that "*information to concerned SPCB is sufficient*".

Furthermore, the Circular states:

"iii. There should not be any need to obtain Consent to Establish for Building / Construction Projects / Area Development Projects and Township Projects, which are mentioned in serial no. 8(a) and 8(b) of Schedule of Projects in EIA Notification, 2006. For such projects, Environmental Clearance shall suffice subject to the condition that there should be a permanent member from

¹ White Category Industries: Industrial sectors which are practically non-polluting, like Biscuit trays etc. from rolled PVC sheet (using automatic vacuum forming machines), Cotton and woollen hosiers making (Dry process only without any dyeing/washing operation), Electric lamp (bulb) and CFL manufacturing by assembling only, Scientific and mathematical instrument manufacturing, Solar power generation through photovoltaic cell, wind power and mini hydel power (less than 25 MW).

SPCB in the State Level EIA Authority to represent the views of SPCB.

iv. Further, all the projects requiring Environmental Clearance either from State Level EIA Authority or MoEFCC may be exempted from obtaining the Consent to Establish. Such projects may be directly granted CTO subject to EC and installation of pollution control devices.”

Only two months back, on December 9, 2016 the MOEF&CC had issued a Notification exempting building and construction projects covering an area up to 1,50,000 sq. m. from the purview of EIA Notification 2006.



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