



TAMILNADU POLLUTION CONTROL BOARD



Abstract

CONSIDER THE REMITTANCE OF CONSENT FEES BY THE SOCIETY/WELFARE ASSOCIATIONS OF BUILDING AND CONSTRUCTION PROJECTS BASED ON THE GROSS FIXED ASSETS VALUE OF AMENITIES SUCH AS COST OF SEWAGE TREATMENT PLANT, ORGANIC WASTE CONVERTOR, DIESEL GENERATOR SETS FOR OBTAINING RENEWAL OF CONSENT OF THE BOARD EVERY YEAR

B.P. No. 65

Date:27/11/2019

- Ref: 1. Committee report submitted to the Board on 12.04.2018
2. Minutes of Committee report meeting dated 09.05.2018

Building and Construction Projects are swiftly growing due to rapid urbanization of cities and towns. Major environmental impacts of construction projects involve habitat destruction, loss of arable land, loss of biodiversity, waste disposal, pollution, desertification, soil erosion and material wastage etc. which also result in pressure on finite natural resources and creating impacts on human health and well-being. Further, construction projects with inadequate system of sewage collection and treatment lead to ground water contamination or water pollution in lakes and rivers.

Tamilnadu Pollution Control Board, as per the provisions of Water (P&CP) Act, 1974 as amended and Air (P&CP) Act, 1981 as amended, issues consent for the Building & construction projects and the unit shall commence / start the construction/operation only after obtaining CTE/CTO of the TNPCB.

Also, as per the EIA notification, 2006, "Construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and/ or technology shall be undertaken in any part of India only after the prior

environmental clearance from the Ministry of Environment, Forests and Climate Change, Central Government as the case may be, by the State Level Environment Impact Assessment Authority". As per the Schedule No. 8(a) of the EIA Notification, 2006, Building and construction projects with $\geq 20,000$ sq.m and $< 1,50,000$ sq.m of built up area shall obtain Environmental Clearance as stated above.

However, the Project Proponents after establishing their projects and after obtaining / without obtaining CTO from the Board, proper operation and maintenance of STPs not being carried out and also operating without obtaining renewal of consent from the Board and the same is more prominently observed when the projects are handed over to the Residents Welfare Association.

The Chairman, TNPCB during review meeting held with the JCEE(M), TNPCB, Chennai zone on 26.03.2018 has instructed to find a solution to the issue of operation and maintenance of STPs provided in the gated communities, residential apartment complexes and has also instructed to study the issue and come out with a solution within fifteen days..

In this regard a three member committee was constituted with the following officers.

1. Thiru. R. Kannan, Joint Chief Environmental Engineer, TNPCB, Chennai
2. Thiru. D. Vasudevan, District Environmental Engineer, TNPCB, Ambattur
3. Dr. A. Samuel Rajkumar, Environmental Engineer, TNPCB, Chennai

The Committee after a detailed study has submitted their report on 12.04.2018 . The Committee viewed that on ascertaining the procedures followed with regard to the construction projects in other states such as Telangana, Maharashtra and Karnataka, observed that there is no clarity in respect of Annual maintenance Contract for continued operation of STPs and on fixing the responsibility for the same with the builders or the society taking over the project after completion of the project.



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Further, as per Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 under Rule 11 (f), "The Allottee shall either in his/her/its/their individual capacity or as a member of the Association / Society, after its formation, come to an understanding with the other owners of the apartment shall operate and maintain all the essential amenities like STP, RO, Genset, fire fighting equipments, elevator, piped gas, rain water harvesting etc either individually or through the Association whenever required and in good running condition. It is the responsibility of the Allottee and/ or the Association to ensure proper assistance to the government officials concerned during periodical inspection".

Based on the above, the Committee has recommended the following:

"Consent fee for the issue of CTE and CTO for the Construction projects involving Residential Group Housing Projects / Apartments and Commercial establishments are being levied based on total GFA value (GFA value of land, building, machineries, STP, etc.). However, for subsequent renewal of consent, Fee may be levied only for the Gross Fixed Asset value of the STP & DG Sets so that it is easier for residential associations to pay annual consent fee and TNPCB shall also have proper monitoring of STPs. The above subject for revision of consent fees based on STP cost shall be placed before the Board and subsequently sent to the Government for further approval."

Subsequently, a meeting was conducted on 9.05.2018 in the Conference hall, Environment & Forest Dept, Secretariat, Chennai regarding the Committee's report and recommendations. During the said meeting , it was concluded that

" as per Committee's recommendation, residential projects after obtaining CTO & handing over to the Residents Welfare Association shall obtain Renewal of Consent and shall remit consent fee based on Gross Fixed Asset value of the STP, DG Sets, Organic Waste Convertor. Further, guidelines on the above issue to be obtained from CPCB, Delhi."

Subsequently the CPCB has been addressed vide T/O. letter dt. 30.05.2018 to provide views and guidelines on the Committee's report and recommendation. Reply is yet to be received from CPCB.

As per B.P.No. 06 dated 02.08.2016, building and construction projects are categorized based on the pollution load and is given as follows:

- S.No. 1063- Building and construction project more than 20,000 sq.m built up area and having waste water generation 100 KLD and above are classified under the Red category and
- S.No. 2021- Building and construction project more than 20,000 sq.m built up area and having waste water generation less than 100 KLD are classified under Orange category

Further it is submitted that

- For Building and construction projects, the builder obtains CTE initially and then obtains CTO after CTE from the Board, after remitting Consent Fee based on Total Project Cost as Gross Fixed Assets.
- Once the construction is over, the Project Proponents hand over the property to the Society/Welfare Association. Society/Welfare Association finds difficult to remit the consent fees based on Total Project Cost as Gross Fixed Assets. Since, the Society/Welfare Association oversee the environmental compliance for consent conditions of the Board, such as operation and maintenance of Sewage Treatment Plant, DG Sets & Organic Waste Convertor.
- Moreover, Consent fee are to be collected from the tenants. Lot of representations are being received from the building Society/Welfare Association expressing the difficulties in remitting the consent fees. Once, consent fee for renewal is based on cost of amenities such as Sewage Treatment Plant, DG Sets & Organic Waste Convertor as Gross Fixed Assets, the Society/Welfare Association able to obtain renewal consent of the Board.



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- Society/Welfare Associations have to maintain the Green Belt Development outside their premises for environmental protection.

Further, it is submitted that, the cost of Annual Maintenance Contract (AMC) for operating and maintaining Sewage Treatment Plant (STP) also shall be included in calculating the Gross Fixed Assets (GFA) value for CTE/CTO/RCO. This will ensure that the Project Proponent executes AMC before handing over the projects to Society/Welfare Association for continuing the operation and maintenance of STP. The period of AMC shall be decided by the Board.

The Project Proponent obtains CTE and in some cases they do not obtain CTO & even in most cases they do not obtain RCO. In the said circumstances, the Board shall issue CTE to the Building and Construction projects in the name Project Proponent with the following conditions:-

- (1) The Project Proponent shall obtain CTO after CTE before handing over of the apartments to the residents.
- (2) The Project Proponent shall give an undertaking stating that they shall obtain CTO after CTE, before handing over of the project to the residential association.
- (3) The compliance with the conditions imposed while issuing CTE/CTO to the other projects undertaken by the builder will be verified while issuing CTE/CTO for the subsequent projects proposed by the same construction firm.

The Board shall write to the other Government agencies like Registration Department, TANGEDCO, CMDA/DTCP and local bodies to make CTO under Water & Air Acts as mandatory document at the time of Registration of Residential apartment, Electricity connection to the individual Apartment, issuing completion certificate for the project by the respective Agencies.

In view of above, the matter of remittance of consent fees based on cost of Sewage Treatment Plant, DG Sets & Organic Waste Converter for Building and construction projects as Gross Fixed Asset value by the Society/ Welfare Associations while applying for renewal of consent under Water Act and Air Act under Red (S.No. 1063) Category and Orange (S.No. 2021) category of the Board is placed before the Board on 18.11.2019.

The Board vide Resolution No.279-1-8 has gone through the proposal and noted that once the CTO is issued Building and Construction projects under Sl.No.1063 (Red) and Sl.No.2021 (Orange) in B.P.No.6 dated 02.08.2016, the Projects proponents hand over the flats/buildings to the owners. The common utilities such as Sewage Treatment Plant, DG sets, and Organic Waste Converter for solid waste management etc., are handed over to the Residential Welfare Association for further operation and maintenance. Hence there is no need of renewal of consent by the Project Proponents. However, the common utilities shall be operated and maintained continuously to meet the standards prescribed by the Board.

Therefore, the Board resolved that once the project is completed and handed over to the Owners/Residential Welfare Association, the CTO granted under Sl.No.1063 and 2021 is no longer applicable since the project is already complete, and hence, they (Owner/Association) shall be required to apply for fresh consent to operate for the common utilities which includes Sewage Treatment Plant, DG sets, Organic Waste Converter etc., under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981. Since the O&M cost, payment of consent fee etc., are to be borne by the residents, the Board resolved that the direct CTO shall be issued for a period of five years on receipt of single fee each under Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 for first time. Thereafter, they should apply for renewal of consent once in five years along with the consent fees.



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The Board has also directed that the above utility services in the Buildings shall be suitably categorized and included in the B.P.No.6 dated 02.08.2016.

6.6.2016
For Member Secretary

To

1. All Joint Chief Environmental Engineer (Monitoring),
Tamil Nadu Pollution Control Board.
2. All District Environmental Engineers heading the District
Tamil Nadu Pollution Control Board.
3. All HODs in Board

Copy to

1. Financial Advisor
2. Manager (P&A)
3. BMS
4. All District Environmental Engineers
5. File
6. Spare

