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Kind Attention
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HQ, Total pages = 03.

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No.MPCB/PCI-III/B-3592

Date: 01.06.09

CIRCULAR

Regional Office Navi-Mumbai

M. P. C. Board

Inward No. 2203

Date: 01.06.09

Sub:- Validity period of Consent to Establish

Preamble:- As per the provision in sect 25 of Water(Prevention of Pollution) Act, 1974, polluting agency is required to obtain Consent to Establish. In the application for consent, the project proponent gives information about probable date of commissioning of the unit. MPCB was earlier mentioning this date as date of validity of C to E. In case of delay in project implementation, this date was extended based on the documents submitted by the project proponent explaining the delay and probable date of commissioning of the project. Subsequently, this practice was discontinued to avoid paper work and it was decided to mention the validity of C to E as " upto commissioning of the unit " in place of a specific date. However, this practice has led to grant of a perpetual consent to establish for the project at that location. During the course of time, the location of a particular project may become nonconfirming location due change in industrial location policy, or other development in the surrounding area or the standards for the particular industry are made more stringent.

It has been observed that some projects have not been implemented even after considerable time and they apply to the MPCB for change of activity or establishing the consented activity at the locations which have become nonconforming zone during the course of time. Since the C to E is perpetually valid, MPCB is required to allow the activity at the nonconforming location. Similarly the new stringent standards can not be made applicable to the unit immediately.

*Shri Mores
Parti
Pl. notes
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17/6*

As per Environmental Clearance notification of MoEF, GoI, validity of environmental clearance has been well defined. The "Validity of Environmental Clearance" is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects to which the application for prior environmental clearance refers.

The prior environmental clearance granted for a project or activity shall be valid for a period of

- i) **Ten years for River Valley projects,**
- ii) **Maximum of thirty years** in case of project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for **mining projects**
- iii) **Five years for all other projects and activities.**

However, in the case of Area Development projects and Townships the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer.

This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities. In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

Similarly, in case of units to be located in MIDC areas, a specific period for project implementation is prescribed.

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Proposed change:- Board is, therefore, of the considered view that it is necessary to prescribe a certain validity period for C to E. In case of C to E it is proposed to mention the validity period as below "Upto commissioning of the project or 5 years whichever is earlier".

In case the project is not commissioned within the validity period the Project proponent will be required to apply afresh with necessary fees for consent to establish.

The locational constraints as may have become applicable, such as River policy, Coastal regulation Zone, ecologically sensitive areas, industrial location policy etc., for the location and stringent standards will apply as for a new project.

This change in the validity period of C to E is to be implemented with immediate effect.

Khandare

(Sanjay Khandare)
Member Secretary

To

1) P.S.O./I/c.A.P.A.E./I/c.W.P.A.E./Sr.Law Officer/Chief Accounts Officer/
R.O.(I/c.PCI-II)/R.O.(HQ)/R.O. I/c.PAMS Div./S.O.

2) Regional Officers,
Mumbai/Thane/Navi Mumbai/Raigad/Kalyan/Pune/Nashik/
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