



Office Order

The Board vide office order Endst. No. HSPCB/2009/8853-75 dated 12.10.2009 & amendment vide Endst. No. HSPCB/PLG-22/dated 6.7.2011 issued policy directions regarding procedure to be followed for taking follow up action after refusal / revocation of consent under Water/Air Act and on account of failure of sample. In the said policy order the slab of Bank Guarantees were prescribed to make over the deficiencies/ inadequacies pointed out by the Board. In the said schedule the earlier categories of industries were mentioned i.e. as Case-I, Case-II & Case-III. Now, since the Board has changed the nomenclature of polluting units into Red, (highly polluting), Orange (medium polluting) & Green (Less polluting) instead of Case-I, Case-II & Case-III categories vide resolution No. 162.10. Therefore, the categories of this table needs to be amended and Red, Orange & Green may be mentioned in place of Case-I, Case-II & Case-III respectively and the revised schedule of Bank Guarantee is enclosed at **Annexure**. It is pertinent to mention here that the Board vide above mentioned resolution decided not to charge Performance Guarantee from Green Categories' of industries for the purpose of granting consent to operate. However, on account of refusal of consent and failing of samples or any other violation the Bank Guarantee shall be applicable as per the schedule of Bank Guarantee enclosed in **Annexure**.

Following guidelines shall be followed regarding release/forfeiture of Bank Guarantee:-

- (i) In order to get the compliance done from non-complying units, the Board would charge Bank guarantee at the time of personal hearing or otherwise as per schedule of Bank Guarantee **Annexure** alongwith scheme of upgradation of STP/ETP/APCM and appropriate time ranging from 3 to 6 months may be given depending upon nature & volume of work involved in upgradation of ETP/STP/APCM or installation of ETP/STP/APCM afresh.
- (ii) In case of non-compliance of directions within the stipulated period granted to a unit, 25% of Bank Guarantee shall be forfeited and the unit shall submit a Bank draft of equivalent amount of 25% of the Bank Guarantee in lieu of forfeiture of 25% amount of Bank Guarantee.

- (iii) Another two months time shall be given after forfeiture of 25% amount of Bank Guarantee for compliance of direction issued to the unit for completion of abatement measures. In case unit still fails to comply with the directions or non-compliance of abatement works within extended period of two months, 100% Bank Guarantee shall be forfeited besides taking closure action after following due process of law. This closure order shall be revoked only after the completion of the STP/ETP/APCM etc.
- (iv) For release of bank guarantee, Regional Officer shall ensure that structurally adequate ETP/STP/APCM are installed within stipulated time period. The Regional Officer shall also check whether all deficiencies have been rectified and all essential components of STP/ETP/APCM are installed within the stipulated period.
- (v) At the time of releasing of Bank Guarantee a surprise sample shall be collected by two officers i.e. concerned area incharge and one officer to nominated by the Regional Officer and send the samples to the Head Office laboratory for analysis. However, RO is at liberty to cross check the report submitted by the team of two officers, if so warranted by deputing other officers.
- (vi) In case sample results are within limits, no further action is required. Where sample results exceed the permissible limits, penal action such as closure shall be taken as per procedure laid down under the provisions of the Act/Rules.

The above orders shall come into force with immediate effect.

Dated, Panchkula the
11th May, 2012

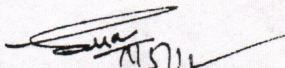
R.R.Jowel, IAS
Chairman

Endst. No. HSPCB/PLG-22/784 - 802

Dated: 11.5.2012

A copy of the above is forwarded to the following for information and immediate necessary action.

1. All Sections Incharge in Head Office.
2. All Regional Officers in Field offices.
3. P.S. to Chairman / P.A. to M.S. for information of the officers.


Scientist 'C'-I (HQ)
For Chairman

SECURITY AS PERFORMANCE GUARANTEE TO BE FURNISHED BY A
UNIT TO MAKE UP THE DEFICIENCIES / INADEQUACIES

Sr. No.	Units having investment cost	Red	Orange	Green
A.	Above 100 crore	15.0 lakh	10 lakh	5 lakh
B.	50 to 100 crore	7.5 lakh	5 lakh	2.5 lakh
C.	20 to 50 crore	3.5 lakh	3.0 lakh	1.5 lakh
D.	5 to 20 crore	2.0 lakh	2.0 lakh	1 lakh
E.	1 to 5 crore	1.5 lakh	1.5 lakh	
F.	50 lakh to 1 crore	0.75 lakh	0.5 lakh	
G.	Upto 50 lakh	0.5 lakh	0.5 lakh	

- Hot Mix Plants/ Stone Crushers/ Screening Plants : 1.0 lakh
- Brick Kilns : 0.5 lakh
- Mining :
 - a) More than ten Hectares : 10.0 lakh
 - b) Five to ten Hectares : 5.0 lakh
 - c) Less than five hectares : 2.0 lakh