



STATE POLLUTION CONTROL BOARD, ODISHA

(Department of Forest & Environment, Govt. of Odisha)
Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII
Bhubaneswar – 751012

No. 10534 /Ind-II-NOC-Misc.-68

Date 27.06.16

NOTIFICATION

GUIDELINES FOR AUTO REVALIDATION OF CONSENT TO ESTABLISH

- 1) The Board grants consent to establish to industries and mines under section 25 of Water (Prevention & Control of Pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981. Such consent to establish is valid for a period of five years from the date of issue of consent to establish order provided substantial physical progress of the project has not taken place in the meantime.
- 2) The proponents who are unable to achieve substantial physical progress of the project within this five years period of consent to establish, are required to revalidate the consent to establish for another five years. The procedure for revalidation of consent to establish under different conditions are laid down in the guidelines issued vide No. 5187 dtd. 28.3.2009.
- 3) This guidelines lays down the procedure to revalidate / modify consent to establish without going through a detailed process of scrutiny as required in the case of a fresh application.
- 4) The Department of Industrial Policy and Promotion (DIPP), Govt. of India under 'Ease of Doing Business' programme has suggested an action point to allow for auto-renewal of consent to establish under Water(PCP) Act, 1974 and Air (PCP) Act, 1981 based on self-certification or third party certification.
- 5) In compliance to the above action point of DIPP, Govt. of India, following provisions of auto-revalidation is made, so that, the revalidation can be effected on the basis of self-declaration and without any site inspection.
 - a) The consent to establish shall be auto-revalidated for a period of five years in the following cases :
 - i) A project whose consent to establish has become invalid but its environmental clearance is valid.
 - ii) A project which does not require environmental clearance, but its consent to establish has become invalid.
 - b) Projects falling within the categories specified in para (a) shall make a request on the online consent management portal of State Pollution Control Board alongwith applicable one time consent to establish fee, upload

- relevant document in support of the project cost and a signed copy of self declaration form in the format enclosed as **Annexure-A** of this notification.
- c) After verification of the documents and self-declaration, Sr. Env. Engineer / Sr. Env. Scientist in charge of consent to establish cell in the Head Office or the Regional Officer (as the case may be) shall issue a revalidation order through online system without seeking any further approval from the Member Secretary or the Regional Officer (as the case may be).
- d) The proponent shall be allowed for auto-revalidation of consent to establish only once after the expiry of first consent to establish for a maximum period of five years.
- 6) Application for auto-revalidation of consent to establish shall be made not later than six months from the date of validity of consent to establish.
- 7) No application received after the expiry of six months from the date of validity shall be considered by the Board for revalidation of consent to establish. The applicant has to make a fresh application after the expiry of six months from the date of validity.
- 8) The guidelines No. 5187 dtd. 28.3.2009 is modified accordingly by incorporating the above modification and is enclosed as **Annexure-B** of this notification.

By order of the Chairman

Encl : Annexure - A & B


MEMBER SECRETARY

Memo No..10.535..dt. 27.06.16
Copy forwarded to All Sr. Env. Engineers / All Sr. Env. Scientists / Administrative Officer / All R.Os / Sr. Law Officer, SPC Board, Odisha, Bhubaneswar for information and necessary action.

Encl : As above


MEMBER SECRETARY

Memo No..10.536..dt. 27.06.16
Copy alongwith Guidelines forwarded to Mrs. Mamata Patnaik, Env. Engineer-cum-System Administrator, SPC Board, Bhubaneswar for information and necessary action. She is requested to display the guidelines in the web site of the Board replacing the old guidelines. She is also requested to develop facility for online submission of application for Auto revalidation as per the guidelines.

Encl : as above


MEMBER SECRETARY

**GUIDELINES FOR
AUTO REVALIDATION / MODIFICATION OF CONSENT
TO ESTABLISH ORDER**

JUNE, 2016



STATE POLLUTION CONTROL BOARD, ODISHA

Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII,
Bhubaneswar – 751 012, INDIA

GUIDELINES FOR AUTO REVALIDATION / MODIFICATION OF CONSENT TO ESTABLISH

The Board grants consent to establish industries and mines under section 25 of Water (Prevention & Control of Pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981. Consent to establish is valid for the product, quantity, manufacturing process and raw-materials as mentioned in the application for a period of five years from the date of issue of consent to establish order provided substantial physical progress of the project has not taken place in the meantime. Some proponents who are unable to do substantial physical progress of the project within this five years period of consent to establish, request for revalidation of consent to establish. Some proponents are also requesting to issue modify consent to establish for change in plant configuration as well as correction in consent to establish. The proposals of revalidation / modification of consent to establish are broadly fall within the following category.

1. Invalid consent to establish as well as environmental clearance after lapse of 5 years.
2. Invalid consent to establish after lapse of 5 years but environmental clearance is valid.
3. Consent to establish is invalid after 5 years, process of EIA (i.e. public hearing etc.) has been completed long back but environmental clearance has not been accorded by MoEF&CC, Govt. of India.
4. Invalid consent to establish after lapse of 5 years but the project does not require environmental clearance.
5. Change in plant configuration without exceeding overall capacity for which consent to establish granted.
6. Major change in plant configuration as well as consented capacity for which consent to establish granted.
7. Correction sought in conditions stipulated in consent to establish order.

This guideline aims at resolving the issues arising in above circumstances and puts forth a uniform procedure to be adopted by the Head Office as well as the Regional Office which modifying or revalidating consent to establish.

1. Invalid consent to establish as well as Environmental Clearance :

In the case when the consent to establish (CTE) and environmental clearance (EC) are expired the consent to establish issued earlier can not be revalidated.

This type of proposal shall be treated as old case and the proponent shall be advised to apply afresh for consent to establish observing all formalities and conduct fresh EIA study for obtaining environmental clearance (if required).

2. Invalid consent to establish but valid Environmental Clearance :

- A. i)** If the proponent fails to do substantial physical progress of the project within 5 years period of consent to establish, consent to establish shall be **auto revalidated** for 5 years after receipt of the following from the proponent.
- a. Adequate one time consent to establish fees as per present fees structure of the Board for the proposal.
 - b. Supportive documents w.r.t present project cost.
 - c. Signed copy of self certification / declaration form indicating that the project capacity and configuration has not changed with respect to the original application.
- ii)** After verification of the documents and self-declaration, Sr. Env. Engineer / Sr. Env. Scientist in charge of consent to establish cell in the Head Office or the Regional Officer (as the case may be) shall issue a revalidation order through online system without seeking any further approval from the Member Secretary or the Regional Officer (as the case may be).
- iii)** The proponent shall be allowed for **auto-revalidation** of consent to establish only once after the expiry of first consent to establish for a maximum period of five years.
- iv)** Application for **auto-revalidation** of consent to establish shall be made not later than six months from the date of validity of consent to establish.
- v)** No application received after the expiry of six months from the date of validity shall be considered by the Board for revalidation of consent to establish. The applicant has to make a fresh application after the expiry of six months from the date of validity.
- B. i)** If the proponent fails to do substantial physical progress of the project within 5 years of **auto revalidation** period, the proposed site shall be verified to assess if any substantial changes in environmental setting have taken place in and around the proposed project area. If the development in the proposed area is not significant then consent to establish shall be revalidated for another 5 years after receipt of the following from the proponent :
- a. Adequate one time consent to establish fees as per present fees structure of the Board for the proposal.


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- b. Supportive documents w.r.t present project cost.
 - c. Signed copy of self certification / declaration form indicating that the project capacity and configuration has not changed with respect to the original application.
 - ii) If the development in the proposed area is significant then the proponent shall be asked to apply afresh for consent to establish for the proposal.
 - C. In case the project configuration has changed then the proponent shall make a fresh application for consent to establish.
- 3. Invalid consent to establish, process of EIA (i.e. public hearing etc.) has been completed but environmental clearance has not been accorded:**
- i) The proposed site shall be verified to assess if any substantial changes in basic environmental setting have taken place in and around the proposed project area. If the development in the proposed area is not significant than consent to establish shall be revalidated after receipt of the following from the proponent :
 - a. Adequate consent to establish fees as per present fees structure of the Board for the proposal.
 - b. An undertaking that the project capacity and configuration has not changed with respect to the original application.
 - c. In case the project configuration has changed then the proponent shall make a fresh application for consent to establish.
 - ii) If the development in the proposed area is significant then the proponent shall apply afresh for consent to establish and conduct fresh EIA in the project for obtaining environmental clearance.
- 4. Invalid consent to establish of a project which does not require environmental clearance :**
- A. i) If the proponent fails to do substantial physical progress of the project within 5 years period of consent to establish, consent to establish shall be **auto revalidated** for 5 years after receipt of the following from the proponent.
 - a. Adequate one time consent to establish fees as per present fees structure of the Board for the proposal.
 - b. Supportive documents w.r.t present project cost.

- c. Signed copy of self certification / declaration form indicating that the project capacity and configuration has not changed with respect to the original application.
 - ii) After verification of the documents and self-declaration, Sr. Env. Engineer / Sr. Env. Scientist in charge of consent to establish cell in the Head Office or the Regional Officer (as the case may be) shall issue a revalidation order through online system without seeking any further approval from the Member Secretary or the Regional Officer (as the case may be).
 - iii) The proponent shall be allowed for **auto-revalidation** of consent to establish only once after the expiry of first consent to establish for a maximum period of five years.
 - iv) Application for **auto-revalidation** of consent to establish shall be made not later than six months from the date of validity of consent to establish.
 - v) No application received after the expiry of six months from the date of validity shall be considered by the Board for revalidation of consent to establish. The applicant has to make a fresh application after the expiry of six months from the date of validity.
- B. i)** If the proponent fails to do substantial physical progress of the project within 5 years of auto-renewal period, the proposed site shall be verified to assess if any substantial changes in environmental setting have taken place in and around the proposed project area. If the development in the proposed area is not significant then consent to establish shall be revalidated for another 5 years after receipt of the following from the proponent :
- a. Adequate one time consent to establish fees as per present fees structure of the Board for the proposal.
 - b. Supportive documents w.r.t present project cost.
 - c. Signed copy of self certification / declaration form indicating that the project capacity and configuration has not changed with respect to the original application.
- ii) If the development in the proposed area is significant then the proponent shall be asked to apply afresh for consent to establish for the proposal.
- C.** In case the project configuration has changed then the proponent shall make a fresh application for consent to establish.

5. Change in plant configuration where overall capacity remains within the consented quantity for which consent to establish granted :

The proponent shall be issued a modified consent to establish incorporating the change in plant configuration after surrendering the original consent to establish order issued earlier. However, validity of the modified consent to establish shall be with effect from the date of issue of the original consent to establish.

6. Change in major plant configuration as well as consented capacity for which consent to establish granted:

The proponent shall apply afresh for consent to establish for the proposal and also obtain fresh environmental clearance if proposal requires environmental clearance.

7. Correction in stipulated conditions of consent to establish :

- i) In case the proponent seeks to modify or drop any condition stipulated in the consent to establish order, the merit of such modification or exemption shall be evaluated by the competent authority. In case the competent authority is satisfied that the desired modification or exemption is not compromising the desired environmental quality then such modification and/or exemption can be granted by the Authority.

(N.B.: In this case the competent authority means the office which has the authority to grant consent to establish for the project in question).

- ii) The proponent shall be issued a modified consent to establish incorporating the necessary correction after surrendering the original consent to establish issued earlier. However, validity of the modified consent to establish shall be with effect from the date of issue of earlier consent to establish order.