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TAMIL NADU POLLUTION CONTROL BOARD



ABSTRACT

TO CONSIDER THE REVISED DELEGATION OF POWERS TO ZLCCC AND TO JCEE (MONITORING) FOR ISSUE OF CTE / CTO AND RENEWAL OF CONSENT TO CERTAIN TYPES OF INDUSTRIES UNDER RED-LARGE AND RED-MEDIUM CATEGORY OF INDUSTRIES

B.P. No. 19

Date: 03.04.2023

- Ref:
1. Board's Proc. No. 37 Dated 01.06.2013
 2. Board's Proc. No. 38 Dated 03.12.2014
 3. Proc. No.TNPCB/P&D/Revised Categorization/2016, Dated 26.10.2016
 4. Board's Proc. No. 17 Dated 29.05.2017
 5. Board's Proc. No. 48 Dated 22.08.2017
 6. Board's Proc. No. 63 Dated 28.11.2017
 7. Board's Proc. No. 27 Dated 30.07.2018
 8. Board's Proc. No. 3 Dated 13.04.2022
 9. Board's Proc. No. 61 Dated 23.08.2022
 10. Proc. No. TNPCB / P&D / 21621 / 2015 Dated 22.09.2022
 11. Board's Resolution No: 289-2-8 Dated 10.03.2023

One of the main functions of the Tamil Nadu Pollution Control Board (TNPCB) is to issue consent to the industries under the Water (Prevention and Control of Pollution) Act, 1974 as amended (Water Act) and under the Air (Prevention and Control of Pollution) Act, 1981 as amended (Air Act). TNPCB also issues authorization under various waste management Rules notified under the Environment (Protection) Act, 1986.

Initially powers for the issue of consents, renewal of consents, authorizations were vested with the corporate office of the Board only. As this has resulted in considerable delay, powers for the issue of consent and its renewal, issue of authorization and its renewal were delegated to the committees comprising of TNPCB officials at Board level, Zonal level and at the District level at various time periods in the references cited from 1 to 9.

Further, Technical Sub Committee headed by Chairperson and Consent Clearing Committee headed by Member Secretary decide the issue of Consent to Red / Large and Red / Medium category of industries at the Board office level.

The time bound processing of applications as specified in Tamil Nadu Business Facilitation Ordinance, 2017 and the time limit prescribed under the Tamil Nadu Business Facilitation Rules, 2017 mandate the processing of applications for consent and authorization within 45 days which is very less than the time limit stipulated under

Water and Air Acts (4 months) and various waste management Rules (90 days) prescribed under the EP Act for deciding the issue of consent and authorizations to the industries respectively. However in order to comply with the provisions of the above mentioned Ordinance and Rules, it is observed that it becomes very difficult to process the applications pertaining to Large and Medium types of industries under Red category within the reduced time limit. Moreover, processing of these applications at Board office level also hinder the other policy related works and decision making works of the Board.

Hence, in order to ensure that the consent orders and authorizations are issued / renewed without any delay and to comply with the reduced time limit, the modifications were made in the power delegations vide reference 8th and 9th cited and were issued as trial for a period of six months from the date of issue and now the time period of six months has expired on 22.02.2023.

During the trial period it was observed that issue of renewal of consent to Red-Large industries mentioned in Table C below and Red Medium industries were issued by JCEEs (M) without any difficulty within the reduced time limit and without any long delay. 300 industries of such types were eligible for renewal of consent as on 01.04.2022. 162 industries have applied for the renewal of consent of which 87 applications have been granted consent, 27 applications have been returned and the remaining 48 are under progress at various stages as on 28.02.2023. This has resulted in considerable reduction of work load in the corporate office and hence, fresh applications are processed at ease at the corporate office and other policy related and decision making works are taken at ease in the corporate office Further, JCEEs (M) and DEEs were also asked to give any feedback and suggestions if they face any hurdles or increased workload due to this. But, no new suggestions / comments were received from JCEEs (M) and DEEs on any difficulty or hurdles faced by them. Hence, it is now proposed to adopt continuously the same power delegations as described below:

Table A: Power delegations for issue of CTE, CTO and RCO

S. No.	Particulars	17 Category	Red Large	Red Medium	Red Small, Orange (Large and Medium) and Green Large	Orange Small, Green (Medium and Small)
1	Consent to Establish & Expansion (CTE Revised)	TSC	CCC	CCC	ZLCCC	DLCCC



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1A	Consent to Establish - Extension	CCC	CCC	CCC	ZLCCC	DLCCC
2	Consent to Operate & Expansion	TSC	CCC	CCC	ZLCCC	DLCCC
3	EIA & CRZ attracted Projects CTE & Expansion	TSC	TSC	CCC	CCC	CCC
3A	EIA & CRZ attracted Projects CTE & Extension	CCC	CCC	CCC	CCC	CCC
4	EIA & CRZ attracted Projects CTO & CTO Expansion	TSC	CCC	CCC	CCC	CCC
5	CRZ alone attracting Projects CTE & Expansion	TSC	TSC	CCC	ZLCCC	DLCCC
5A	CRZ alone attracting Projects CTE - Extension	CCC	CCC	CCC	ZLCCC	DLCCC
6	CRZ alone attracting Projects CTO & Expansion	TSC	CCC	CCC	ZLCCC	DLCCC
7	Consent Renewal	Chairperson	M S* JCEE (M)**	JCEE (M)	DEE	DEE
8	Fresh consent for Name Change, Changes in stack for DG set, Merger of adjacent units without any changes in existing consent etc.,	Chairperson	M S* JCEE (M)**	JCEE (M)	DEE	DEE
		Change in Management, inclusion / alteration of stacks, changes in mode of disposal and all other cases where there is no change in products manufactured, raw material used and production capacity.				
9	Mining of minor minerals including sand quarry falling under B1 and B2 category projects which are granted EC by SEIAA and of area up to 25 hectares	-	TSC	CCC	DLCCC	DLCCC

10	For any expansion projects of highly polluting industries those are attracting the G.O 213 & G.O 127, the Issue of Consent will be considered by placing it in TSC in the case of Red Large, CCC in the case of Red Medium and ZLCCC in the case of Red Small followed by recommending the project in Board meeting for obtaining relaxation from Government. After getting the G.O relaxation, CTE will be issued by Chairman in the case of Red Large, Member Secretary in the case of Red Medium and DEE in the case of Red Small.
11	<ul style="list-style-type: none"> • * for all CRZ and EIA attracting industries and all Red-Large industries except the categories mentioned in Table-C • ** Red – Large industries for categories mentioned in Table-C only.

Table B: Power delegations for issue of Authorization under various waste management Rules.

Sl. No.	Particulars	Function	17 Category (Large & Medium scale only)	Red Large	Red Medium	Red Small, Orange (Large & Medium)	Orange Small & All Green
1	First Time & subsequent Authorization & amendment under various Rules * mentioned in SI No 6 of this table.	Inspection Authority	JCEE(M)	DEE	DEE	AEE/AE	AEE/AE
		Approving Authority	M.S	M.S** JCEE (M)***	JCEE (M)	JCEE (M)	DEE
		Issuing Authority	Sector JCEE	Sector JCEE ** JCEE (M)***	JCEE (M)	JCEE (M)	DEE
2	Authorization & Pass Book for actual users [Under Rule 9 & Rule 13(2) - Part D Schedule 3 of H& OW Rules]	Inspection Authority	JCEE(M)	DEE	DEE	AEE/AE	AEE/AE
		Approving Authority	M.S	M.S	MS	MS	MS
		Issuing Authority	Sector JCEE	Sector JCEE	Sector JCEE	Sector JCEE	Sector JCEE



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3	Authorization & Pass Book for list of recyclable Hazardous Waste as per Schedule IV of H&OW Rules.	Inspection Authority	JCEE(M)	DEE	DEE	AEE/AE	AEE/AE
		Approving Authority	M.S	M.S	MS	MS	MS
		Issuing Authority	Sector JCEE	Sector JCEE	Sector JCEE	Sector JCEE	Sector JCEE
4	One time Authorization of Traders for Import of Hazardous waste under H&OW Rules.	Inspection Authority	DEE	DEE	DEE	DEE	DEE
		Approving Authority	MS	MS	MS	MS	MS
		Issuing Authority	Sector JCEE	Sector JCEE	Sector JCEE	Sector JCEE	Sector JCEE
5	Plastic Registration under Plastic Waste (Management and Handling) Rules, 2011 as amended.	Inspection Authority	AEE/AE	AEE/AE	AEE/AE	AEE/AE	AEE/AE
		Approving Authority	DEE	DEE	DEE	DEE	DEE
		Issuing Authority	DEE	DEE	DEE	DEE	DEE
6	<ul style="list-style-type: none"> * Hazardous and Other Wastes (Management and Transboundary) Rules, 2016, Bio-Medical Waste Management Rules, 2016, Solid Waste Management Rules, 2016, E-Waste (Management) Rules, 2016 and Construction and Demolition Waste Management Rules, 2016. ** Red-Large industries except the categories mentioned in Table-C *** Red – Large industries for categories mentioned in Table-C H&OW Rules in the above Table refers to the Hazardous and Other Wastes (Management and Transboundary) Rules, 2016 						

Table C: List of Red – Large Industries for which Renewal of Consent can be approved by JCEE (M)

Sl. No	Type code	Industry sector-Types
1	1001	Isolated storage of Hazardous Chemicals (as per schedule of Manufacturing, Storage of Hazardous chemicals Rules, 1989 as amende)
2	1005	DG Set of capacity \geq 5 MVA

3	1006	Industrial carbon including electrodes and graphite blocks, activated carbon, carbon black
4	1007	Lead acid battery manufacturing (excluding assembling and charging of lead- acid battery in micro scale)
5	1008	Phosphate rock processing plant
6	1009	Power generation plant [except Wind and Solar renewable power plants of all capacities and Mini Hydel power plant of capacity <25MW]
7	1013	Fibre glass production and processing (excluding moulding) including Lead containing glass
8	1014	Fire crackers manufacturing and bulk storage facilities
9	1016	Milk processes and dairy products (integrated project)
10	1017	Phosphorous and its compounds
11	1018	Pulp & Paper (waste paper based without bleaching process to manufacture Kraft paper)
12	1025	Basic chemicals and electro chemicals and its derivatives including manufacturing of acid
13	1030	Health-care Establishment (as defined in BMW Rules) having incinerator irrespective of waste generation (or) having total waste water generation 100 KLD and above
14	1031	Hotels having overall wastewater generation @ 100 KLD and more (or) having rooms 100 and above
15	1038	Photographic film and its chemicals
16	1039	Railway locomotive work shop / Integrated road transport workshop / Authorized service centers having waste water generation 100 KLD and above
17	1042	Ship Breaking Industries
18	1049	Slaughter house (as per notification S.O.270(E)dated 26.03.2001)and meat processing industries, bone mill, processing of animal horn, hoofs and other body parts
19	1061	Synthetic detergents and soaps (excluding formulation) having waste water generation 100 KLD and above
20	1062	Automobile servicing, repairing and painting (excluding only fuel dispensing) having waste water generation 100 KLD and above
21	1063	Building and construction project more than 20,000 sq.m built up area and having waste water generation 100 KLD and above
22	1068	Manufacturing of glass (Lead glass only)
23	1069	Non-alcoholic beverages (soft drink) & bottling of alcohol/ non-alcoholic products having waste water generation 100 KLD and above



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24	1070	Vegetable oil manufacturing including solvent extraction and refinery / hydrogenated oils having waste water generation 100 KLD and above
25	1071	Parboiled Rice Mills having waste water generation 100 KLD and above (or) fuel consumption 12 MTD and above (or) both
26	1077	MSW sanitary landfill site
27	1081	Sewage Treatment Plant
28	1083	Tyre, Tube and Rubber Components
29	1084	Analytical & material testing lab

Power delegations for the issue of consent and authorization as tabulated in Table A and Table B including the types of industries mentioned in Table C above may be adopted further.

The above subject was placed before the Board in its meeting held on 16.03.2023 and the Board vide B.M Item No. 289-2-8 Dated 16.03.2023 has resolved

1. To approve the revised delegation of powers to ZLCCC, JCEE (Monitoring) and DLCCC for the issue of CTE, CTO and Renewal of Consent to the types of industries under Red-Large and Red-Medium as mentioned in the agenda.
2. To ratify the consent orders and authorizations issued as per Board's Proc. No. 61 Dated 23.08.2022 and Proc. No. TNPCB / P&D / 21621 / 2015 Dated 22.09.2022 by ZLCCCs, JCEEs (M), DLCCC and DEE after 21.02.2023 till the date of issue of Board proceedings.
3. To delegate the powers to the DLCCC to decide on issue of CTE / CTO for Mining of minor minerals falling under B1 and B2 category projects which are granted EC by MoEF&CC/SEIAA and of area up to 25 hectares including cluster area under Red – Small and Red – Medium category.

Approved power delegations are enclosed in Annexure (Table A, Table B and Table C)
This proceeding shall come into force on the date of issue.

Encl: Annexure

Sd/-
Member Secretary

To

- All JCEEs (M), TNPCB
- All DEEs, TNPCB

Copy to

- All HODs in Board office
- All EEs, AEEs and AEs in Board Office
- All EEs (Flying Squad)
- PA to Chairperson
- PA to Member Secretary

//forwarded by order//


03/04/2023
for Member Secretary

ANNEXURE

(B.P. Ms. No. 19 Dated 03.04.2023)

Table A: Power delegations for issue of CTE, CTO and RCO

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Change in Management, inclusion / alteration of stacks, changes in mode of disposal and all other cases where there is no change in products manufactured, raw material used and production capacity.						



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9	Mining of minor minerals falling under B1 and B2 category projects which are granted EC by MoEF&CC / SEIAA and of area up to 25 hectares	-	TSC	DLCCC	DLCCC	DLCCC
10	For any expansion projects of highly polluting industries those are attracting the G.O 213 & G.O 127, the Issue of Consent will be considered by placing it in TSC in the case of Red Large, CCC in the case of Red Medium and ZLCCC in the case of Red Small followed by recommending the project in Board meeting for obtaining relaxation from Government. After getting the G.O relaxation, CTE will be issued by Chairman in the case of Red Large, Member Secretary in the case of Red Medium and DEE in the case of Red Small.					
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Table B: Power delegations for issue of Authorization under various Waste Management Rules.

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		Approving Authority	M.S	M.S** JCEE (M)***	JCEE (M)	JCEE (M)	DEE
		Issuing Authority	Sector JCEE	Sector JCEE ** JCEE (M)***	JCEE (M)	JCEE (M)	DEE
2	Authorization & Pass Book for actual users [Under Rule 9 & Rule 13(2) - Part D Schedule 3 of H& OW Rules]	Inspection Authority	JCEE(M)	DEE	DEE	AEE/AE	AEE/AE
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		Issuing Authority	Sector JCEE	Sector JCEE	Sector JCEE	Sector JCEE	Sector JCEE

3	Authorization & Pass Book for list of recyclable Hazardous Waste as per Schedule IV of H&OW Rules.	Inspection Authority	JCEE(M)	DEE	DEE	AEE/AE	AEE/AE
		Approving Authority	M.S	M.S	MS	MS	MS
		Issuing Authority	Sector JCEE	Sector JCEE	Sector JCEE	Sector JCEE	Sector JCEE
4	One time Authorization of Traders for Import of Hazardous waste under H&OW Rules.	Inspection Authority	DEE	DEE	DEE	DEE	DEE
		Approving Authority	MS	MS	MS	MS	MS
		Issuing Authority	Sector JCEE	Sector JCEE	Sector JCEE	Sector JCEE	Sector JCEE
5	Plastic Registration under Plastic Waste (Management and Handling) Rules, 2011 as amended.	Inspection Authority	AEE/AE	AEE/AE	AEE/AE	AEE/AE	AEE/AE
		Approving Authority	DEE	DEE	DEE	DEE	DEE
		Issuing Authority	DEE	DEE	DEE	DEE	DEE
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 03/04/2023
 for Member Secretary



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Table C: List of Red – Large Industries for which Renewal of Consent can be approved by JCEE (M)

Sl. No	Type code	Industry sector-Types
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19	1061	Synthetic detergents and soaps (excluding formulation) having waste water generation 100 KLD and above

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 03/04/2023
 for Member Secretary