OFFICE MEMORANDUM

Subject: Modalities for making CTE and EC a one step process - regarding.

In order to expedite the process of CTE, CPCB vide letter dated 02.02.2017 issued an advisory to all the SPCBs/PCCs to follow the modified mechanism for granting consent to various categories of industries as:-

“All projects requiring Environmental Clearance may be exempted from obtaining the Consent to Establish (CTE). Such projects may be directly granted Consent to Operate subject to EC and installation of pollution control devices”.


3. The Hon’ble High Court of Delhi has stayed the directions of the CPCB vide order dated 2nd November 2018 in W.P. (CIVIL) 13521 of 2018 in the matter of Social Action for Forest and Environment vs. Union of India and Ors. The CPCB has further informed that a similar case has also been filed before Hon’ble High Court of Madras (WP No. 3046 of 2019 and WMP No. 3316 & 3320 of 2019).

4. A meeting was convened under chairmanship of Secretary, Environment, Forest and Climate Change with CPCB and after detailed deliberations, the following mechanism of one step process of CTE and EC has been decided.
Application by PP through PARIVESH in specially designed form

Forwarding of Application to MS, SPCB along with the online communication to PP

Payment of the requisite fees by the PP within 15 days

Forwarding of the application to RO, SPCB

Site inspection by RO, SPCB & Submission of Report

Appraisal by Technical Committee

Decision of SPCB to Grant/Reject

If the decision is for grant of CTE

Grant of CTE within 30 days from the date of recommendations of EAC

If the decision is for rejection of CTE

Appraisal by EAC/SEAC

Grant of ToR

Collection of baseline data

Preparation of draft EIA/EMP

Public Consultation

Final EIA/EMP

Submission of application for EC

Appraisal by EAC/SEAC for EC by considering the inputs of SPCB, if any

Grant / Rejection of EC by Regulatory Authority

If the decision is for grant of EC

SPCB to reconsider decision to reject CTE within 30 days and communicate rejection or grant of CTE within another 30 days, failing which deemed grant of CTE

If the decision is for rejection of EC
Provided:-

i. If the PP fails to pay the requisite fee, grant of CTE will be at the discretion of the SPCB/UTPCC concerned;

ii. If the decision for rejection of CTE is not communicated by SPCB/UTPCC to the Ministry or SEIAA, as the case may be, before the meeting of EAC, it will be deemed that there are no specific comments / objections to the SPCB/UTPCC

iii. In case of deemed grant of CTE, the conditions of the EC will also be applicable for the deemed CTE.

iv. The deemed clause may not be applicable for cases, where public consultation is exempted for grant of EC.

5. The above, mechanism may be followed while granting EC and CTE.

6. This issues with the approval of the competent authority.

(Sharath Kumar Pallerla)
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To

1. All the officers of IA Division
2. Chairperson/Member Secretaries of all the SEIAAs/SEACs
3. Chairman of all the Expert Appraisal Committees
4. Chairman, CPCB
5. Chairpersons/Member Secretaries of all SPCBs/UTPCCs

Copy for information:

1. PS to Minister for Environment, Forest and Climate Change
2. PS to MoS (EF&CC)
3. PPS to Secretary(EF&CC)
4. PPS to AS(RSP) / AS (RA)/JS (GM)/ JS (AKN)/ JS (SKB)
5. Website, MoEF&CC and Guard file