

INSTRUCTION No. 73

F. No. H.4/14/2010-SEZ
Government of India
Ministry of Commerce & Industry
Department of Commerce

Udyog Bhawan, New Delhi.
Dated: 29th December, 2010.

To

All DCs

Subject: Creation of Single Window Mechanism for granting various statutory approvals under Environmental and Regulation-regarding.

Sir/Madam,

The undersigned is directed to enclose a copy of D.O. letter No. 23-16/2009-HSMD dated 23rd November, 2010 from Shri Rajiv Gauba, Joint Secretary, Ministry of Environment and Forests alongwith a copy of minutes of meeting held on 8th October, 2001 in Paryavaran Bhawan, New Delhi on the above mentioned subject for taking necessary action and compliance.

Yours faithfully,



(G. Muthuraja)

Under Secretary to the Govt. of India

Telefax: 23061762

E-mail: g.muthuraja@nic.in



Shri Rajiv Gauba
Joint Secretary
Tel: 24360634



भारत सरकार
पर्यावरण एवं वन मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS

D.O.No.23-16/2009-HSMD

23rd November, 2010

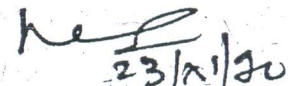
Dear Sir,

Kindly refer to your letter No. AS (DKM)/2010/133 dated 12th November, 2010 regarding creation of a Single Window Mechanism for setting up of e-waste units.

2. As a follow up to the meeting held under your chairmanship on 17th August, 2010, a meeting was held in this Ministry on 8th October, 2010 to discuss the procedure being adopted by the State Pollution Control Boards (SPCBs) for granting various statutory approvals under the environmental regulations. It was noted that several SPCBs are already following a system of integrated clearances i.e. Consent to Operate under the Water and Air Act and the authorization/registration under the HW Rules, 2008 are being processed together and a consolidated clearance is given (a copy of the minutes is enclosed). It was decided that all SPCBs would adopt a similar integrated system, for granting environmental clearances for setting up hazardous waste recycling units, including e-waste recycling facilities in SEZs. In this regard, a communication has been sent to the Member Secretaries of all SPCBs (copy of the letter enclosed).
3. It was also agreed that the Unit Approval Committee in the SEZs would include a representative of the SPCBs for providing the required information related to regulatory requirements under the environmental laws.
4. In case, there are still any procedural delays in granting approvals by the SPCBs, it may kindly be brought to the notice of the Ministry to coordinate.
5. Further, it was also agreed that the Ministry of Commerce would facilitate carrying out surprise inspections in the SEZ units by the officials of the SPCBs so that compliance of the conditions of aforesaid statutory approvals can be properly monitored.
6. It is requested that the Development Commissioners of the SEZs may be requested to take necessary steps accordingly.

With regards

Yours Sincerely


23/11/20
(Rajiv Gauba)

Encl: as above.

To

Shri D.K. Mittal,
Additional Secretary,
Ministry of Commerce & Industry,
Department of Commerce, Udyog Bhawan, New Delhi.



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No. 23-16/2009-HSMD

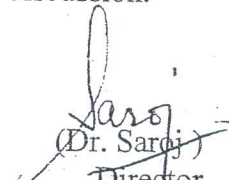
13th October, 2010

OFFICE MEMORANDUM

Subject: Brief record of the discussion held on 8th October, 2010 in Paryavaran Bhawan, New Delhi regarding creation of a Single Window Mechanism for SEZs.

Enclose please find brief record of discussion held on 8th October, 2010 in Paryavaran Bhawan, New Delhi regarding creation of a Single Window Mechanism for SEZs.

2. It is requested that appropriate action may be initiated as per the discussion.


(Dr. Saroj)
Director
Telefax:24364067

Encl:

To:

1. Shri Jayaprasad S.D., Chairman – Kerala State Pollution Control Board, Plamoodu Junction, Pattam Palace, P.O, Thiruvananthapuram – 695 004.
2. Shri R. Ramachandaran, Member-Secretary, Tamil Nadu Pollution Control Board, No.76, Mount Salai, Guindy, Chennai – 600 032.
3. Shri G. Muthuraj, Under Secretary, Ministry of Commerce & Industry, Deptt. of Commerce, Room No.346, Udyog Bhawan, New Delhi – 110 107.
4. Shri R.K. Pande, Under Secretary, Ministry of Commerce & Industry, Deptt. of Commerce, Room No. 477 – B, (Udyog Bhawan, New Delhi – 110 107.
5. Shri Radhe Shyam Mopalwar, Member-Secretary, Maharashtra Pollution Control Board, Kalpataru Point, 3rd & 4th Floors, Sion Matunga Scheme Road No.6, Opp. Cine Planet, Sion Circle, Sion (E), Mumbai – 400 022.
6. Dr. Y.B. Sontake, Incharge - HSMD Maharashtra Pollution Control Board, Kalpataru Point, 3rd & 4th Floors, Sion Matunga Scheme Road No.6, Opp. Cine Planet, Sion Circle, Sion (E), Mumbai – 400 022.
7. Shri S.Mukherjee, Member-Secretary, West Bengal Pollution Control Board, Paribesh Bhawan Bldg., No.10-A, Block-LA, Sector 3, Salt Lake City, Kolkota – 700 091.



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8. Shri B.K. Majumdar, Environment Engineer, West Bengal Pollution Control Board, Paribesh Bhawan Bldg., No.10-A, Block-LA, Sector 3, Salt Lake City, Kolkata – 700 091.
9. Shri Hardik Shah, Member-Secretary, Gujarat State Pollution Control Board, Sector 10-A, Gandhi Nagar -382 043.
10. Shri R.V. Patel, Sr. Env. Engineer, Gujarat State Pollution Control Board, Sector 10-A, Gandhi Nagar -382 043.
11. Shri J.S. Kamyotra, Member-Secretary, CPCB, CBD-cum Office Complex, , Parivesh Bhawan, Delhi -32.
12. Shri B.Vinod Babu, SEE and Incharge –Hazardous Waste Management Div, CPCB, CBD-cum Office Complex, Parivesh Bhawan, Delhi -32.

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Minutes of the Meeting to discuss the procedure regarding creation of a single window mechanism for SEZs on 8th October, 2010 at 3.00 PM in Parayavaran Bhawan.

A meeting was held on 8th October, 2010 at 3.00 PM under the chairmanship of Sh. Rajiv Gauba, Joint Secretary, MoEF to discuss issues relating to the creation of a single window mechanism for SEZs. The list of participants is annexed.

2. Joint Secretary, Ministry of Environment and Forests explained that the Ministry of Commerce has expressed concern over procedural delays in grant of various statutory approvals e.g. consent to establish/operate, authorization for setting up hazardous waste recycling units and registration to e-waste recycling units, particularly in the SEZs and EOUs. He observed that it is the responsibility of the State Pollution Control Boards to grant consent to establish/operate under the provisions of the Water Act, 1974 and the Air Act, 1981. Units handling hazardous wastes require authorization as per HW Rules, 2008. For certain categories of HW listed in Schedule-IV of the said Rules, including e-waste, registration from SPCBs is also required. Joint Secretary, MoEF requested the SPCBs to provide their views regarding the feasibility of adopting a single window mechanism for the aforesaid approvals, for units within the SEZs and EOUs. They were also requested to provide information about the procedure being currently followed:

(i) **Tamil Nadu State Pollution Control Board-** Member Secretary, TNSPCB informed that their officials participate in the Unit Approval Committee of the SEZs. There are about 50 SEZs in Tamilnadu. TNPCB have adopted a fast track approval system wherein for industries in green category, all required permissions are given within 7 days, for orange category in 15 days and for red category in 30 days.

(ii) **Kerala State Pollution Control Board-** The Chairman of the State Pollution Control Board informed that there are 28 SEZs in the state. All clearances in the state are given as an integrated clearance and priority is given to SEZ units. They have adopted a fast track approval system, wherein for industries in green category permissions are given for nine years, orange category for six years and red category for three years. The chairman stated that units located in SEZs and EOUs are not submitting periodical reports to the Board and the Board officials are not allowed by the Development Commissioner of SEZ to undertake surprise inspections. The DCs insist on prior intimation. The Chairman observed that if surprise inspections are not conducted, the purpose of the inspection is lost.

(iii) **West Bengal State Pollution Control Board -** The representative of SPCB informed that under the West Bengal SEZ Act, 2003, powers to grant consent to establish/operate under the Water & Air Act for green industries have been delegated to the Dev. Commissioners. The State Board is not granting integrated clearances. They are granting separate clearances under the Water Act, Air Act and HW Rules, 2008. The clearances are granted for a period of 5 years for green industry, 3 years for orange industry and 2 years for red industry. He also stated that the Board is facing problems in conducting surprise inspections in SEZs.

(iv) **Gujarat State Pollution Control Board**— The representative of the SPCB mentioned that there are about 70 SEZs in their State and the Board is granting integrated clearances for all the industries in their State. Clearances for green industries are given for a period of 10 years, for orange industries it is 7 years and for red industries it is 5 years. Further, he also informed that for Kandla SEZ, the Regional Officer has been deputed for granting such integrated clearances.

(v) **Maharashtra State Pollution Control Board** - The representative of SPCB informed that the Board is granting integrated clearances for all the industries in their State. Clearances for green industries are given for a period of 15 years, for orange industries it is 10 years and for red industries it is 5 years. Further, he also mentioned that for green industries, clearances are given by the Sub-regional officer, whereas for orange and red categories of industries the Regional Officer is granting integrated clearances. He also observed that they are experiencing difficulties in conducting surprise inspection in SEZs.

3. Summing up the status of the procedure being followed by the SPCBs, it was noted that several SPCBs are following a system of integrated clearances i.e. Consent to Operate under the Water, Air Act and the authorization /registration under HW Rules, 2008 are being processed and a consolidated clearance is given. CPCB informed that 13 SPCBs, are granting such integrated clearances. Further, with reference to information provided by the representative of West Bengal Pollution Control Board regarding delegation of powers to DCs, the Chairman KSPCB mentioned that under the provisions of the Water and Air Act, SPCBs do not have the authority to delegate their powers.

4. Joint Secretary, MoEF suggested that all SPCBs should follow the system of integrated clearances. He also requested the Ministry of Commerce (MOC) to provide details/specific examples where delays have occurred in granting of clearances by SPCBs. The representative of MOC informed that they do not have specific examples. In this regard, the representative of Gujarat SPCB mentioned that recently an Open House discussion was held in the Kandla SEZ, which was chaired by Additional Secretary, Ministry of Commerce. It was noted that no industry complained regarding delays in granting the clearances by the State Board.

5. The representative of the Ministry of Commerce suggested that a provision may be made for including an official of the SPCB in the Unit Approval Committee in the SEZs, so that the SPCB can apprise the project proponents regarding details of the process to be followed for seeking different environmental clearances. The representatives of the State Boards agreed to this suggestion. However, it was clarified that they would not be able to grant the clearances in the meetings of the Unit Approval Committee, but would follow the on-going fast track systems for granting integrated clearances.

6. Summing up the discussions, the following decisions were taken:

- (i) All SPCBs should adopt an integrated system of granting environmental clearances. (**Action: MoEF/CPCB**).
- (ii) Dev. Commissioners of SEZs to permit the officials of the SPCB to carry out surprise inspections (**Action: Ministry of Commerce**).
- (iii) Unit Approval Committee in the SEZs to include a representative of the SPCBs for providing information related to regulatory requirements under the Environmental laws and to monitor the progress of grant of such clearances. (**Action: Ministry of Commerce/ MoEF**).
