

The U.P. Air (Prevention and Control of Pollution) Rules, 1983

UTTAR PRADESH

India

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Rule

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The U.P. Air (Prevention and Control of Pollution) Rules, 1983Published vide Notification No. 4021/IX-2-83, dated 29th September, 1983.

029.

In exercise of the powers conferred by Section 54 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), the Governor, after consultation with the U.P. Pollution Control Board set up by the U.P. Government vide notification No. 897/IX-2-100-74, dated 13th July, 1982, hereby makes the following rules :

Chapter I Preliminary

1. Short title and commencement. -

(1)These Rules may be called the Uttar Pradesh Air (Prevention and Control of Pollution) Rules, 1983.(2)They shall come into force with effect from the date of their publication in the Gazette.

2. Definitions

- In these rules, unless the context otherwise requires -(a)"Act" means the Air (Prevention and Control of Pollution) Act, 1981;(b)"appellant" means any person aggrieved by and appealing

against an order made by the State Board under Section 20, Section 21 or Section 22 of the Act;(c)"Appellate Authority" means the Appellate Authority constituted by the Government under sub-section (1) of Section 31 of the Act; .(d)"Consultant" means and includes any person whose service, technical or otherwise, may be obtained by the Chairman to conduct the affairs of the Board;(e)"Form" means a form set out in Schedule;(f)"Government" means the State Government of Uttar Pradesh;(g)"furnace" means any structure or installation where any form or type of fuel is burnt or otherwise a high temperature higher than ambient is maintained;(h)"premises" means any building, structure or property used for industrial or trade purposes where pollution occurs;(i)"State Air Laboratory" means a laboratory established or specified as such under sub-section (1) of Section 28;(j)"schedule" means a schedule appended to these rules;(k)"sections" means a section of the Act;(l)"State Board Laboratory" means a laboratory established or recognized as such under sub-sections (2) of Section 17; and(m)words and expressions used but not defined in the Rules but defined in the Air (Prevention and Control of Pollution) Act, 1981, shall have the -meaning respectively assigned to them in that Act.

Chapter II

Terms and Conditions of Service of The Chairman and other Members (other than the Member-Secretary) of State Board

3. Salaries, allowances and other conditions of service of the Chairman.

- (i) The Chairman shall be paid a monthly salary as prescribed by the Government.(ii)The other terms and conditions of service of the Chairman including allowances payable to him, shall be such as may be specified in his order of appointment.(iii)Where a Government servant is appointed as Chairman, his pay and conditions of service shall be regulated by rules or orders issued by the Government from time to time relating generally to appointment in foreign service.(iv)He shall be entitled to travel by air or air conditioned class of the railways.(v)He shall be entitled for special pay, other allowance, leave, etc. as admissible to other officers and employees of the Board.

4. Terms and conditions of service of Members of the Board.

- (i) For participating in the meetings of the Board the official members shall get their travelling and daily allowances as admissible to them for the post on which they are appointed.(ii)Non-official members of the Board, who are resident of the place at which the meeting of the Board is held shall be paid an allowance of rupees is twenty-five per day for each day of the actual meetings of the State Board.(iii)Non-official members of the Board, who are not resident of the place at which the meeting of the Board is held shall be paid an allowance of Rs.50 per day inclusive of daily allowance for each day of the actual meeting and also travelling allowance at such rate is admissible to the Member-Secretary of the Board :Provided that in case of a members of State Legislature who is also a member of the Board, the said daily travelling allowance will be admissible when the State Legislature is not in session and on production of a certificate by the Member that he has not drawn any such allowance for the same journey and halts from any other Government source:Provided

further that if any member is Government officer or belongs to State . Government undertaking or local authority, will be paid travelling and daily allowance by his parent department.

Chapter III

Procedure for Transaction of Business of The Board and its Committees

5. Notice of meeting.

(1) Meeting of the Board shall ordinarily be held at Lucknow on such dates as may be fixed by the Chairman. (2) The Chairman, shall upon the written request of not less than five members of the Board or upon the direction of the State Government call a special meeting of the Board. (3) Seven clear days notice of an ordinary meeting and three clear days notice of a special meeting specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given by the Member-Secretary to the members. (4) Notice of a meeting may be given to the members by delivering the same through messenger or by sending it by the registered post of his last known place of residence or business or in such other manner as the Chairman may, in the circumstances of the case, think fit. (5) Unless the Chairman, in his discretion, permits him to do so, no member shall be entitled to bring forward for the consideration in the meeting any matter of which he has not given seven clear days' notice to the Member-Secretary. (6) The Board may adjourn the meeting to the next day or to any particular day, and no fresh notice shall be required for any adjourned meeting. (7) No proceeding shall be invalidated merely on the ground that the provision in this rule relating to the notice is not strictly complied with.

6. Presiding Officer.

- Every meeting shall be presided over by the Chairman and, in his absence, by a Chairman for the meeting to be elected by the members present from amongst themselves.

7. Decisions to be by majority. -

(1) All questions at a meeting shall be decided by a majority of votes of members present and voting shall be by raising of hands in favour of the proposal. (2) In case of an equality of votes, the Presiding Officer shall have a second or casting vote.

8. Quorum.

(1) Five Members shall form a quorum for the meeting. (2) If at any time fixed for any meeting or during the course of any meeting, the number of members falls short of quorum the Presiding Officer shall adjourn the meeting and if, the number is short of quorum even on the expiration of 15 minutes from such adjournment the Presiding Officer shall adjourn the meeting to such hours on the following or on some other date as he may deem proper. (3) No quorum shall be necessary for the

adjourned meeting.(4)No matter which had not been on the agenda of original meeting shall be discussed at such adjourned meeting.(5)No fresh notice shall be required for the adjourned meeting.

9. Minutes.

(1)Record shall be kept of the names of members who attend the meeting and of the proceedings at the meeting in a book to be maintained for that purpose by the Member-Secretary.(2)The minutes of the previous meeting shall be read at the beginning of every succeeding meeting, and shall be confirmed and signed by the Presiding Officer at such meeting.(3)The proceeding shall be open to inspection by any member at the officer of the Board during office hours.

10. Maintaining order at meeting.-

The Presiding. Officer shall preserve order at a meeting.

11. Business to be transacted at meeting. -

Except with the permission of the Presiding Officer no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 5 shall be transacted.

12. Order or business.

(1)At any meeting business shall be transacted in the order in which it is entered in the agenda.(2)Either at the beginning, of the meeting or after the conclusion of the debate of a motion during the meeting Presiding Officer or a member may suggest a change in the order of business as entered in the agenda and if the majority agrees such a change shall take place.

13. Procedure for transaction of business of committees constituted by the Board.

(1)The time and place of the meeting of the committees constituted by the Board under sub-section (1) of Section 11 shall be as specified by the Chairman of the Committee.(2)The quorum for a meeting of the committee constituted under sub-section (1) of Section 11 shall be one-half of the total number of members of the committee.(3)Subject to sub-rule (1) and sub-rule (2) the meetings of the committee constituted under sub-section (1) of Section 11 shall, as far as may be governed by the rules applicable to the meetings of the Board.

Chapter IV

Fee and Allowance to be Paid to Non-Members

14. Fees and allowances to be paid to members of the Committee of the Board who are not members of the Board.

(1) A member of the committee constituted under sub-section (3) of Section 11, who is not a member of the Board shall be entitled to get such fee as may be specified by the Board or the Chairman for each day of the meeting if the Committee which he attends. This will be excluding his travelling allowance as permissible to Grade I Officer of the Board. (2) Notwithstanding anything contained in sub-rule (1) if such person is a Government servant or employee in a Government Undertaking, he shall be entitled to travelling and daily allowances, only at the rates provided under the relevant rules applicable to him.

Chapter V

Temporary Association of Persons With The Board

15. Temporary association of persons with the Board. -

The Board or the Chairman may invite any person, whose assistance or advice is considered useful to obtain, in any of its meeting, or meeting of a committee framed by it.

16. Fees and allowance to be paid for such temporary association of persons.

(1) If the person associated with the Board, under rule 15, happens to be non-official, he shall be entitled to get a fee of rupees fifty for each day he attends the actual meeting of the Board in which he is so associated and for each day he actually works for the Board. This will be excluding his travelling allowance as permissible to Grade I Officer of the Board. (2) Notwithstanding anything in sub-rule (1), if such person is a Government servant or employee in a Government undertaking, he shall be entitled to travelling and daily allowances, only at the rates provided under the relevant rules, applicable to him.

Chapter VI

Terms and Conditions of Service of The Member-Secretary of The State Board

17. Salaries allowances and other conditions of service of Member-Secretary.

(1) The Member-Secretary shall be paid a monthly pay as prescribed by the Government. (2) The other terms and conditions of service of the Member Secretary including allowances payable to him, shall, as far as possible, be the same as are applicable to an officer of the corresponding status of the State Government. (3) Where a Government servant is appointed as Member - Secretary the terms and conditions of his service shall be regulated by the rules or orders of the State Government issued

from time to time relating generally to appointments in foreign service.(4)The Member-Secretary shall be entitled to travel by air or air-conditioned class of the railway.

18. Powers and duties of the Member-Secretary.

(1)The Member-Secretary shall be the Chief Executive of the Board, and shall subject to the over-all control of the Chairman, exercise his powers and perform his duties.(2)Subject to the provision of sub-rule (1) the Member-Secretary shall inter alia:(i)be incharge of all the confidential papers of the Board and shall be responsible for preserving them,(ii)produce papers whenever so directed by the Chairman or by the Board,(iii)make available to any member of the Board, for his perusal, any record of the Board,(iv)be entitled to call for services of any officer or employee of the Board and the papers and documents for study and for checking, including checking of accounts, vouchers, bills stores and other records pertaining to the Board or regional office under it,(v)make all arrangements for holding meetings of the Board and meetings of the committees constituted by the Board,(vi)issue all orders or instruction, to be issued by the Board,(vii)write or shall cause to be written confidential reports of the officers and staff of the State Board and shall, in case of Group I Officers get them countersigned, by the Chairman, confidential reports and the custody thereof,(ix)sanction the annual increments of officers and staff, so however that the increment of officers belonging to Group I shall not be withheld without prior approval of the Chairman,(x)have full powers for according technical sanction to all estimates,(xi)have all powers to implement the Act effectively,(xii)exercise such powers and carry out such financial and administrative functions as may be assigned to him by the State Government, the Central Board, the State Board or the Chairmen, under the Act or the Rules, from time to time.

19. Additional powers of Member-Secretary.

(1)The Member-Secretary may withhold any payments if he considers such action to be necessary in accordance with the financial rates or in the interest of the Board :Provided that, as soon as may be after such withholding of payments, the matter shall be placed before the Board for its approval or such orders as the Board may consider proper.(2)Subject to the provisions of sub-rule (1) of rule 18 the Member-Secretary may delegate any of his powers, which are not delegated to him, to any of his subordinate officers in the interest of work.(3)The Member-Secretary shall have all ancillary powers, not inconsistent with the provisions of the Act, the rules and the orders issued by the Board or the Chairman, as may be necessary for proper and effective implementation of the provisions of the said Act and Rules or the said orders.

Chapter VII Consultants

20. Appointment of consultants.

- For the purposes of assisting the Board in the performance of its functions, the Chairman may appoint Consultant to the Board for a specified period not exceeding six months:Provided that the

Chairman may, with the prior approval of the Board extend the period of appointment from time to time up to one year: Provided further that the Chairman may, with the prior approval of State Government, make appointment of consultant for a period beyond one year.

21. Power to terminate appointment. -

Notwithstanding the appointment of the Consultant for specified period under rule 20, the Chairman shall have the right to terminate appointment of the Consultant before the expiry of the specified period, if in the opinion of the Chairman this becomes desirable.

22. Emoluments of the consultants.

- The Chairman may pay the Consultant suitable emoluments or fees depending on the nature of the work and qualification of Consultant provided that he shall not appoint any person as Consultant if the emoluments or fees payable to the Consultant exceeds Rs. 200 per day if the job is of less than 7 days or Rs. 2,500 per month without the prior approval of the Board.

23. Tours by Consultant.

- The Consultant may undertake tours within the country for the performance of duties entrusted to him by the Board and in respect of such tours, he shall be entitled to travelling and daily allowance as Grade I Officer of the State Government. He will however, obtain prior approval of the Chairman and in his absence of Member-Secretary for his tour programme.

24. Consultant not to disclose information.

- The Consultant shall not disclose any information either given by the Board or obtained during the performance of the duties assigned to him, to any person, other than the Board, without written permission of the Board.

25. Duties and functions of the Consultants.

- The Consultants shall discharge such duties and perform such functions as are assigned to him by the Board/Chairman/Member-Secretary.

Chapter VIII

Declaration of Air Pollution Control Area or Areas

26. [Declaration of air pollution control areas.

- Every area falling within the boundaries of an industrial plant situated in Uttar Pradesh shall be the Air Pollution Control Area under sub- section (1) of section 19] [Substituted by Notification No.

2252/XL V-1(q) Prani - 88, dated 13th July, 1988].

Chapter IX

Consent of the state board, etc.

27. Application for consent of the Board.

- [(1) An application under Section 21 for obtaining the consent of the Board for bringing into use any new or altered chimney for emission into atmosphere or for continuing an existing emission from chimney into atmosphere shall be made to the Board in Form 1 as amended from time to time through online consent management system only as established and made operational by the State Board. The consent application shall be disposed of through online consent management system only and no application will be disposed of manually. The consent fee as per the provisions of the Uttar Pradesh Air (Prevention and Control of Pollution) (Second Amendment) Rules, 2008 shall be made online through the online consent management system.] [Substituted by Notification No. 3049/LV-Parya-1-2017-256(Parya)-2001, dated 29.1.2018 (w.e.f 29.9.1983).](2)Such application should be accompanied by fee mentioned in Schedule I.(3)An application not accompanied by the prescribed fees shall not be entertained by the Board.(4)The prescribed fees shall be paid by Bank Draft in favour of the Member-Secretary or as may be specified by the Board.(5)Such application should also accompanied by a project containing details of various proposed air pollution control measures, monitoring systems, cost of such arrangements and a time bound programme for installation and commissioning of control equipment.(6)An application, not being an application, referred to in sub-rule (3), which is not complete in all respects may be returned for re-submission after the removal of defects found to exist.(7)The application for obtaining the consent of the Board under sub-rule (1) above should be made at least 2 months before the expected date of bringing into use the new or altered chimney and in case of existing chimneys, the said application should be made up to the date notified by the Government in this behalf.

28. Procedure for making enquiry into application for consent.

(1)On receipt of an application for consent under Section 21 the Board may depute any of its officers, accompanied by as many Assistants as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier, to which such application relates, for the purpose of verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information as such officer may consider necessary. Such officer may, for that purpose, inspect any place or premises under the control of the applicant or occupier and may require the applicant to furnish to him any plans, specifications or other data relating to control equipment or systems or any part thereof that he considers necessary.(2)The Member-Secretary or any other officer, authorised by the Board in this behalf shall, before such officer or officers visit any premises of the applicant for the purpose of inspection under sub-rule (1) give notice in Form II to the applicant of his intention to do so. The applicant shall furnish to such officer or officers all information and provide all facilities to conduct the inspection.(3)An officer of the Board may, before or after carrying out an inspection under sub-rule (1), require the applicant to

furnish to him orally or in writing such additional-information or clarification, or to produce before him such documents as he may consider necessary for investigation of application and may, for that purpose, summon the applicant or his authorised agent to the office of the Board.(4)[Timeline for disposal of application for consent through Online Consent Monitoring Management System (OCMMS) or any similar online system without prejudice of the generality of the provisions of sub-section (4) of Section 21, the State Pollution Control Board in accordance with procedure for making enquiry into application for consent as per Rule 28 shall ensure disposal of consent application in accordance with timeline as specified in Schedule IV.] [Inserted by Notification No. 3049/LV-Parya-1-2017-256(Parya)-2001, dated 29.1.2018 (w.e.f 29.9.1983)]

Chapter X

The Authorities or Agencies to whom Information under Sub-Section (1) of Section 23 is to be Provided

29. Submission of information by the occupier.

- A person incharge of Industrial Plant or occupier of the premises from where, due to an accidental break-down of some processes or installations or otherwise, an emission occurs or is apprehended to occur in excess of the standard laid down by the Board shall forthwith intimate the fact of such occurrence or of the apprehension of such occurrence to the State Board, District Collector, Sub-Divisional Magistrate, nearest Police Authority and the nearest officer of the Local authority (including Panchayat), Chief Medical Officer, Director of Industries and Director of Environment and Ecology.

Chapter XI

Samples of Air or Emission and Service of the Notice

30. Power to take samples.

(1)The occupier of the premises where any chimney, flue or duct or any other outlet is located, shall provide all necessary facilities to the Board or any officer empowered by it in this behalf for taking samples of air or emission from such chimney, flue or duct, or any other sources/and outlets, stationary or mobile, as may be specified by the Board or an officer empowered by it in this behalf.(2)The procedure used for sampling air or emission from any chimney-flue or duct or any other sources and outlets, stationary or mobile, the instruments used for sampling and the methods of measuring air pollutants shall be such as may be specified by the Board to suit the situation.

31. Form of notice

. - A notice under sub-section (3) of Section 26 shall be in Form III.

Chapter XII

Report of Board Analyst and State Air Laboratory

32. Form of report of Board Analyst

. - When a sample of air or emission has been sent for analysis to a laboratory established or recognised by the Board, the Board Analyst appointed under sub-section (2) of Section 29 shall analyse the sample and submit to the Board a report of the result of such analysis in triplicate in Form IV.

33. Report of the State Board Laboratory and Fee.-

(1)The State Air Laboratory shall cause to be analysed any samples of air or emission received by it from an officer authorised by the Board, for the purpose, and the findings shall be recorded in triplicate in Form V.(2)The fees for each such report shall be as mentioned in Schedule I.

Chapter XIII

The Qualification Required For Government Analyst

34. Qualification of Government and State Board Analyst.

- The qualification for the Government/State Board Analyst under sub-sections (1) and (2) of Section 29 shall be as follows : (a)At least II Class M.Sc. in Basic Sciences/Life Sciences/Earth Sciences; and (b)At 'least three years' experiences in Environmental Quality Management.

Chapter XIV

Appeals

35. Memorandum of Appeal

. - (1) An appeal against an order passed by the State Board under Section 20, Section 21 or Section 22 of the Act shall be filed by the aggrieved party in the Form VII annexed to these rules. (2)An aggrieved person, preferring an appeal shall do so separately in his own 'name and no joint appeal, made on behalf of more than one person, shall be entertained by the appellate authority.(3)Every appeal shall - (a)be in writing;(b)specify the name and address of the applicant and date of the * order appealed against;(c)specify the date on which the order appealed against was communicated to the appellant;(d)contain a clear statement of facts of the case and grounds relied upon by the aggrieved person in support of the appeal;(e)state precisely the relief prayed for; .(f)be signed and verified by the appellant or an agent duly authorised by the appellant in writing in this behalf;(4)A memo of appeal shall be accompanied by - (a)an authenticated copy of the order against which appeal is made;(b)a copy of the application made under Secs. 20, 21 or under Section 22, as the case

may be; (c) any other documents, relevant to the appeal; and (d) a satisfactory proof of the payment of the fee prescribed under sub-rule (5). (5) A fee, at the rates mentioned in Schedule I; shall be deposited by every appellant in the office of the appellate authority and an authenticated copy of the receipt obtained therefor shall be annexed to every appeal. No appeal, which is not accompanied by the aforesaid copy of the receipt, shall be entertained by the appellate authority. (6) Every Memorandum of Appeal shall be submitted in quadruplicate and shall either be presented to the Appellate Authority by the appellant or his authorised agent in person or sent to such authority by registered post. When the Memorandum of Appeal is presented by an agent, duly authorised by the appellant, it shall be accompanied by a letter of authority written on a stamped paper of the value as required by law, appointing him an agent. (7) On receipt of the Memorandum of Appeal, the appellate authority shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it, as the case may be.

36. Procedure to be followed by the Appellate Authority.

(1) The Appellate Authority shall fix a date for hearing of the appeal and give intimation to the appellant and to the Member-Secretary to Form VIII. A copy of the Memorandum of Appeal together with its enclosure shall also be sent to the Member-Secretary along with the intimation and he shall be called upon to send to the Appellate Authority all the relevant records connected with the matter relating to the appeal. (2) Where the material on record is insufficient to enable the Appellate Authority to come on definite decision, it may take additional evidence and call for such further material from the appellant or the Member-Secretary as it may deem fit so, however, that such material shall not form part of the record, unless the party, other than that from whom such record has been received has been given an opportunity to pursue such record and such other party shall also be given an opportunity to produce relevant evidence in rebuttal in respect of any thing contained in the said material which is detrimental to the interests of that party. (3) Where on the date fixed for hearing or any date to which the hearing of the appeal may be adjourned, the appellant or his duly authorised agent does not appear when the appeal is called for hearing, the appeal shall be liable to be dismissed. (4) Where an appeal is dismissed under sub-rule (3) the appellant may, within 30 days from the dismissal of the appeal, apply to the appellate authority for the restoration of the appeal and if it is shown to the satisfaction of the appellate authority that the appellant had not received intimation of the date of hearing of the appeal or was prevented by any sufficient cause, from appearing when the appeal was called for hearing, the appellate authority may re-admit the appeal on such terms as to costs or otherwise as it thinks fit. (5) The order passed by the appellate authority on the appeal shall be in writing and shall state clearly the points before it for determination, the decision thereon and the reasons for the decision. (6) A copy of the order passed in appeal shall be supplied by the appellate authority free of cost to the appellant and a copy thereof shall also be sent to the Member-Secretary.

Chapter XV

Budget and Account of The Board

37. Form of Budget Estimates.

(1)The budget in respect of the year next ensuing, showing the estimated receipts and expenditure of the Board, shall be prepared in the Forms prescribed by the Board from time to time and submitted to the State Government.(2)The estimated receipt and expenditure shall be accompanied by the revised budget estimates for the current year,(3)The budget shall be based on the account heads specified in Schedule II.

38. Submission of budget estimates.

(1)The budget estimate, as compiled under rule 37 shall be placed by the Member-Secretary before the Board by 31st October each year for approval.(2)After approval of the budget estimates by the Board, four copies of the final proposals incorporating therein such modifications, as may have been decided upon by the Board, shall be submitted to the State Government by 31st December each year..

39. Estimate of establishment expenditure and fixed recurring charges.

(1)The estimates of expenditure on fixed establishment as well as fixed monthly recurring charges on account of rent, pay and allowance, etc. shall provide for the gross sanctioned pay without deductions of any kind.(2)To the estimates referred to in sub-rule (1) shall be added a suitable provision for leave salary based on past experience with due regard to the intention of the members of the staff in regard to leave as far as the same can be ascertained.(3)If experience indicates that the total estimate for fixed charges referred to in sub-rules (1) and (2) is not likely to be fully utilised, a suitable lump sum deduction shall be made from the total amount estimated.

40. Re-appropriation and exigent.

- No expenditure which is not covered by a provision in the sanctioned budget estimates, or which is likely to be in excess over the amount provided under any head, shall be incurred by the Board without provision being made by re-appropriation from some other head under which savings are firmly established and available. The Member-Secretary will have the same powers as that of the Chief Executive of other State Government undertaking in respect of the re-appropriations of funds under different budget heads.

41. Power to incur expenditure.

- The Board shall incur expenditure, out of the funds received by it in accordance with the instructions laid down under the General Financial Rules of the State Government and other instructions issued by the Government from time to time.

42. Operation of fund of the State Board.-

The fund of the Board shall be operated by the Member-Secretary of the Board and in his absence by any officer of the Board who may be so empowered by the Chairman.

43. Exceptions.

- Nothing in this chapter shall apply to budget already finalised or expenditure already incurred before the commencement of these rules.

44. Form of annual statement of accounts of the State Board. -

The annual statements of account of the State Board shall be in the Forms prescribed by the Board . from time to time.

Chapter XVI

Annual Report of The State Board

45. Form of Annual Report.

- The annual report in respect of the year last ended, giving a full account of the activities of the State Board during the previous financial year shall contain the particulars specified in schedule III and shall be submitted to the State Board by 15th of July each year and to the State Government within a month of approval by State Board.

Chapter XVII

Particulars to be Included to The Register Maintained Under Section 51

46. Consent Register.

- The Board will maintain a register containing particulars of industrial plant to which consent has been granted under Section 21 in Form VI.

I

Fee[See rules 27 (2), 33(2) and 35 (5)]The fee payable under rules 27(2), 33(2) and 35(5) shall be as follows :Particulars -

Fee (Rs.)

1. Application for consent of the road

[rule 27(2)] –

(i)Initial Fees: Fee

(a)	Industries having an investment of more than Rs. 5 crores	5,000
(b)	Industries having an investment of more than Rs. 1 crore but up to Rs. 5 crore	3000
(c)	Industries having an investment of more than Rs. 50 lakhs but up to Rs. 1 crore	2000
(d)	Industries having an investment of more than Rs. 10 Lakhs but up to Rs. 50 Lakhs	1000
(e)	Industries having an investment of more, than Rs. 1 Lakh but up to 10 Lakhs	500
(f)	Industries having an investment up to Rs. 1 lakh	50

(ii)Annual Renewal Fees :

(a)	Industries having an investment of more than Rs. 5 crores	2000
(b)	Industries having an investment of more than Rs. 1 crore but up to 5 crores	1500
(c)	industries having an investment of more than Rs.50 Lakhs but up to 1 crore	1000
(d)	Industries having an investment of more than Rs. 10 Lakhs but up to 50 Lakhs	500
(e)	Industries having an investment of more than Rs. 1 Lakh but up to Rs. 10 Lakhs	100
(f)	Industries having an investment up to Rs. 1 Lakh ...	10

2. Report of the State Board

Laboratory [rule 33(2)] ... 500

3. Appeal [rule 35(5)]... .. 250

II

Budget and Account Heads[See rule 37(3)]Head of Expenditure

1. Salaries:

(1)Pay of Officers;(2)Pay of establishment and contingent staff;(3)Leave salary;(4)Pensionary contribution;(5)Contribution of the Board towards employees provident fund.

2. Allowances:

(1)Dearness and Additional Dearness Allowance.(2)Other Allowance;(3)Prevailing allowance for officers only;(4)Travelling allowance for non-officials of the Board (Members and the Board Expert Special Committee, etc.)

3. Remuneration (Fees, etc.):

(1)To Member's of the Board;(2)To Legal Adviser.

4. Contingencies (Office Expenses) :

(1)Rent, Rates and Taxes ;(2)Electric and Water Charges ;(3)Telephone Charges;(4)Postal and telegrams Charges ;(5)Furniture;(6)Office equipment (typewriter, duplicators, cycles, clocks, etc.)(7)Liveries;(8)Stationery;(9)Printing;(10)Audit Fees;(11)Library Books, Magazines, Periodicals, etc.;(12)Advertising and publicity expenses;(13)Court-fees, prosecution expenditure ;(14)Purchase and maintenance of vehicles;(15)Miscellaneous.

5. Expenses in connection with setting up and maintenance of the Board's Laboratories.

6. Write-off/losses.

7. Pension/Gratuities.

8. Suspense.

9. Other charges.

10. Petty Work (Petty construction).

11. Temporary loans and advance to employees:

(1)Festival advance;(2)Car/Scooter and Cycle Advance ;(3)Other advances.

12. Refunds:

(1)Repayment of loans.(2)Repayment of Deposits.Items of Income (Receipts) :(1)Grant from the State Government;(2)Grant from the Central Government;(3)Subscription and Donations;(4)Application fees;(5)Fines;(6)Inspection and License/Consent fees, etc.;(7)Refund (Repayment of advance given to employees);(8)Interest of Bank Deposits;(9)Loans, if any ;(10)Miscellaneous.

III

(See rule 45) Annual Report for the Financial Year April, 19...to March, 19..

1. Introduction.

2. Constitution of Committee of the Board including charges therein.

3. Constitution of Committee by the Board and meeting of the Committee constituted by it.

4. Meeting of the Board.

5. Activities of the Board in respect of pollution control including the various functions performed under Section 1 of the Act.

6. Auditors report.

7. Visits to the State Board by experts, important persons, etc.

8. Any other important matter dealt with by the Board.

[Schedule IV] [Inserted by Notification No. 3049/LV-Parya-1-2017-256(Parya)-2001, dated 29.1.2018 (w.e.f 29.9.1983)][See Sub-rule (4) of Rule 28](I)Consent to Establish

Category of Project	Approving Authority	Timeline
Red Category Projects	Head Office with the approval of Chairman	30 days
Orange Category Projects	Environmental Engineer/Scientific Officer or anyother Officer discharging the function in the capacity ofRegional Officer	20 days
Green Category Projects	Environmental Engineer/Scientific Officer or anyother Officer discharging the function in the capacity ofRegional Officer	20 days
White Category Projects	No need to apply for consent to establish underAir (Prevention and Control of Pollution) Act, 1981 as amended	
(II)Consent to Operate		
Category of Project	Approving Authority	Timeline
Red Category Large and Medium Scale Projects	Chairman	30 days
Red Category Small Scale	Chief Environment Officer or any other officerdischarging the	20 days

Projects	function in the capacity of Chief Environment Officer	
Orange Category Projects	Environmental Engineer/Scientific Officer or any other officer discharging the function in the capacity of Regional Officer	20 days
Green Category Projects	Environmental Engineer/Scientific Officer or any other officer discharging the function in the capacity of Regional Officer	15 days
White Category Projects	No need to apply for consent to Operate under Air (Prevention and Control of Pollution) Act, 1981 as amended	

Form I To be Submitted in Triplicate (See rule 27) Application for consent for emission continuation of emission under Section 21 of the Air Prevention and Control of Pollution Act, 1981 From. Dated:.... To The Member-Secretary, U.P. Pollution Control Board. Lucknow. Sir,

1. I/We hereby apply for consent under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) to make emission from Industrial plant owned by (1) for a period up to (2)

2. The Annexure, appendices, other particulars and plans are attached herewith in triplicate.

3. I/We further declare that the information furnished in the annexure/appendices, and plans is correct to the best of my/our knowledge.

4. I/We hereby submit that in case of a change either of the point, or the quantity of emission or of its quality a fresh application for CONSENT shall be made and until such consent is granted, no change shall be made.

5. I/We hereby agree to submit to the Board, application for renewal CONSENT one month in advance of the date of expiry of the consent period.

6. I/We undertake to furnish any other information within one month of its being called for by the Board.

Yours faithfully, Signature.....Name of Applicant.....Address of Applicant.....Accompaniments: (i) Index/site plan. (ii) Topographical map; (iii) Detailed layout plan of different processes and point sources of emissions and position of stacks and chimneys. (iv) Process flow sheet. (v) Latest Analysis report. (vi) Details of Air-Pollution Control devices provided or proposed to be provided. (vii) Ambient air quality report, if available. (viii) Craft No.-Dated.....Drawn.....For Rs..... as consent fee. Annexure to From Chimney Existing New Altered Note. - Any applicant knowingly giving incorrect information or suppressing any information pertaining thereto shall be liable to an action under the provisions of the Act. While filling this annexure the applicant shall in respect of such of the items as do not pertain to his activity state not applicable and shall not leave blank.

**1. Full name of the applicant with address..... Tel..
No.....**

(a)Is the firm registered ?(b)If yes give the number and date of registration and the authority with whom registered.(c)Full address of the registered office.(d)Name, designation and full addresses of persons like partners/Managing Director/Director/Manager, etc.(e)Under which category does the industry fall, Major/Medium/Small Scale.

2. Full name of the land/premises/institute/.....

Factory/Industry/Local Body with address..... Tel. No.....Telegraphic address.....

3. Give revenue/City Survey No. of the land premises for which the application is made.

District.....Town.....Village.....City Survey No.....Revenue Survey No.....Area in Hectares.....

4. State month and year in which the plant was actually put into commission or is proposed to be put into commission.....

5.

. State the Civil/Military/Defence Industrial Estate, etc. under whose Administrative jurisdiction the occupier's Industrial plant is situated.District.....Corporation.....Municipality.....Village Panchayat/Cantonment/Defence Dept.Port Trust.....State Govt.....Prohibited Area.....Central Govt.....Air port Authority.....

6. (a) State whether plant site has been declared as prohibited area :

Yes/No(b)If, yes, state the name of the authority and furnish a certified copy of the order under which the area has been declared as prohibited area.....Full Year

7. State working season per year of the plant.

From.....to.....From.....to.....From.....to.....Continuous/Batch-wise.....
Every Year

Hydrocarbons particulars other specify

(c)(i). Particulars analysis (if available) distribution size 50 μ% Stack No.

10. μ%.....

5. μ%

3. μ%

1. μ% ..

(ii) Chemical composition (if available)

14. Give details of flue gas sampling arrangements

15. Give details of laboratory facilities available for analysis of emissions

16. Is there sufficient space available for installing air-pollution control equipment

17. Details of air-pollution control system-Give detailed specification.

(a) Existing.....(b) Proposed.....(Collectors, precipitators, scrubbers, etc.)
.....(18) State the total quantity of air handled by ventilation equipment. Specify size and no. of equipments installed or to be installed.....

19. Give the following details :

(a) Total investment in the factory and the year of investment.(b) The estimated expenditure for implementing the scheme to control air-pollution.....(c) Expenditure incurred to date and progress achieved (physical) for air-pollution control, if any and the year/years of investments along with physical progress achieved, the Firm should give details of action taken to date and the expenditure incurred and the time required for the completion of the scheme(d) Annual operation and maintenance cost of air-pollution control plant, if any.;.....(e) Further action that is being taken by the firm to control air-pollution.

20. Other relevant information, if any.

Signature.....Name and Address of the applicant on behalf of:.....Name and Address of Firm on behalf of which application is made.Explanatory Note For Filing

In The Form and The AnnexureThe notes are given only for those items for which explanation is considered desirable.
Form:(1)Here mention the name of the owner of the land/premises, if other than the applicant industry of factory in continuation of legal business as per Air (Prevention and Control of Pollution) Act, 1981. If land/premises belong to the factory/industry say self.(2)Here mention the date up to which the consent is sought for.
Annexure to Form:"Existing" means that which is in operation at the time of applying for the consent."Now" means that which will be brought into operation in future."Altered" means that which has been modified due to change in quality and/or quality of emission, arrangement and/or point of emission, etc.
Item No. 1. - Here mention name of the owner of the land/premises if other than the applicant industry or factory in continuation of legal business as per Air (Prevention and Control of Pollution) Act, 1981. If land/premises belong to the factory/industry say self. 'Item No. 1. (a) - The industry are categorised based on the investment as follows :Major industry - having investment of more than 2 crores - Medium industry - having investment of 10 lakhs to 2 crores.. Small scale industry - having investment of less than 10 lakhs rupees.
Item No. 2. - Here give the registered name of the industry/institution/ factory/local bodies, etc. under which the business is carried out.
Item No 6. - Applicable to only those areas which are prohibited areas such as the ordinance factories, mint, etc.
Item No. 10 (c) - Here state the temperature in °C in summer, winter, monsoon and post-monsoon seasons.(d)Here state the seasonal average wind direction and speed in and around the site of the plant. The above information can be had from representative Meteorological Centre.
Item No. 13. - Analysis of the flue gas emissions, process emission and particulars analysis should be done for each stack, emissions. Wherever stacks are not provided the shop floor specific pollutants concentration should be reported. Chemical analysis of the particular matter in the emission should be furnished giving details such as, organic matter, metals, non-metals, radioactive substances, asbestos, silicates, etc:
Item No. 17. - Here mention the detailed specifications of control system used or proposed to be used with efficiency. Also furnish the layout of the control system with dimensions.
Item No. 18. - Here slate the total quantity of ventilation air handled by equipments, such as roof extractors, evaporative coolers, etc.
From IIU.P. Pollution Control Board
Notice of Inspection(See rule 28)
Member-Secretary_____No.

_____Dated _____To...TAKE NOTICE that for the purpose of enquiry under Section 21 the following officers of the Board, namely:(i)Shri.....
.....(ii)Shri.....(iii)Shri.....and the persons authorised by the Board to assist them shall inspect -(1)any system of your Industrial plant.(2)any other parts thereof or pertaining thereto under management/control of state (a).....between.....hours when all facilities requested by them for each inspection should be made available to them on the site. Take notice that refusal or denial to above

1.

.....

2.

.....

3.

.....:.....Form IIIU.P. Pollution Control BoardNotice of Intention to have Sample
Analysed(See rule 29)To,Take notice that it is intended to have analysed the sample of air emission
from your premises which is being taken today the.....day of.....19Name and designation of
the person who takes the sample(1)Here specify the slack, chimney or any other emission
outlets.To,..Form IVU.P. POLLUTION CONTROL BOARDReport by the State Board Analyst(See
Rule 32)Report No. -----Dated the -----I hereby certify that I.....(i)
U.P.Pollution Control Board analyst duly appointed under sub-section (2) of Section 29 of the Air
(Prevention and Control of Pollution) Act, 1981 received on the (ii).....day of.....19..... from
(iii).....a sample of condition fit for analysis reported below.I further certify that I have analysed
the aforementioned sample on (v) and declare the result of the analysis to be as follows
:(iv).....(v)The condition of the seals, fastening and container on
receipt was as follows :Signed thisday of.....19.....
Address.....(Signature)State Board Analyst.To,.(i)Here write the full name of the State
Board Analyst.(ii)Here write the date of receipt of the sample.(iii)Here write the Board or person or
body of persons or officer from whom the sample was received.(iv)Here write the date of
analysis.(v)Here write the details of the analysis and refer to the month of analysis. If the space is
not adequate the details may be given on separate sheet of paper.Form VReport By The
Government(See rule 33)Report No.....Dated the.....I hereby certify that I.....(i)
Government Analyst duly appointed under sub-section (1) of Section 27 of the Air (Prevention and
Control of Pollution) Act, 1981, received on the (ii).....day of.....19.....from (iii)
.....a sample offor analysis reported below:I further certify that I have analysed
the aforementioned sample, on (iv).....Signed
this.....day of..... 19.....Address(Signature)Government AnalystTo.(i)Here write
the full name of the Government Analyst.(ii)Here write the date of receipt of the sample.(iii)Here
write the name of the Board or person body of persons, or officer from whom the sample was
received.(iv)Here write the date of analysis.(v)Here write details of analysis and refer to the method
of analysis. If the space is not adequate details may be give on a separate sheet of paper.Form VI(See
rule 31)I.General(a)Consent is issued to ..(Corporation, Company, Government Agency, Firm,
etc.)(b)Postal AddressII. Location of plant or facilities (Latitude and Longitude must to be the
nearest of 15 seconds) -(a)Nearest
City.....District.....(b)Latitude.....Longitude.....(c)Is it located
in air pollution control area - Yes/NoIf yes, Identification of air pollution control
area.....III. Type of operation or process-(a)Name of operation or Process(b)Schedule
identification number.....YesNoIV. Consents classification(a)Proposed(b)Now
operating(c)Modification of existing emission source(d)Location change
.....(e)Ownership change(f)Present consent order number, if any
.....V. Implementation dates -(a)In the case of proposed industries operation expected to
begin..... (Day) (Month) (Year)(b)Air-pollution control equipment and emission to be installed
standards achieved by (Day) (Month) (Year)VI. Emission Standards--

Emission source Number (from plot plan) "Air-pollutant emitted

Emission rate kg/hour or
Standard/Sec.

1

2

3

VII. Consent conditions, if any FORM V Memorandum of Appeal [Sec rule 35(1)] Before.....Appellate Authority (mention here the name and designation of the Appellate Authority) (Appeal under Section 31 of the U.P. Air (Prevention and Control of Pollution) Act, 1981) Sir.....or M/s.....through.....Appellant. Versus The U.P. Pollution Control Board.....Respondent. The appeal of Sri/M/s.....resident of.....district.....against the order.....dated.....passed by the U.P. Pollution Control Board under Section 21/22 of the Air (Prevention and Control of Pollution) Act, 1981 showch as follows : (1) Under Section 21/22 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), the appellant has been granted consent subject to the conditions mentioned in the consent order in respect of the.....company/corporation/municipality/notified area committee, etc. noted below: (a) Name of plant/company/corporation/municipality/notified area committee; (b) Place; (c) Ward no.; (d) Name of the street; and (e) District A copy of the consent order in question is attached hereto. (2) The facts of the case are as under: (Here briefly mention the facts of the case) (3) The grounds on which the appellant relies for the purpose of this appeal are as below: (Here mention the grounds on which appeal is made) (a) (b) (c) (4) An amount of Rs.....as fee for this appeal has been paid vide receipt no.....date.....and authenticated copy of which is attached in proof of payment. (5) In the light of what is stated above, the appellant respectfully prayeth that- (a) The unreasonable condition (s).....imposed should be treated as annulled or it/they should be substituted for such other condition(s) as appears to be reasonable. Or (b) The unreasonable condition(s).....should be varied in the following manner: (Here mention the manner in which the condition(s) objected should be revised) Or (c) Mention here any other prayer that may be made consistent with the provisions of the Act and the rules : Signature of the Appellant (Name.....(in block letters) Dated.....Occupation.....Address.....VERIFICATION I,.....(appellant's name) in the above Memorandum of appeal/or duly authorised agent do hereby verify that the averments made in paras 1, 2, 3, 4 are true to the best of my knowledge and belief and nothing has been hidden thereunder. Signature.....Name.....(in block letters) Dated.....Occupation.....Address.....Form VIII Form of Notice [See rule 36(1)] Before.....(Here mention the name and designation of the Appellate Authority) In the matter of Appeal No.....19 .. filed under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (XIV of 1981) by Sri.....Appellant. (Here mention the name and address of the appellant). Versus The U.P. Pollution Control Board, Lucknow..... Respondent Whereas Sri.....(Here mention the name and address of the appellant) has filed before this authority a Memorandum of appeal the order.....dated.....passed by the U.P. Pollution Control Board under [Sec. 20/21/22] [Strike out what is not applicable] of the Act. And whereas under sub-section (4) of Section 31 of the Act, this authority is required to give to the parties an opportunity of being heard; Now, therefore, please take notice that this authority has fixed..... as the date of hearing of the aforesaid appeal. The hearing shall take place at AM/PM on that date in the office of the Board at Lucknow. You are hereby called upon to appear before this authority at the appointed time and date place, either in person or through a duly authorised agent,

and explain your case. Please take notice that failure on your part to appear on the day of hearing, either in person or through duly a authorised agent, without showing sufficient cause to the satisfaction of this authority will make your appeal liable to be dismissed or decided ex parte. Given under the hand and seal of the Appellate Authority at..... this.....
.....day.....19. Signature(Seal)