



Government of Jammu & Kashmir
J&K STATE POLLUTION CONTROL BOARD

'Parivesh Bhawan', Transport Nagar, Narwal, Jammu
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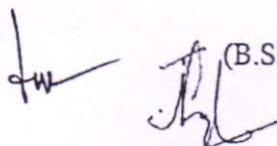
ORDER : 79 SPCB of 2018
DATED : 22.05.2018

The period of validity of consent issued under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of Air (Prevention and Control of Pollution) Act, 1981 was extended as 03,05,08 years in case of Red, Orange and Green categories of industries respectively vide Order No. 60 of SPCB of 2016 Dated 29.03.2016.

Now validity of the consent is re-fixed as under keeping in view the eco-fragility of the environment of the State :-

	Category	Consent Validity period in years	
		Consent to Establish	Consent to Operate
1.	Red	Consent to establish will be issued maximum for	05
2.	Orange	the 05 years or the period of DIC registration.	08
3.	Green	However, unit may apply for lesser period subject to minimum one year.	12

Provided that the occupier shall have to deposit the consent fees for the entire period of 05 years, 08 years and 12 years , as the case may be, while applying for consent otherwise the period of validity of the consent shall be as worked out on the basis of fees deposited in multiples of one years.


B. Siddhartha Kumar IFS
Chairman

NO :- SPCB/Estt/CO/Consent/

Dated 22.05.2018

Copy for information and n/action to :-

1. Principal Secretary to Govt; Industries & Commerce Department, Civil Secretariat, Jammu.
2. Commissioner/Secretary to Govt; Forests, Environment & Ecology Department, J&K Government, Civil Secretariat, Jammu.
3. Regional Directors, SPCB, Jammu / Kashmir.
4. Environmental Engineer / Prl. Scientific Officer / I/c Scientist C / AEE Consent Section.
5. All District / Divisional Officers/Nodal Officers, J&K SPCB.
6. J&K SPCB Website.

**Government of Jammu & Kashmir
J&K State Pollution Control Board,
Jammu/ Kashmir**

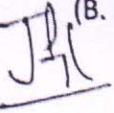
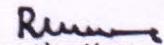
2.-

Order No. 80 SPCB OF 2018
Dated:- 22-05-2018

Subject:- Time limit for submission of Reports of the inspections and visits carried out under The Water (Prevention & Control of Pollution) Act, 1974, The Air (Prevention & Control of Pollution) Act, 1974, the EP Act, 1986 and all the rules made there under viz. Hazardous Waste Management Rules, Biomedical Waste Rules etc.-Ease of Doing Business-Reg.

As required under EODB-BRAP-2017 all inspecting officers and staff conducting visits and inspections of the industries are hereby directed to submit the inspection reports of the inspections and the visits carried out under the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1974, the EP Act, 1986 and all the rules made there under viz. Hazardous Waste Management Rules, Biomedical Waste Rules etc. within a period of one working day i.e. 24 hours on OCMMS.

Further, the time line for disposal of consent cases is 07 days for Green Category, 21 days for Orange and Red which includes 11 days with the Divisional (07 days) and Regional Office (04 days) and 10 days for Central Office.


 
(B. Siddhartha Kumar, IFS)
CHAIRMAN
No:- SPCB/T/C/OCMMS/2018/ Ps/cH/mis/73-80
Dated:- 22-05-2018

Copy to the following for information and necessary action:-

1. Principal Secretary to Govt. Industries and Commerce Department, Govt. of J&K Civil Seett, Srinagar.
2. Commissioner Secretary to Govt. Forest Environment and Ecology, J&K Govt. Civil Seett, Srinagar.
3. Member Secretary, J&K SPCB, Kashmir.
4. Regional Director, SPCB Jammu/Kashmir.
5. OSD to Hon'ble Minister for Forests, Environment and Ecology for information of the Hon'ble Minister.
6. Shri J.N. Sharma, Environmental Engineer / Nodal Officer, Ease of Doing Business (EoDB) J&K, SPCB, Srinagar.
7. Technical Director, NIC MoEF Gol, New Delhi.
8. All Divisional Officers. SPCB. Jammu/Kashmir

Government of Jammu & Kashmir
J&K State Pollution Control Board,
Jammu/ Kashmir

Order No. 81 SPCB OF 2018
Dated:-22-05-2018

Subject:- Revised Classification of Industrial Sector including exemption of White Category of Industries from taking clearances from State Pollution Control-Ease of Doing Business-Reg.

The Central Pollution Control Board has issued "Final Document on Revised Classification of Industrial Sectors under the Red, Orange, Green and White categories" vide no. B-29012/ESS(CPA)/2015-16/8528 dated 07-03-2016 and has issued directions under section 18(1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and 18(1) (b) of the Air (Prevention & Control of Pollution) Act, 1974 to the J&K SPCB for adoption of the same.

Consequent upon this, the J&K SPCB has issued directions to the respective Regional Directors Jammu/Kashmir and Nodal Officers, Leh/ Kargil communicating the directions of CPCB for adoption of Revised classification of industries vide letter no. SPCB/Estdt/CO/Gen/ICC/91/253-61 dated 29-04-2016. According to this classification Red, Orange, Green and White category of Industries have been declared polluted as per the pollution index score in order to ensure that the industries is establish in a manner which is consistent with the environmental objectives.

The list of Industries under Red, Orange, Green and White is enclosed with this as Annexure-A1 for the purpose of consent management and regulation of pollution arises from the industries so as to create a clean and transparent working environment and to promote the "Ease of Doing Business" (EoDB).

As per the Revised Classification of Industrial Sector there shall be **no necessity of obtaining the Consent for White Category of industries**. An Intimation to the State Pollution Control Board shall suffice.

R.Kumar

CHAIRMAN

(B.Siddhartha Kumar, IFS)

No:- SPCB/T/C/OCMMS/2018/CH/PS/misc/81-88

Dated:- 22-05-2018

Copy to the following for information and necessary action:-

1. Principal Secretary to Govt. Industries and Commerce Department, J&K Govt. Civil Sectt. Srinagar.
2. Commissioner Secretary to Govt. Forest Environment and Ecology, J&K Govt. Civil Sectt. Srinagar.
3. Member Secretary, J&K SPCB, Kashmir.
4. Regional Director, SPCB Jammu/Kashmir.
5. OSD to Hon'ble Minister for Forests, Environment and Ecology Department, Govt. of J&K for information of the Hon'ble Minister.
6. Shri J.N. Sharma, Environmental Engineer / Nodal Officer, Ease of Doing Business (EoDB) J&K, SPCB, Srinagar.
7. Technical Director, NIC MoEF GoI, New Delhi.
8. All Divisional Officers, SPCB, Jammu/Kashmir (.....)

Annexure of Order 81

Table G-1: Final Summary Table Red , Orange, Green and White Categories of Industries (16-01-16)

Sl No.	Original Categorization	Initial Nos.	Addition by splitting into further classes	Deletion/ Shifting to foot-note due to vague term /Merger/ other reasons	Re-categorization to Red	Re-categorization to Orange	Re-categorization to Green	Re-categorization to White	Re-
									Check
1									
1	Red	85	11	7	60	26	3	Nil	96=96
2	Orange	73	2	3	Nil	51	19	2	75=75
3	Green	86	Nil	3+2=5	Nil	6	41	34	86=86
Final Categorization		244	13	15	60	83	63	36	257
				(Red)	(Orange)	(Green)	(White)	=257 (Total categories including in foot-note)	

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1 of Order No 82

Government of Jammu & Kashmir
J&K State Pollution Control Board,
Jammu/ Kashmir

Order No. 82 SPCB OF 2018
Dated: 22-05-2018

Subject:- Differentiate Compliance Inspection requirements based on Industry Pollution Categorization such as Red, Amber (Orange) and Green under all Environment/ Pollution Laws -Ease of Doing Business-Reg.

Whereas, CPCB has issued Uniform Consent Mechanism (UCM), procedure/ guidelines for management of consent and authorization indicating frequency of inspection, sampling and schedule of monitoring for Red, Orange and Green category of industries for the monitoring of Pollution arises from the industries which have been adopted by the Board in its 17th Board meeting held on 17-10-2001 for the regulation of consent management of the Industries.

Whereas, Central Pollution Control Board has issued revised classification of Industrial Sectors in the Red, Orange, Green and White categories vide no. B-29012/ESS(CPA)/2015-16 dated 07-03-2016 and has issued directions under section 18(1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and 18(1) (b) of the Air (Prevention & Control of Pollution) Act, 1974 to the SPCB for adoption of the same.

Whereas, J&K SPCB has issued directions to the respective Regional Directors Jammu/Kashmir and Nodal Officers, Leh/ Kargil communicating the directions issued by CPCB regarding adoption of revised classification of industries issued vide letter no. SPCB/Estt/CO/Gen/ICC/91/253-61 dated 29-04-2016.

Whereas, it is also mandated to Differentiate Compliance Inspection requirements based on Industry Pollution Categorization such as Red, Amber (Orange) and Green under all Environment/ Pollution Laws. For the compliance Inspections under the Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981 the following is mandated:-

- Publish a well-defined inspection procedure and checklist on department's web site.
- Design and implement a system for indentifying establishment that need to be inspected based on computerized risk assessment.
- Mandate online submission of inspection report within 24 hours to the Department.
- Allow users to login to the portal and view and download submitted inspection reports on their businesses.
- Design and implement a system for computerized allocated of inspectors
- Mandate that the same inspector will not inspect the same establishment twice consecutively.

- Mandate that green category of industries is exempted from Environmental compliance inspections.

In this regard, the following action is taken and instructions have been issued:

- The Green Category of industries with history of satisfactory compliance history of past 02 consecutive years / 02 previous inspections are exempted from Environmental compliance inspection.
- Compliance inspection requirements are differentiated based on industry pollution categorization i.e. Red, Orange and Green (as per CPCB categorization) under all environment / pollution laws.
- A Well-defined inspection procedure and checklist are uploaded on department's web site.
- A software based tool '**Computerized Inspection Allocation**' is designed for compliance inspections under the Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981. This system is for identifying establishments that need to be inspected based on computerized risk assessment.
- The above tool mandates online submission of inspection reports within **24 hours** to the Department.
- The system allows users to login to the portal to view and download submitted inspection reports on their businesses.
- The system is designed for computerized allocation of inspectors and mandated that the same inspector will not inspect the same establishment twice consecutively.

Table showing compliance Inspection Schedule based on risk:-

Category	Inspection Schedule based on risk / Pollution	
Red Category (High Risk)	17 category of highly polluting industries / grossly polluting industries as categorized by CPCB	Three months (quarterly basis)
	Red Category of Industries other than those mentioned above	Half yearly
Orange Category (Medium Risk)	Orange Category of Industries	Once in a year
Green Category (Low Risk)	Green Category of Industries	Once in two years
	Exempted from Inspections	To be inspected only in case of Public Complaints, Legal Cases and other mandatory requirements

The list of industries / projects to be inspected be selected through software system based on **Computerized Risk Assessment** and will be uploaded on the **OCMMS** (online consent management and monitoring system) site of the Board and copy of the same will be supplied to the concerned for immediate compliance through online system.

- All the officers shall carryout the inspection of establishments (industries) as per the allocation.

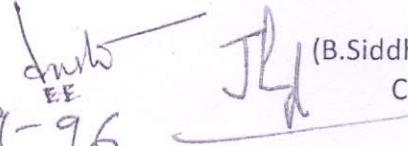
3 of Order No 82

- The Inspecting Officers shall submit online inspection report within 24 hours to the concerned officer.
- After submission of report by the inspecting officers, the authorised person of the Industry can view and download submitted inspection report of their establishment in the OCMMS.

The above instructions are issued in order to achieve various mandates under 'Ease of Doing Business'. However, in the matter related to Legal Cases / Complaints / Press Clippings / Issues referred by Govt. & other Authorities, the concerned Officers/ Officials of the Board shall carryout inspections as per specific instructions issued therein so as to take further action for implementation of various Environmental Laws.

The Board reserves its right and power as per the provisions laid under Environmental Laws and Rules in vogue to issue directions / orders as deemed fit in the interest of Public Health and Protection of Environment.

(This order is issued in supersession to all previous orders on the subject).


B. Siddhartha Kumar, IFS
CHAIRMAN

No:- SPCB/T/C/OCMMS/2018/ 89-96
Dated:- 22-05-2018

Copy to the following for information and necessary action:-

1. Principal Secretary to Government Industries and Commerce Department, J&K Govt. Civil Sectt. Srinagar.
2. Commissioner Secretary to Govt. Forest Environment and Ecology, J&K Govt. Civil Sectt. Srinagar.
3. Member Secretary, J&K SPCB, Kashmir.
4. Regional Director, SPCB Jammu/Kashmir.
5. OSD to Hon'ble Minister for Forests, Environment and Ecology for information of the Hon'ble Minister.
6. Shri J.N. Sharma, Environmental Engineer / Nodal Officer, Ease of Doing Business (EoDB) J&K, SPCB, Srinagar.
7. Technical Director, NIC MoEF GoI, New Delhi.
8. All Divisional Officers, SPCB, Jammu/Kashmir (.....)

INSPECTION PROCEDURE FOR ENVIRONMENTAL COMPLIANCE INSPECTION UNDER WATE AND AIR ACTS

Compliance Inspections are done to evaluate or verify compliance status after necessary conditions have been stipulated for the establishment / operation of Industry / project.

Objective:

- The objective of the compliance inspection is to verify whether the industries/establishments are operating in compliance with stipulated conditions, and if not, to collect the evidence for taking action to prevent environmental pollution.
- The compliance inspections are also aimed to provide necessary guidance/directions to the industries to improve their compliance status with the stipulated conditions.
- The compliance inspections help the Board to ensure to ensure that industries take all necessary measures to control environmental pollution and adhere to the environmental laws.

Computerized inspection Allocation:

- The "computerized inspection allotment system will allot the Board official for compliance inspection of the establishment/industry under Water and Air Acts under "Ease of Doing Business" and ensure that same inspector / inspecting official will not inspect the same establishment twice consecutively.
- The Officer shall inspect the industry to verify compliance status of the conditions stipulated under Water and Air Acts by duly following the procedures as given below:

Inspection Procedure:

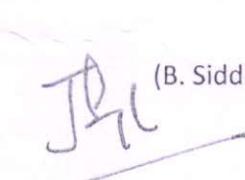
- Inspection shall be made during regular working hours of the establishment/industry except when special circumstances indicate otherwise.
- Before entering into the industry, the Inspector/Officer shall inspect surrounding areas along with boundary of the industry to verify if there is any discharge of effluents or dumping of solid or hazardous waste.
- The inspector / Officer shall inspect following areas in the industry premises, in addition to other areas as required, to verify compliance status.
 - Manufacturing area
 - Raw materials and finished products storage area
 - Source of water and water storage area
 - Effluent generating sources
 - Effluent collection, storage, treatment and disposal areas and control system installed
 - Air pollution sources and control systems installed
 - Solid and hazardous waste generation sources storage and disposal areas
 - Environment management cell to verify record maintenance.
- The inspector shall verify all the records pertaining to production, water pollution and control, air pollution and control, management of solid and hazardous waste.
- The inspector shall verify and collect specific information on the following points.
 - Operational status of the industry (whether in operation/ seasonal/sick/closed etc).
 - DIC Assessment / Production records for a period of last six months.

End: 82(2)

- Consumption quantities of major raw material during a period of last six months.
- Fresh water source and storage capacity along with details of tanks.
- Status of flow meters provided for recording water consumption for various purposes alongwith meter readings at the time of inspection.
- Effluent generation sources and quantities (as per records) & control system installed.
- Effluent collection, treatment and disposal details.
- Operation and maintenance of Effluent Treatment Systems.
- Status of flow meters provided for recording at the time of inspection.
- Air pollution sources and control measures.
- Operation and maintenance of Air Pollution Control Equipment/systems.
- Status of energy meters provided for effluent treatment and air pollution control systems along with meter readings at the time of inspection.
- Details of solid and hazardous waste generation, storage and disposal.
- The inspector shall collect photographic evidence for observations of non compliance.
- The inspector may seek information/clarifications or documentary evidence from the industry to ascertain compliance status.
- If any representative/occupier of the industry will fully delays or obstructs the inspector in carrying out inspection, the same shall be recorded in the inspection report for taking further necessary action in the matter.
- During inspection, the inspector shall take all safety precautions required such as PPE. Helmets, masks goggles etc.
- At the end of the inspection, the inspector may inform the representative of the industry about apparent non-compliance observed during inspection so that industry may initiate necessary corrective action wherever required.

Post-inspection activities:

- The inspector shall carefully record all the information collected ad observation made during the information.
- The inspector shall then prepare inspection report in the prescribed format duly reporting compliance status of the industry with the conditions stipulated under Water and Air Acts.
- Any additional information may be recorded under remarks.
- The inspector may also indicate additional measures to be taken up by the industry to comply with conditions.
- The inspection report shall be carefully checked and then submitted online within 24 hours of the inspection with clear-cut recommendation..
- The supporting documents and photographs obtained during inspection, if any shall be uploaded along with the inspection report.


Renu
(B. Siddhartha Kumar, IFS)
CHAIRMAN

Copy to the following information and necessary action:-

1. Regional Director, SPCB, Jammu/Kashmir
2. Shri J.N. Sharma, Environmental Engineer / Nodal Officer, Ease of Doing Business (EoDB) J&K, SPCB, Srinagar

(1)

**Government Jammu and Kashmir
J&K State Pollution Control Board,
Jammu/Kashmir**

Order No. 83 SPCB OF 2018

Dated:- 22 -05-2018

Subject:- Auto-renewal of Consent to Operate (under Water Act,1974 and Air Act,1981) based on Self Certification for Green Category of industries except units generating Hazardous Waste/e-waste and requiring registration under Plastic Waste Rules

Whereas, Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, Government of India has introduced Business Reforms enabling "**Ease of Doing Business**" to simplify the procedures for setting up of industries by way of providing transparent, efficient and integrated electronic services to the applicants.

Whereas, Industries and Commerce Department of J&K government with a view to facilitate the Industrial Development in the State of J&K in conformity with the National Policy of ensuring "**Ease of Doing Business**" (EoDB) issued Government Order No. 74-IND of 2015 Dated 24.04.2015 and Order No. 105-IND of 2015 Dated 21.07.2015 for simplifying the procedures with regard to seeking permissions/registration by industries.

Whereas the J&K State Pollution Control Board has also adopted the Policy of the State Government ensuring **Ease of doing business** under Business Reforms Action Plan-2017 by reducing *the regulatory complexities in order to simplify the procedures* for obtaining renewal of Consent to Operate for the industries / projects under the provision of Water Act 1974 and Air Act 1981.

In view of above, it is ordered that following procedure will be adopted/ followed hence forth for **Auto renewal of Consent to Operate for Green Category of industries under Water Act 1974 and Air Act 1981** except for the units generating Hazardous Waste / E-waste /Plastic Waste and registered with the Board under the relevant rules for the said activity.

1. The industry / project proponent intending for renewal of the CTO, shall apply through OCMMS 60 days before expiry of the period of previous CTO granted by the Board under Water Act, 1974 and Air Act, 1981 on prescribed Performa as per Annexure-A, for self certification and also undertaking on compliance of conditions of previous consent to operate granted by the board and with Copy of previous consent with the following documents :-
 - (i) C.A. certificate for proof of Capital investment including cost on land, building, plant and machinery without depreciation with up to date additions.

- (ii) Fresh analysis reports of effluent / air emissions / noise monitoring report or DG sets from all sources as applicable, not more than 03 months old, from Board's lab or any of the recognized laboratory from board, showing the compliance of standards prescribed under EP Rules, 1986.
 - (iii) Copies of previous valid consent to operate.
 - (iv) Copy of resolution of Board/power of attorney
 - (v) Proof of Consent fees
 - (vi) Project report duly certified indicating line of activity, details of raw material and products with quantities ,manufacturing process, water usage, fuel consumption, Pollution Control measures taken and also indicating the Sr. Number of unit as per the revised list of Green category prescribed under UCM adopted by the Board.
 - (vii) DIC registration/Permanent registration (PMT)/DIC Assessment. Land papers duly certified.
 - (viii) Site Plan/Key plan
 - (ix) Certifying whether activity of unit comes under the HW Rules 2016 or not
 - (x) Certifying that no closure order is issued in the past 2 years
- 2 The application shall be submitted either by the proponent or by the authorised official of the industry/project proponent duly authorised by the owner/board of directors/partners of the unit.
- 3 The Consent to operate will be renewed on the basis of self certification only in those cases where there is no change in the raw material process, product increase in overall capital investment cost on land, building, plant and machinery, production capacity and also in pollution load of the unit and will remain the same as declared by the unit in its original application and project report submitted earlier to the board for obtaining first CTO .
- 4 The CTO will be renewed for a period up to 12 years at the maximum if industry desire they can have renewal of CTO for lesser period as well. The industry seeking Auto-renewal of CTO for 12 years shall submit an undertaking on -line to the Board bi-annually on the format prescribed by the Board as **Annexure -B** certifying that no deviation in the manufacturing process, final products and line of activity has been done as explained in the Project Report submitted earlier while seeking first CTO and in case of any deviation found in the process and line of activity , the auto renewal granted shall deemed to be cancelled and in such case unit holder needs to apply fresh for CTO as per the norms of the Board.
- 5 Auto Renewal will not prevent the Board from taking any appropriate action against the defaulting units including revoking of the CTO in case the unit fail to comply with any of the conditions of CTO/renewal of CTO or any relevant provisions of Water Act, 1974 and Air Act 1981.
- 6 No documents will be allowed to submit manually and fees have to be accepted only through on-line gate way facility of the OCMMS as per the fees structure prescribed by the Board.
- 7 The CTO will be renewed only for those units which are having satisfactory compliance history of environmental laws of last 2 consecutive years .
- 8 The unit holder shall apply directly to the respective Regional director for grant of auto renewal of CTO in case of green category of industries. The verification and

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scrutinization of documents shall be done at the level of RD who shall issue the renewal of consent within 07 days and in case of shortcomings same shall be communicated to the unit holder within 07 days positively.

Note: (i) Auto renewal of CTO shall not be applicable to those defaulting units having pending litigation in any court of Law etc, and any public complaint. Such cases shall be dealt separately as per law

(ii) In the event of misrepresentation in the Self certification, the liability shall fall equally upon the applicant and the certifying service provider and action as warranted under the Law shall be taken in such case.

(iii) After the Auto renewal of Consent issued by the Board, the concerned Divisional Officer shall verify the contents of Self Certification and corroborate them with ground reality after conducting inspection as per the *periodicity of Inspection Schedule* issued by the Board. Any discrepancy shall be immediately reported to the Regional Office / Head office with clear report and recommendations after the inspection.

This order shall come into force with immediate effect

B. Siddhartha Kumar, IFS
CHAIRMAN

No:- SPCB/T/C/OCMMS/2018/ PS(CH) misc/ 97 - 109

Dated : 22-05-2018

Copy of the to the following for information and necessary action

1. Principal Secretary to Govt. Industries and Commerce Department, Civil Sectt. Srinagar
2. Commissioner Secretary to Govt. Forest, Environment and Ecology Department, J&K Govt. Civil Sectt. Srinagar
3. Member Secretary, J&K SPCB, Kashmir.
4. Regional Director, SPCB Jammu/Kashmir.
5. Director industries Jammu/Kashmir
6. OSD to Hon'ble Minister for Forests, Environment and Ecology Department for information of the Hon'ble Minister.
7. Shri J.N. Sharma, Environmental Engineer /Nodal officer Ease of Doing Business (EoDB), SPCB Srinagar.
8. Technical Director, NIC MoEF Gol, New Delhi.
9. Central Technical Cell, SPCB, Srinagar.
10. All Divisional Officers, SPCB, Jammu/Kashmir (.....)

(1)

**Government Jammu and Kashmir
J&K State Pollution Control Board,
Jammu/Kashmir**

Order No. 84 SPCB OF 2018
Dated:- 22 -05-2018

Subject:- Auto-renewal of Consent to Establish (under Water Act,1974 and Air Act,1981) based on Self Certification for all Green Categories of industries except those generating hazardous waste

Whereas, Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, Government of India has introduced Business Reforms enabling "**Ease of Doing Business**" to simplify the procedures for setting up of industries by way of providing transparent, efficient and integrated electronic services to the applicants.

Whereas, Industries and Commerce Department of J&K government with a view to facilitate the Industrial Development in the State of J&K in conformity with the National Policy of ensuring "**Ease of Doing Business**" (EoDB) issued Government Order No. 74-IND of 2015 Dated 24.04.2015 and Order No. 105-IND of 2015 Dated 21.07.2015 for simplifying the procedures with regard to seeking permissions/registration by industries.

Whereas the J&K State Pollution Control Board has also adopted the Policy of the State Government ensuring **Ease of doing Business** under Business Reforms Action Plan -2017 by reducing the regulatory complexities in order to simplify the procedures for obtaining renewal of Consent to Establish for the industries / projects under the provisions of Water Act 1974 and Air Act 1981.

In view of above, it is ordered that following procedure will be adopted/ followed hence forth for **Auto renewal of Consent to Establish for all industries falling under Green Category as per revised UCM followed by the Board for issuance of CTE renewal under Water Act 1974 and Air Act 1981 except for those generating hazardous waste.**

1. The industry / project proponent intending for renewal of the CTE, shall apply through OCMMS 60 days along with online fees before expiry of the period of previous CTE granted by the Board under Water Act, 1974 and Air Act, 1981 on prescribed Performa as per **Annexure-A**, for self certification and also submit an undertaking on compliance of conditions of previous consent to establish granted by the board with the following documents :-

- (i) CA certificate for proof of capital investment including cost on land, building, plant and machinery without depreciation with up to date additions.
- (ii) Copy of previous consent issued by the board
- (iii) Copy of resolution of Board/power of attorney
- (iv) Proof of Consent fees

- (v) Project report duly certified indicating line of activity, manufacturing process , details of raw material and products, Pollution Control measures and also Indicating the Sr. Number of unit as per the revised list of green category prescribed under UCM adopted by the Board
 - (vi) DIC registration
 - (vii) Land papers duly certified
 - (viii) NOC from the different govt. agencies in case unit is located outside the industrial area
 - (ix) Site Plan/Key plan
 - (x) Certifying whether activity of unit comes under the HW rules 2016 or not.
2. The application shall be submitted either by the project proponent or the authorised official of the industry/project proponent duly authorised by the owner/board of directors/partners of the unit
 3. The Consent to establish will be renewed on the basis of **Self Certification** only in those cases where there is no change in the raw material process, product increase in overall capital investment cost on land, building, plant and machinery, production capacity and also in pollution load of the unit and will remain the same as declared by the unit in its original application submitted earlier to the board for obtaining first CTE.
 4. The CTE will be renewed only maximum period of 5 years or as per the discretion of industry for a lesser period
 5. The industry seeking Auto-renewal of CTE for 5 years shall submit an undertaking on line to the Board bi-annually on the format prescribed by the Board as **Annexure-B** certifying that no deviation in the manufacturing process, final products and line of activity has been done as explained in the Project Report/ application form submitted earlier while seeking first CTE and in case of any deviation in the process and line of activity , the auto renewal shall deemed to be cancelled and in such case unit holder needs to apply fresh for CTE as per the norms of the Board.
 6. Auto Renewal will not prevent the Board from taking any appropriate action against the defaulting units including revoking of the CTE in case the unit fail to comply with any of the condition of CTE or any relevant provisions of Water Act ,1974 and Air Act 1981.
 7. No documents will be allowed to submit manually and fees has to be accepted only through on-line gate way facility of the OCMMS as per the fees structure prescribed by the Board.
 8. The CTE will be auto renewed **without any Inspection** only for the Green category of the industries having satisfactory compliance history of Environmental Laws for the last 2 years consecutive years/ inspections.
 9. The unit holder shall apply directly in the OCMMS to the Divisional Office (DO)/Regional Director (RD) as the case may be as per the delegation of powers delegated to the officer for grant of consent through auto renewal mode in case of green category of industries. The concerned officers after verification and scrutinization of documents shall issue renewal of consent with in 07 days and incase of shortcomings same may be conveyed with in 07 days positively.

Note : (i) Auto renewal of CTE shall not be applicable to those defaulting units having pending litigation in any court of Law etc, and any public complaint. Such cases shall be dealt separately as per law

(ii) In the event of misrepresentation in the Self certification, the liability shall fall equally upon the applicant and the certifying service provider and action as warranted under the Law shall be taken in such case.

(iii) After the Auto renewal of Consent issued by the Board, the concerned Divisional Officer shall verify the contents of Self Certification and corroborate them with ground reality after conducting inspection as per the *periodicity of Inspection Schedule* issued by the Board. Any discrepancy shall be immediately reported to the Regional Office / Head office with clear report and recommendations after the inspection.

This order shall come into force with immediate effect

B. Siddhartha Kumar, IFS
(B. Siddhartha Kumar, IFS)
CHAIRMAN

No:- SPCB/T/C/OCMMS/2018/ Ps/CH/mis/110-122 *J&F*

Dated: 22-05-2018

Copy to the following for information and necessary action :-

1. Principal Secretary to Govt., Industries and Commerce Department, J&K Govt. Civil Sectt. Srinagar.
2. Commissioner Secretary to Govt, Forest, Environment and Ecology Department, J&K Govt. Civil Sectt. Srinagar
3. Member Secretary, J&K SPCB, Kashmir.
4. Regional Director, SPCB Jammu/Kashmir.
5. Director industries & Commerce , Jammu/Kashmir
6. OSD to Hon'ble Minister for Forests, Environment and Ecology for information of the Hon'ble Minister.
7. Shri J.N. Sharma, Environmental Engineer / Nodal officer, Ease of Doing Business (EoDB) J&K, SPCB Srinagar.
8. Technical Director, NIC MoEF Gol, New Delhi
9. All Divisional Officers, SPCB, Jammu/Kashmir(.....)

(1)

Government of Jammu & Kashmir
J&K State Pollution Control Board,
Jammu/ Kashmir

Order No. 85 SPCB OF 2018
Dated: 22-05-2018

Subject:- Regarding exemption from Environmental Compliance Inspection for Green Categories of Industries having satisfactory compliance history and self-attested certification of compliance of Environmental Laws-Ease of Doing Business-Reg.

Whereas, Industries and Commerce Department of J&K Government with a view to facilitate the industrial Development in the State of J&K in conformity with the National Policy of ensuring "Ease of Doing Business" issued Government Order no. 74-IND of 2015 Dated 24.04.2015 and Order no. 105-IND of 2015 Dated 21.07.2015 for simplifying the procedures with regard to seeking permissions / registration by Industries.

Whereas, Central Pollution Control Board has issued revised classification of Industrial Sectors in the Red, Orange, Green and White categories vide no. B-29012/ESS(CPA)/2015-16 dated 07-03-2016 and has issued directions under section 18(1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and 18(1) (b) of the Air (Prevention & Control of Pollution) Act, 1974 to the SPCB for adoption of the same.

Whereas, J&K SPCB has issued directions to the respective Regional Directors Jammu/Kashmir and Nodal Officers, Leh/ Kargil communicating the directions of CPCB issued for adoption of revised classification of industries vide letter no. SPCB/Estt/CO/Gen/ICC/91/253-61 dated 29-04-2016.

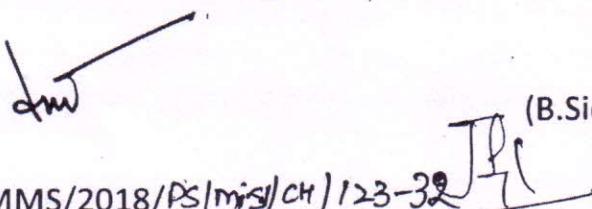
Whereas, CPCB has also issued uniform consent mechanism (UCM), procedure/ guidelines for management of consent and authorization indicating frequency of inspection, sampling and schedule of monitoring for Red, Orange and Green category of industries for the monitoring of Pollution arises from the industries which have been adopted by the Board in its 17th Board meeting held 17-10-2001.

Whereas, without compromising matters on environment, to facilitate industrial units and also for better public administration, it has been decided that such green category industries wherein, pollution potential is negligible may be exempted from routine Environmental compliance inspection, if they submit self-certified compliance report of the compliance of Environmental Laws with the satisfactory compliance history of consecutively 02 years of last 10 years.

The satisfactory compliance means:-

- 1- That the industry is having valid consent of the Board consistently for the past 10 years.
- 2- There is no specific direction of closure issued under Water / Air & EP Act.
- 3- There are no pending prohibitory directions from the Courts / Appellate Authority / National Green Tribunal / any Judicial Authority.
- 4- That is no public complaint against the unit with regard to violation of Environmental laws.

This order is issued in suppression of instructions issued earlier pertaining to frequency of inspection of Green category of industries.



(B. Siddhartha Kumar, IFS)
CHAIRMAN

No:- SPCB/T/C/OCMMS/2018/PS/mis/Ch/123-32

Dated:- 22-05-2018

Copy to the following for information and necessary action:-

1. Principal Secretary to Govt., Industries and Commerce Department, Govt. of J&K Civil Sectt. Srinagar.
2. Commissioner Secretary to Govt. Forest Environment and Ecology Department, J&K Govt. Civil Sectt. Srinagar.
3. Member Secretary, J&K SPCB, Kashmir.
4. Regional Director, SPCB Jammu/Kashmir.
5. OSD to Hon'ble Minister for Forests, Environment and Ecology Department Govt. of J&K for information of the Hon'ble Minister.
6. Shri J.N. Sharma, Environmental Engineer / Nodal Officer, Ease of Doing Business (EoDB) J&K, SPCB, Srinagar.
7. Technical Director, NIC MoEF GoI, New Delhi.
8. All Divisional Officers, SPCB, Jammu/Kashmir (.....)

(1)

Government of Jammu & Kashmir
J&K State Pollution Control Board,
Jammu/ Kashmir

Order No. 86 SPCB OF 2018
Dated: 22-05-2018

Subject:- Allowing Third Party Certifications instead of Departmental Inspections under Environmental / Pollution Laws for Medium Risk Industries (Orange Categories) - Ease of Doing Business-Reg.

Whereas, Industries and Commerce Department of J&K Government with a view to facilitate the industrial Development in the State of J&K in conformity with the National Policy of ensuring "**Ease of Doing Business**" issued Government Order no. 74-IND of 2015 Dated 24.04.2015 and Order no. 105-IND of 2015 Dated 21.07.2015 for simplifying the procedures with regard to seeking permissions / registration by Industries.

Whereas, Central Pollution Control Board has issued revised classification of Industrial Sectors in the Red, Orange, Green and White categories vide no. B-29012/ESS(CPA)/2015-16 dated 07-03-2016 and has issued directions under section 18(1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and 18(1) (b) of the Air (Prevention & Control of Pollution) Act, 1974 to the SPCB for adoption of the same.

Whereas, J&K SPCB has issued directions to the respective Regional Directors Jammu/Kashmir and Nodal Officers, Leh/ Kargil communicating the directions of CPCB issued for adoption of revised classification of industries vide letter no. SPCB/Estdt/CO/Gen/ICC/91/253-61 dated 29-04-2016.

Whereas, CPCB has also issued uniform consent mechanism (UCM), procedure/ guidelines for management of consent and authorization indicating frequency of inspection, sampling and schedule of monitoring for Red, Orange and Green category of industries for the monitoring of Pollution arises from the industries which have been adopted by the Board in its 17th Board meeting held 17-10-2001.

Whereas, without compromising matters on environment, to facilitate industrial units and also for better public administration, it has been decided that such medium risk / Orange category industries with the satisfactory compliance history of environmental laws for the past 2 consecutive years with valid consents shall be exempted from routine Environmental compliance inspection, if they submit third party certifications in compliance of Environmental Laws.

The third party certification means the inspection cum audit report prepared by third party i.e. Inspection bodies accredited by National Accreditation Board for Certification Bodies (NACB) of Quality Council of India / recognized by Ministry of Environment, Forests & Climate Change / Central Pollution Control Board / J&K State Pollution Control Board / any other State Pollution Control Board for the purpose will be recognized. Inspections by Board Officials will not be required in such cases.

Besides above, the third party conducting Inspection cum audit report shall have laboratory facilities to carry out sampling and analysis of effluent / air emission / waste (Solid Waste / Hazardous Waste) and shall have personnel with relevant qualification and expertise of environmental monitoring / auditing in the field of environment.

Note:- In case of wrong information and false certification, the agency / institute / auditor will be responsible for the same and would be held liable for action as decided by the Board as per the provision of environmental laws.

Ram
(B. Siddhartha Kumar, IFS)
CHAIRMAN

No:- SPCB/T/C/OCMMS/2018/PS/CH/m/sel/133-~~43~~

Dated:- 22 -05-2018

Copy to the following for information and necessary action:-

1. Principal Secretary to Govt. Industries and Commerce Department, Govt. of J&K Civil Sectt. Srinagar.
2. Commissioner Secretary to Govt. Forest Environment and Ecology Department, J&K Govt. Civil Sectt. Srinagar.
3. Member Secretary, J&K SPCB, Kashmir.
4. Regional Director, PCB Jammu/Kashmir.
5. OSD to Hon'ble Minister for Forests, Environment and Ecology for information of the Hon'ble Minister.
6. Shri J.N. Sharma, Environmental Engineer / Nodal Officer, Ease of Doing Business (EoDB) J&K, SPCB, Srinagar.
7. Technical Director, NIC MoEF GoI, New Delhi.
8. All Divisional Officers, SPCB, Jammu/Kashmir (.....)

Government Jammu and Kashmir
J&K State Pollution Control Board,
Jammu/Kashmir

Order No. 87 SPCB OF 2018
Dated:- 22 -05-2018

Subject:- Submission of Consent to Establish / Consent to Operate applications for Red, Orange and Green Categories of Industries as well as cases of Authorization under Hazardous Waste Rules through on-line mode only .

It is mandated in view of the business reforms initiated under the Ease of Doing Business that all the applications of Consent to Establish / Consent to Operate under Water (P&CP) Act, 1974 and Air (P&CP) Act, 1984 for Red, Orange and Green categories of industries shall be entertained through online mode in the OCMMS with online payment facility. The applications for authorization under Hazardous Waste Rules 2016 as amended shall also be entertained by the J&K SPCB through on-line mode in OCMMS (Online Consent Management and Monitoring System of jkspcb (with url jkocmms.nic.in)).

This order shall come into force with immediate effect

B. Siddhartha Kumar, IFS
CHAIRMAN

No:- SPCB/T/C/OCMMS/2018/PS/CH/M&S/145-1ST.

Dated :22-05-2018

Copy of the to the following for information and necessary action:-

1. Principal Secretary to Govt. Industries and Commerce Department, Civil Sectt. Srinagar
2. Commissioner Secretary to Govt. Forest, Environment and Ecology Department, J&K Govt. Civil Sectt. Srinagar
3. Member Secretary, J&K SPCB, Kashmir.
4. Regional Director, SPCB Jammu/Kashmir.
5. Director Industries Jammu/Kashmir
6. OSD to Hon'ble Minister for Forests, Environment and Ecology Department for information of the Hon'ble Minister.
7. Shri J.N. Sharma, Environmental Engineer /Nodal officer Ease of Doing Business (EoDB),J&K SPCB Srinagar.
8. Technical Director, NIC MoEF Gol, New Delhi for uploading in the OCMMS site of the Board.
9. Central Technical Cell, SPCB, Srinagar.
10. All Divisional Officers, SPCB, Jammu/Kashmir (.....)