

**KEY ENVIRONMENTAL LEGISLATIVE
REQUIREMENTS & OBLIGATIONS
AFFECTING SMALL AND MEDIUM
ENTERPRISES.**

“We do not inherit the earth from our ancestors, we borrow it from our children.”

Implementations of Acts, Rules and Notifications By DPCC.

Acts & Rules

- 1. Water (Prevention & Control of Pollution) Act, 1974.**
- 2. Water (Prevention And Control of Pollution) Cess Act, 1977.**
- 3. Air (Prevention & Control of Pollution) Act, 1981**
- 4. Environment (Protection) Act, 1986.**
- 5. Hazardous Waste (Management and Handling) Rules, 1989.**
- 6. The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.**
- 7. Bio-Medical Waste (Management & Handling) Rules, 1998.**

Implementations of Acts, Rules and Notifications By DPCC.

Acts & Rules

- 7. Bio-Medical Waste (Management & Handling) Rules, 1998.**
- 8. Plastic Manufacture, Sale & Usage Rules, 1999.**
- 9. The Delhi Degradable Plastic Bag (Manufacture, Sale & Usages) and Garbage (Control) Act, 2000**
- 10. Municipal Solid Waste (Management & Handling) Rules, 2000.**
- 11. Noise Pollution (Regulation & Control) Rules, 2000.**
- 12. Batteries (Management & Handling) Rules, 2001.**

Notifications

- 13. EIA Notification, 2006.**
- 14. Fly ash Notification S.O.763(E), 1999.**

THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

Purpose:

Prevention and control of water pollution and the maintaining or restoring of wholesomeness of water.

Provisions:

Section 25 : Grant of Consent to Establish/ Operate/ Renewal

Section 33(A) : Power to give directions for closure.

Section 44 : Power to prosecute.

Notes

Action taken to facilitate small & medium scale industries:

- **Installation of ETPs by individual water polluting units: More than 1200.**
- **Installation of CETPs in 15 different industrial areas: 11 Nos.**
- **11 Consultants have been empanelled for guiding the industry for installation/ improvement of Effluent Treatment Plant (ETP).**
- **8 Laboratories have been authorized for speedy analysis of samples.**
- **Number of Consent to Establish granted under Orange Category since 1.04.2006.- 504**

- **Number of Consent to Operate granted under Orange Category since 1.04.2006 - 2568**
- **Number of Consent to Establish granted under Green Category since 1.04.2006 -288**
- **Number of Consent to Operate granted under Green Category since 1.04.2006 -962**
- **Number of notices issued u/s 31(A) of the Air Act, 1981 & u/s 33(A) of the Water Act, 1974 since 01.04.2006. Total :227**
- **Number of closure directions issued u/s 31(A) of the Air Act, 1981 & u/s 33(A) of the Water Act, 1974 since 01.04.2006. Total :220**

THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

Purpose:

For the prevention, control and abatement of air pollution.

Provisions:

Section 21 : Grant of Consent to Establish/ Operate/ Renewal.

Section 31(A): Power to give directions for closure.

Section 37 : Power to prosecute.

Notes:

Action taken to facilitate small & medium scale industries:

- **Installation of ECS for air polluting units. Raising of stack height $0.2\sqrt{\text{KVA}}$ of DG set meter above roof level for D.G set users.**
- **11 Consultants have been empanelled for guiding the industry for installation / improvement of Emission Control System (ECS)**
- **8 Laboratories have been authorized for speedy analysis of samples.**
- **Number of Consent to Establish granted under Orange Category since 1.04.2006.- 504**

- **Number of Consent to Operate granted under Orange Category since 1.04.2006 - 2568**
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Common Effluent Treatment Plants

Action taken by DPCC

- **11 CETPs with a total capacity of 115.7 MLD have been installed for treatment of the effluent generated from 15 industrial areas.**
- **CETPs are being monitored on a monthly basis to check the compliance of effluent standards.**
- **Inspection of CETPs are conducted on a quarterly basis to ensure its proper operation and maintenance.**
- **Show cause notices have been issued to the CETPs Societies and DSIDC to rectify the deficiencies by 31-12-2007, observed during inspections by December 2007 and submit bank guarantees & compliance affidavit to ensure adherence to pollution control measures.**

Sewage Treatment Plants

Action taken by DPCC

- **29 STPs with a capacity of 510 MGD are treating domestic effluent of Delhi.**
- **STPs are being monitored on a monthly basis to check the compliance of effluent standards.**
- **Show cause notices have been issued to the STPs to rectify the deficiencies observed during inspections and to submit compliance affidavit by 31-12-2007.**

The Water (Prevention and Control of Pollution) Cess Act, 1977

Purpose

- Levy and collection of cess on water consumed by industries and by local authorities, with a view to augment the resources of Pollution Control Boards / Committees.

Provisions

- Assessment of cess on the basis of water consumed by industry / local body for the purpose for which water is consumed (Industrial Cooling, Domestic Purpose, Processing where water gets polluted and the pollutants are easily bio-degradable and / or non-toxic, processing where water gets polluted and the pollutants are toxic and / or not easily bio-degradable).
- As per the notification dated 06.05.03 all industries consuming water less than 10 KLD are exempt from the levy of cess except the industries generating Hazardous Waste.

- Higher rate imposed if the industry / local body does not comply with provisions of water act and / or standards under EPA.
- DPCC in its meeting dated 25.08.05 decided to assess cess of the industrial / local bodies which are consuming water more than 100 KLD. The industries consuming water less than 100 KLD and which attracts provisions of notification dated 06.05.03, will have to make self assessment of cess.
- In Delhi, the number of HW generating units is very high and quantity of water consumption is very less. The Cess assessed comes out to be small from small and medium enterprises. DPCC has decided in its meeting held on 26.07.07 to approach MOEF for exempting the units consuming less quantity of water, since recovery of cess from these units is not economically feasible.
- The cut off amount for making cess assessment of small industries is Rs. 1000 per year as suggested by DPCC to MOEF

The Environment (Protection) Act, 1986

1. Purpose:

- **For the protection and improvement of environment and for matters connected therewith including prevention of hazards to human beings, other living creatures, plants and property.**

2. Environment (Protection) Rules, 1986

- **Standards for emissions or discharge of environmental pollutants have been prescribed.**
- **Procedures to implement the EP Act, 1986 have been prescribed.**

The Environment (Protection) Act, 1986

Provisions:

Section 5: Power for giving directions for closure including stoppage of electricity, water and other services to the unit.

Section 6 : Prescribing standards for quality of air, water or soil.

Section 7 : Discharge/ emissions within prescribed standards.

Notes:

•Number of authorizations granted under Hazardous Waste (Management & Handling) Rules, 1989. (since July 2004 to 23.11.2007) : Total 2009

•Closure directions issued u/s 5 of Environment (Protection) Act, 1986 since July, 2004 for not applying for authorization / non compliance of Hazardous Waste (Management & Handling) Rules, 1989. Total : about 1100.

Hazardous Waste (Management and Handling) Rules, 1989

- **Hazardous waste means any waste which causes danger to health or environment, whether alone or when in contact with other waste**

PURPOSE

- **To minimize the hazardous waste in terms of quantity, to dispose it off as close to the source and reduce the trans boundary movement.**

PROVISIONS

- **Every hazardous waste handling/generating unit has been made responsible for collection, reception, treatment, storage and disposal of the hazardous waste.**

- **Mandatory authorization from the SPCB is to be sought for collection, treatment, storage and disposal of hazardous Waste.**
- **Import and export of hazardous waste is not permitted for dumping and disposal.**
- **Non compliance of the provisions of these rules attracts action under the provisions of the Environment Protection Act 1986 which envisages the power for closure, prohibition of any industry including stoppage of supply of electricity, water or any other service u/s 5.**

Common pre-requisites for obtaining authorization for storage under HW Rules

- **Display of updated data outside the main factory gate in two boards of size 6 feet x 4 feet both in English and in Hindi (the local language).**
- **Storage facility should have appropriate containment system.**
- **The container/enclosure holding hazardous waste should be marked 'Hazardous Waste' in red colour in English/in Hindi and should bear the prescribed label.**

Common pre-requisites for obtaining authorization for storage under HW Rules

- The occupier must take precautions to prevent any accidental ignition or reaction of ignitable or reactive waste.**
- The containment system should be leak proof and able to drain / remove liquids.**
- Units that store hazardous waste should do so in such a manner that it does not in any way contaminate the environment or the ground water due to air/rain/seepage/leakage etc.**

Action

- **As per inventorisation done by Ramky infra Consulting Pvt. Ltd, in August 2007,1995 industrial unit are hazardous waste generating units in Delhi.**
- **Quantity of hazardous waste generation in Delhi:is 5281 TPA.**
- **Out of this 5281 TPA about -4% is recyclable 33% is incinerable 63% is land disposable.**
- **About 1100 units have been issued closure direction for operating without authorization or for non –compliance of HW Rules since July-2004.**
- **A common Treatment Storage and disposal facility (TSDF) is proposed to be developed at Ghumanhera Village of Delhi.**
- **About 2000 No. of Hazardous Waste Authorization Granted under the HW rules including the renewals.**

The Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989.

PURPOSE

- **To ensure safe handling of hazardous chemicals which may cause damage to the environment and injury to the person.**

PROVISIONS

- **Certain Toxic, Flammable, Explosive and Reactive chemicals have been identified as 'hazardous chemical' as per the schedule notified under these rules.**
- **Under these rules, an occupier of an industrial activity in which hazardous chemical is involved, has to :**
 - ❖ **identify the major accident hazards.**
 - ❖ **take steps to prevent such major accidents and to limit their consequences to persons and environment**
 - ❖ **provide to the persons working on the site with the information, training and equipment including antidotes necessary to ensure their safety.**
- **Where a major accident occurs on a site the occupier has to notify to concerned authorities within 48 hours and furnish report there after.**

- **If the industrial activity involves a quantity of certain hazardous chemical beyond the threshold limits specified:**
- **W.e.f. date of notification of these rules, no occupier can undertake any industrial activity , without approval from concerned authorities and without submission of a written report.**
- **No occupier can under take the industrial activity unless he has prepared a safety report containing the information as prescribed in rules.**
- **Occupier requires to prepare an on site plan for taking care of emergencies in case of accidents. District collector is responsible for preparation of off site emergency plan,**

- **Any person responsible for importing hazardous chemical in India is required to provide the date of import to concerned authorities and the information pertaining to destination, port of entry, mode of transport, quantity of chemical and safety information and if authority is of the opinion that safety and environmental considerations are not favorable, it can stop the import.**
- **Notice for improvement can be served by the authorities.**
- **The State Pollution Control Board or committee is responsible for enforcement of provisions in respect to isolated storage of hazardous of chemical i.e. notification of major accident, notification of the site ,safety report an and onsite emergency plan etc.**

Bio-Medical Waste (Management & Handling) Rules, 1998

PURPOSE:

- **For proper management & Handling of bio-medical waste.**
- **Applicable to all persons who generate, collect, receive, store, transport, treat, dispose or handle bio-medical waste in any form.**

PROVISIONS:

- **As per Rule 8 , Every Occupier of an institution generating collecting, receiving, storing, transporting, treating, disposing and /or handling bio-medical waste in any other manner, except such occupier of clinics, dispensaries, pathological laboratories, blood banks providing treatment / service to less than 1000 (one thousand) patients per month, shall make an application in Form I to the prescribed authority (DPCC) for grant of authorization.**

ACTION TAKEN BY DPCC

- **1666 health care units are registered with DPCC for authorization.**
- **3 Committees decide the authorizations depending upon bed strength.**
- **Authorized 2 operators of Common Bio-medical Waste Treatment Facilities for collection, transportation, treatment & disposal of BMW.**
- **11 incinerators, 17 autoclaves & 2 microwaves in operation in various health care units (including 2 Common operators).**

The Recycled Plastics Manufacture and Usage Rules, 1999.

Purpose:

To regulate the manufacture and use of recycled plastics, carry bags and containers.

Provisions:

•Section 4 : Imposes a ban on the use of carry bags/ container made of recycled plastic for food stuffs.

•Section 5 : A person may manufacture carry bags/container made of plastic, except for foodstuffs.

Section 8: Thickness of the carry bags made of virgin plastics or recycled plastics not to be less than 20 microns and,

•Section 10: Manufacturer to get registered with DPCC.

Notes:

Action Taken:

DPCC had inspected 48 plastic bag manufacturing units and lifted samples for analysis of thickness/size. After analysis of samples in DPCC lab, 8 units were found violating norms in respect of thickness/size both. Action against the defaulting have been taken under Water Act/ Air Act by refusing their consent/ closure.

The Delhi Degradable Plastic Bag (Manufacture, Sale and Usage) and Garbage (Control) Act, 2000 (Delhi Act No. 6 of 2001)

Purpose

To prevent contamination of foodstuff carried in recycled plastic bags, reduce the use of plastic bags, throwing or depositing non-biodegradable garbage in public drains, roads river, river bed and places open to public view in the National Capital Territory of Delhi and for matters connected herewith or incidental thereto.

The Delhi Degradable Plastic Bag (Manufacture, Sale and Usage) and Garbage (Control) Act, 2000 (Delhi Act No. 6 of 2001)

Provisions:

- Section 3: Prohibition of manufacture, sale and usage of recycled plastic bags for storing, carrying or packing of foodstuff within the National Capital Territory of Delhi.**
- Section 3(A): Prohibition of manufacture, sale and usage of any plastic bag other than degradable plastic bag in the National Capital Territory of Delhi.“**

•Section 8: 1. Provision for seeking authorization from the Delhi Pollution Control Committee by satisfying the following conditions:

➤recycled bags to be colored and pigmented and dyes used in manufacturing of the plastic bags to be in accordance with the pigments & dyes listed in IS 9833: 1981.

➤Reprocessing or recycling is undertaken in accordance with IS 14534: 1998

➤That the minimum thickness of recycled bags & virgin bags shall not be less than 20 microns or any minimum thickness as specified by the Government;

➤ Carry bags or containers manufactured out of virgin plastic shall be of white colour.

➤Section 8:2. the degradable plastic bags to meet the international/national quality standards.

Notes:

Action Taken:

Delhi Government has made the use of degradable plastic bags compulsory in respect of the following in NCTD vide notifications dated 02/06/05 and 25/05/06.

- 1. All the four and five star hotels categorized as such by the Department of Tourism, Government of India.**
- 2. All hospitals having bed strength of 100 beds or more.**
- 3. All restaurants having sitting capacity of more than 100 seats.**
- 4. All restaurants and eating places having seating capacity of more than 50 seats.**
- 5. All fruit and vegetable outlets of Mother Dairy.**
- 6. All liquor vends.**
- 7. All shopping malls.**

Municipal Solid Waste (Management and Handling)

Rules, 2000

Purpose:

To regulate the management and handling of municipal solid waste under Environment protection Act, 1986.

❖Applies to every municipal authority for collection, segregation, storage, transportation, processing and disposal of municipal solid wastes.

Responsibility of DPCC:

- To monitor the compliance of the standards regarding ground water, ambience air, leachate quality and the compost quality including incineration as specified under Schedule II, III and IV.**
- To decide Authorisation for setting up waste processing and disposal facility including landfills.**
- To implement and review of standards and guidelines and compilation of monitoring data in co-ordination with CPCB.**

Municipal Solid Waste (Management and Handling) Rules, 2000

Action taken by DPCC:

- **Authorization granted for setting up an engineering landfill site at Jaitpur.**
- **Granted Authorization and Consent to Establish to IL&FS and MCD/NDMC for three waste to energy plants at:**
 - **Timarpur Incineration Plant site**
 - **Sukhdev Vihar Compost Plant site**
 - **Ghazipur landfill site**
- **Monitoring of ground water quality by DPCC laboratory in and around the landfill site at Ghazipur, Bhalswa and Okhla.**
- **Letters were sent to the local bodies to take necessary measures for proper management and handling of municipal solid waste in their respective areas and on all the three landfill sites at Ghazipur, Bhalswa and Okhla.**

The Noise pollution (Regulation And Control) Rules,2000

Purpose:

- **To regulate and control Noise Producing and generating sources with the objective of maintaining the ambient air quality standards in respect of Noise.**
- **The Lt. Governor of the National Capital Territory of Delhi appointed following authorities.**
- **All DC, SDMs, ACPs, Chairman and Member Secretary of DPCC.**
- **Based on the public complaints 15 Nos. of notices u/s 31 (A) of Air Act, 1981 have been issued for violations related to D.G sets since 01.01.2005.**

Ambient Air Quality Standards in Respect of Noise

Area Code	Category of area /Zone	Limits in dB(A) Leq Day time	Limits in dB(A) Leq Night Time
(A)	Industrial Area	75	70
(B)	Commercial Area	65	55
(C)	Residential Area	55	45
(D)	Silence Zone	50	40

Noise Monitoring Undertaken by DPCC

Noise Monitoring	2006	2007
Industrial Monitoring	1212	736
Mobile Tower Monitoring	937	440 generators installed in these Mobile Towers contribute 1 dB to 8dB to the ambient noise level.
Diwali Monitoring	30 locations were monitored. Average Noise levels 76 dB (A) [62.9 dB (A) to 83.2 dB (A)]	40 locations were monitored. Average Noise levels 80 dB (A) [64.0 dB (A) to 88.8 dB (A)]

Batteries (Management & Handling) Rules,2001

PURPOSE :

- **To regulate proper management & handling of Lead Acid Batteries.**
- **To collect back the batteries sold in a phased manner.**
- **To ensure that the handling/ reprocessing is done by authorized recyclers who have the requisite technology without adversely affecting the environment and human health.**

PROVISIONS

- **Collection of used batteries as per the Schedule.**
- **To set up collection centers and send the collected ones to the registered recyclers.**
- **Ensure safety while handling the collected batteries.**
- **DPCC to collect half-yearly returns in Form-I by 30th June & 31st December every year.**

**NEW ENVIRONMENTAL IMPACT ASSESSMENT
NOTIFICATION DATED 14/09/2006
(CAME IN SUPERSESSION OF ORIGINAL EIA
NOTIFICATION DATED 27/01/1994)**

Purpose

- **To formulate a transparent, decentralized and efficient regulatory mechanism for projects requiring prior Environmental Clearance.**
- **Incorporate necessary environmental safeguards at planning stage.**
- **Involve stakeholders in the public consultation process.**
- **All the projects are categorized into two categories i.e. Category 'A' and Category 'B' based on their Potential Impacts as per threshold given in the schedule of the said notification.**
- **Only Large Building/Construction Projects having built up area \geq 20000 Sq. Meters are required to obtain Prior Environment Clearance.**

Action Taken

- **In view of new notification dated 14.09.2006, all the 33 pending cases of NOC with DPCC were forwarded to MOE&F in October ,2006.**
- **As per information received from MOE&F, copies of Environmental Clearance granted to 55 projects were received. Out of these, 22 are from 33 cases forwarded by DPCC.**
- **Public Hearing was conducted for four projects as per provisions of EIA notification dated 14/09/2006. After conducting public hearing, DPCC recommended there case for development of TSDF site at Ghumanhera, Village of Delhi.**
- **Out of a list of 74 shopping malls, only 11 have obtained Environmental Clearance as per information received from MOE&F.**

Fly Ash Notification S.O. 763(E), 1999 & amended on 27th Aug, 2003

Purpose:

- To conserve top soil.**
- To prevent the dumping and disposal of fly ash discharged from coal or lignite based thermal power plants on land.**
- To restrict the excavation of top soil for manufacturing of bricks and**
- To promote the utilization of fly ash in the manufacturing of building materials and in construction activities.**

Fly Ash Notification S.O. 763(E), 1999 & amended on 27th
Aug, 2003

Action taken by DPCC:

- **Consent to operate has been granted to 2 units for manufacturing of fly ash bricks.**
- **The fly ash utilizations by thermal power plants in 2 years is as follows :**

Thermal Power Plants	Percentage utilization (April 06-March 2007)	Percentage utilization (April 2007 onwards)
Rajghat Thermal Power House	49.0 % (84768 tons)	155.21% (180546 tons) (incl. accumulated fly ash) (April–Sept 07)
I.P.Thermal Power Station	100% (No backlog of fly ash)	81.93% (172701 tons) (April–Sept 2007)
Badarpur Thermal Power Station	61% (764500 tons)	55.24% (494017 tons) (April–Nov 2007)

Following tree cutting permission has been given:

Project	Cutting Permission already given (in Nos.)	Awaited/ applied for
Metro	29360	7508
HCBS	2468	--
Flyovers/ bridges	954	257
Underpasses	536	--
Stadia	1574	348
Roads	11109	670

Tree Cutting Permissions for Delhi's Infrastructure

Project	Cutting Permission already given (in Nos.)	Awaited/ applied for
Metro	29360	7508
HCBS	2468	--
Flyovers/ bridges	954	257
Underpasses	536	--
Stadia	1574	348
Roads	11109	670
Total	46001	8783