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ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
Karnataka State Pollution Control Board

"ಪರಿಸರಭವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ಸಂ.49, ಚರ್ಚ್‌ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ
"Parisara Bhavana", 1st to 5th Floor, # 49, Church Street, Bengaluru - 560 001, Karnataka, INDIA

No. KSPCB/42/CC/2006/2018-19 4232

Date: 19 NOV 2018

To,
Managing Director,
Hubli Electric Supply Company (HESCOM),
Corporate Office, Navanagar, P.B.Road,
Hubballi - 580025

22/11/18

Sir,

Sub: Grant of power supply/services to Industries /Organizations -reg.
Ref: Proceeding of the 154th State Level Consent Committee meeting held on
25.10.2018 at KSPCB, Parisara Bhavan, Bangalore.

-----*

M. D. HESCOM

As per Section 25/26 of the Water(Prevention and Control of Pollution) Act, 1974, *no person shall, without the previous consent of the State Pollution Control Board shall Establish or take any steps to establish any industry operation or process or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this Section referred to as discharge of sewage); or -----"*

Also under Section 21 , *no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area : -----"*

As per the above provisions, industry/organization has to obtain Consent to Establish (CTE) from the Board at the time of establishment and subsequently has to obtain Consent to Operate (CTO) before commencement of the production / process activity from the Board separately. Any violation on the provisions invokes penal action as per relevant provisions of the Water(Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 respectively.

During routine inspections carried from the Board it is noticed on getting power supply / connections many Industries / Organization have established and are operating without prior consent of the Board. This is causing difficulty in coverage of such industries

/Organization under the network of the Board and also such violations are causing threat to environment in terms of discharge of untreated effluent/waste water, unscientific disposal of hazardous waste, solid waste and discharge of air emissions from chimneys leading to air pollution.

The above facts were discussed in the 154th State Level Consent Committee meeting held on 25.10.2018. The committee has recommended to address a letter to all the ESCOMs not to give power connections to Industries/Organizations who have not applied for and not obtained prior CTE from the Board.

In view of the above, it is requested to give temporary power connection/supply to such new establishments only after submission of copy of Consent to Establishment issued from Board under the provisions of the Water Act, 1974 and Air Act, 1981. Further, permanent/subsequent increase in power connections/supply shall be given to such industries/organizations only after submission of Consent to Operate (CTO) issued under provisions of Water Act, 1974 and Air Act, 1981.

Please acknowledge receipt of the letter.

Yours faithfully,



MEMBER SECRETARY.

combination with similar matters to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.

(2) A person shall not be guilty of an offence under sub-section (1), by reason only of having done or caused to be done any of the following acts, namely:—

- (a) constructing, improving or maintaining in or across or on the bank or bed of any stream any building, bridge, weir dam, sluice, dock, pier, drain or sewer or other permanent works which he has a right to construct, improve or maintain;
- (b) depositing any material on the bank or in the bed of any stream for the purpose of reclaiming land or for supporting, repairing or protecting the bank or bed of such stream provided such materials are not capable of polluting such stream;
- (c) putting into any stream any sand or gravel or other natural deposit which has flowed from or been deposited by the current of such stream;
- (d) causing or permitting, with the consent of the State Board, the deposit accumulated in a well, pond or reservoir to enter into any stream.

(3) The State Government may, after consultation with, or on the recommendation of the State Board, exempt, by notification in the Official Gazette, any person from the operation of sub-section (1) subject to such conditions, if any, as may be specified in the notification and any condition so specified may by a like notification be altered, varied or amended.

25. Restrictions on new outlets and new discharges—¹(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board,—

- (a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or
- (b) bring into use any new or altered outlet for the discharge of sewage; or
- (c) begin to make any new discharge of sewage:

Provided that a person in the process of taking any steps to establish any industry, operation or process immediately before the commencement of the Water (Prevention and Control of Pollution) Amendment Act, 1988,

1. Sub-sections (1) and (2) substituted by Act No. 53 of 1988.

for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent, within the said period of three months, till the disposal of such application.

(2) An application for consent of the State Board under sub-section (1) shall be made in such form, contain such particulars and shall be accompanied by such fees as may be prescribed.]

(3) The State Board may make such inquiry as it may deem fit in respect of the application for consent referred to in sub-section (1) and in making any such inquiry shall follow such procedure as may be prescribed.

¹[(4) The State Board may—

(a) grant its consent referred to in sub-section (1), subject to such conditions as it may impose, being—

(i) in cases referred to in clauses (a) and (b) of sub-section (1) of Section 25, conditions as to the point of discharge of sewage or as to the use of that outlet or any other outlet for discharge of sewage;

(ii) in the case of a new discharge, conditions as to the nature and composition, temperature, volume or rate of discharge of the effluent from the land or premises from which the discharge or new discharge is to be made; and

(iii) that the consent will be valid only for such period as may be specified in the order,

and any such conditions imposed shall be binding on any person establishing or taking any steps to establish any industry, operation or process, or treatment and disposal system or extension or addition thereto, or using the new or altered outlet, or discharging the effluent from the land or premises aforesaid; or

(b) refuse such consent for reasons to be recorded in writing.

(5) Where, without the consent of the State Board, any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, is established, or any steps for such establishment have been taken or a new or altered outlet is brought into use for the discharge of sewage or a new discharge of sewage is made, the State Board may serve on the person who has established or taken steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, or using the outlet, or making the discharge, as the case may be, a notice imposing any such conditions as it might have imposed on an application for its consent in respect of such establishment, such outlet or discharge.

1. Sub-sections (4), (5) and (6) substituted by Act No. 53 of 1988.

(6) Every State Board shall maintain a register containing particulars of the conditions imposed under this section and so much of the register as relates to any outlet, or to any effluent, from any land or premises shall be open to inspection at all reasonable hours by any person interested in, or affected by such outlet, land or premises, as the case may be, or by any person authorised by him in this behalf and the conditions so contained in such register shall be conclusive proof that the consent was granted subject to such conditions.]

(7) The consent referred to in sub-section (1) shall unless given or refused earlier, be deemed to have been given unconditionally on the expiry of a period of four months of the making of an application in this behalf complete in all respects to the State Board.

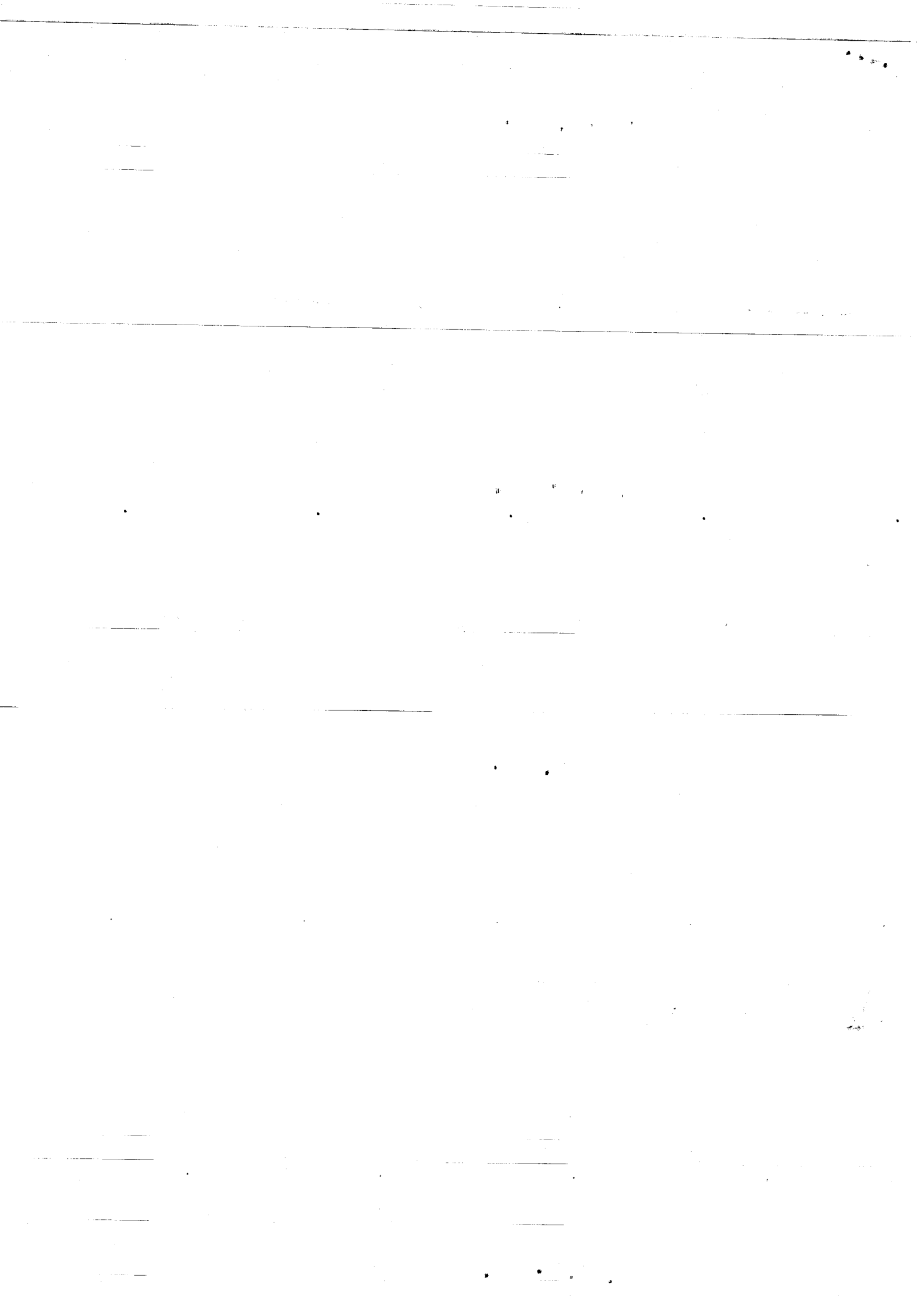
(8) For the purposes of this section and Sections 27 and 30,—

- (a) the expression "new or altered outlet" means any outlet which is wholly or partly constructed on or after the commencement of this Act or which (whether so constructed or not) is substantially altered after such commencement;
- (b) the expression "new discharge" means a discharge which is not, as respects the nature and composition, temperature, volume and rate of discharge of the effluent substantially a continuation of a discharge made within the preceding twelve months (whether by the same or a different outlet), so however that a discharge which is in other respects a continuation of previous discharge made as aforesaid shall not be deemed to be a new discharge by reason of any reduction of the temperature or volume or rate of discharge of the effluent as compared with the previous discharge.

26. Provision regarding existing discharge of sewage or trade effluent.—Where immediately before the commencement of this Act any person was discharging any sewage or trade effluent into a ¹[stream or well or sewer or on land] the provisions of Section 25 shall, so far as may be, apply in relation to such person as they apply in relation to the person referred to in that section subject to the modification that the application for consent to be made under sub-section (2) of that section ²[shall be made on or before such date as may be specified by the State Government by notification in this behalf in the Official Gazette].

27. Refusal or withdrawal of consent by State Board.—³(1) A State Board shall not grant its consent under sub-section (4) of Section 25 for the establishment of any industry, operation or process, or treatment and disposal system or extension or addition thereto, or to the bringing into use of a new or altered outlet unless the industry, operation or process, or treatment and disposal system or extension or addition thereto, or the

1. Substituted for the words "stream or well" by Act No. 44 of 1978.
2. Substituted for the words "shall be made within a period of three months of the constitution of the State Board" by Act No. 44 of 1978.
3. Sub-section (1) substituted by Act No. 53 of 1988.



(2) A State Board may establish or recognise a laboratory or laboratories to enable the State Board to perform its functions under this section efficiently.

18. Power to give directions.—¹[(1)] In the performance of its functions under this Act.—

- (a) the Central Board shall be bound by such directions in writing as the Central Government may give to it and;
- (b) every State Board shall be bound by such directions in writing as the Central Board or the State Government may give to it:

Provided that where a direction given by the State Government is inconsistent with the direction given by the Central Board, the matter, shall be referred to the Central Government for its decision.

²[(2) Where the Central Government is of the opinion that any State Board has defaulted in complying with any directions given by the Central Board under sub-section (1) and as a result of such default a grave emergency has arisen and it is necessary or expedient so to do in the public interest, it may, by order, direct the Central Board to perform any of the functions of the State Board in relation to such area, for such period and for such purposes, as may be specified in the order.

(3) Where the Central Board performs any of the functions of the State Board in pursuance of a direction under sub-section (2), the expenses, if any, incurred by the Central Board with respect to the performance of such functions may, if the State Board is empowered to recover such expenses, be recovered by the Central Board with interest (at such reasonable rate as the Central Government may, by order, fix) from the date when a demand for such expenses is made until it is paid from the person or persons concerned as arrears of land revenue or of public demand.

(4) For the removal of doubts, it is hereby declared that any direction to perform the functions of any State Board given under sub-section (2) in respect of any area would not preclude the State Board from performing such functions in any other area in the State or any of its other functions in that area.]

CHAPTER IV

Prevention and Control of Air Pollution

19. Power to declare air pollution control areas.—(1) The State Government may, after consultation with the State Board, by notification in the Official Gazette, declare in such manner as may be prescribed, any area or areas within the State as air pollution control area or areas for the purposes of this Act.

(2) The State Government may, after consultation with the State Board, by notification in the Official Gazette.—

1. Section 18 renumbered as sub-section (1) thereof by Act No. 47 of 1987.
2. Sub-sections (2) to (4) inserted by Act No. 47 of 1987.

sub-section (1) shall be made of the industrial

declaration of area any industrial under this months from the ere such person g such industrial t applied for has

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ancel such consent or refuse further such consent has

sent or refusing a portunity of being

by the State Board owing conditions,

as the State Board and operated in the or proposed to be

ll be altered or re- te State Board;

i) or clause (ii) shall n;

dule" omitted by Act No. be recorded in the order,

(17)

Board may approve in this behalf snau be erected or in such premises;

- (v) such other conditions as the State Board may specify in this behalf; and
- (vi) the conditions referred to in clauses (i), (ii) and (iv) shall be complied with within such period as the State Board may specify in this behalf:

--- Provided that in the case of a person operating any industrial plant ¹[x x x x x] in an air pollution control area immediately before the date of declaration of such area as an air pollution control area, the period so specified shall not be less than six months:

Provided further that.—

- (a) after the installation of any control equipment in accordance with the specifications under clause (i); or
- (b) after the alteration or replacement of any control equipment in accordance with the directions of the State Board under clause (ii); or
- (c) after the erection or re-erection of any chimney under clause (iv),

no control equipment or chimney shall be altered or replaced or, as the case may be, erected or re-erected except with the previous approval of the State Board.

(6) If due to any technological improvement or otherwise the State Board is of opinion that all or any of the conditions referred to in sub-section (5) require or requires variation (including the change of any control equipment, either in whole or in part), the State Board shall, after giving the person to whom consent has been granted an opportunity of being heard, vary all or any of such conditions and thereupon such person shall be bound to comply with the conditions as so varied.

(7) Where a person to whom consent has been granted by the State Board under sub-section (4) transfers his interest in the industry to any other person, such consent shall be deemed to have been granted to such other person and he shall be bound to comply with all the conditions subject to which it was granted as if the consent was granted to him originally.

22. Persons carrying on industry etc., not to allow emission of air pollutants in excess of the standards laid down by State Board.—No person ²[x x x x x] operating any industrial plant in any air pollution control area shall discharge or cause or permit to be discharged, the emission of any air pollutant in excess of the standards laid down by the State Board under clause (g) of sub-section (1) of Section 17.

1. The words "for the purpose of any industry specified in the schedule" omitted by Act No. 47 of 1987.

2. The words "carrying on any industry specified in the schedule or" omitted by Act No. 47 of 1987