

GOVERNMENT OF KARNATAKA

11

No. FEE 132 ECO 2011.

Karnataka Government Secretariat,
M.S. Building,
Bangalore, dated:08.12.2011.

From,

Secretary to Government,
(Ecology & Environment)
Forest, Ecology and Environment Department.

To,

Member Secretary,
Karnataka State Pollution Control Board
Parisara Bhavan, No.49,
4th & 5th Floor, Church Street,
Bangalore-560 001.



Sir,

Sub; - Environmental Clearance by the State Environmental Clearance Committee - issue of clarification-reg.

- Ref; -**
1. Karnataka State Pollution Control Board Letter No. KSPCB/ SEO/ (Non-EIA)/ECC/GOK/2011-12/533 dated: 8.11.2011.
 2. Karnataka State Pollution Control Board Letter No. No. PCB/ SEO/ (NEIA)/ State-ECC/2011-12/503 dated: 29.10.2011.

With reference to the subject and letter cited above, I am directed to inform the following clarifications of the Ecology and Environment Department, Govt. of Karnataka for the issues raised by the Karnataka State Pollution Control Board.

(i) Clarification for the Board letter No: KSPCB/SEO(Non-EIA)/ECC/GOK/2011-12/533 dt: 8.11.2011

Sl. No	Issues raised by KSPCB	Clarification
1	The existing large red category industries that have been established prior to 2001 Notification and operating with valid consent of the board.	<p>I. Existing industries that have been established and covered under the earlier Government orders issued prior to 31.12.2001 notification, operating without Environmental clearance is violation of the said orders. In such cases if the Board have issued the consent for operation, it is also the violation of the said Government orders.</p> <p>II. Industries established prior to 31.12.2001 and operating without Environmental Clearance are violation of Government Orders. If such industries established prior to 31.12.2001, still operating and attracts 2001 notification, such industries must take Environmental Clearance, duly condoning the delay.</p>

CEO to go thru this and submit -

11/6/12/11

CEO

Pr. J.P. P1 discuss & examine with it to be raised before Board meeting

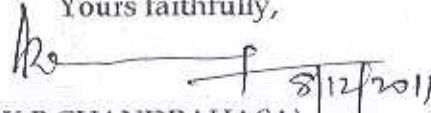
2	The existing medium red category industries wherein the capital investment has just crossed above five crores without increase or change in production or water/air pollution load.	Projects which fall in the Red category with an investment of more than Rs 5 crores requires environmental clearance under the provisions of the Government order issued vide No FEE 14 ENV 2000 dated 31.12.2001. If the investment has crossed this limit requires environmental clearance from the Department of Ecology and Environment.
3	Modification in the process without any change in the quantity of effluent/emission and without increase in the production capacity.	Modification of the process also requires environmental clearance under the provisions of the Government order FEE 14 ENV 2000 dated 31.12.2001.
4	Certain industries by virtue of Board's categorization falls under Green/ Orange and proposes to go for expansion/diversification/modernization, where in the activity be classified under Red. In such cases, whether project expansion/diversification/modernization cost need to be considered or the total project cost for deciding to obtain EC from SECC.	Requires environmental clearance under the provisions of the Government order FEE 14 ENV 2000 dated 31.12.2001 considering total project cost.
5	If there is an increase in capital investment, only due to addition of new building, assets like land, vehicles, machineries, etc., and it does not increase the production capacity as in the existing consent issued by KSPCB and if there is no increase in Water/Air pollution load, whether EC from SECC is required or not.	Any increase in the cost considered earlier and if it crosses Rs. 5 Crores requires environmental clearance under the provisions of the Government order FEE 14 ENV 2000 dated 31.12.2001.

(ii) Clarification for the Board letter No. PCB/SEO-NEIA/State-ECC/2011-12/503 dated: 29.10.2011.

Sl. No.	Issues raised by KSPCB	Clarification
	The industries operating and existing prior to the Government Order dated: 04.08.2005 in state sponsored industrial area, attracts SECC or not?	Existing industries located in the state sponsored industrial area, that have been covered under the earlier Government orders issued prior to 31.12.2001 and after 04.08.2005 notification operating without Environmental clearance is violation of the said orders. In such cases if the Board have issued the consent for operation, it is also violation of the said Government orders. However, SECC clearance is not required for the projects which fall in the red category with an investment more than Rs. 5 Crores established in the state sponsored industrial area between 31.12.2001 to 03.08.2005.

2	Industries with capital investment as per Rule 32 of Board Rules exceeding Rs. 5 Crores attracts SECC as per Government Order Dated: 31.12.2001. In case, the existing industries with capital investment exceeding Rs. 5 Crores over years by increasing other assets without change in pollution load, without change in product quality / quantity. In such projects whether State EC is required or not?	Projects which fall in the Red category with an investment of more than Rs 5 crores requires environmental clearance under the provisions of the Government order issued vide No FEE 14 ENV 2000 dated 31.12.2001. If the investment has crossed this limit requires environmental clearance from the Department of Ecology and Environment.
3	In case of certain industries covered under other than Red category obtaining consent of the Board under Water Act and Air Act proposes to expand/modernize its activity and the expansion/modernization activity being categorized under Red category and the expansion/modernization activity project cost being less than Rs. 5 Crores. In such projects, whether State EC is required or not?	Requires environmental clearance under the provisions of the Government order FEE 14 ENV 2000 dated 31.12.2001 considering total project cost.

Yours faithfully,


(K.P.CHANDRAHASA)

Under Secretary to Government,
(Ecology and Environment)

Forest, Ecology and Environment Department


8/12/11