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STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit – VIII
BHUBANESWAR – 751 012, INDIA

No. 10613 /Ind-II-(NOC)Misc./170

Date 29.06.2016

C I R C U L A R

Sub: Third party inspection of medium risk industries (Orange category) in place of routine inspection for compliance verification under Water (PCP) Act 1974 and Air (PCP) Act 1981.

1. The Forest & Environment Department vide its notification no 6194/F&E dated 24.04.2007, and No 13131 dated 16. 07. 2012 has classified the industries as Red, Orange and Green on the basis of pollution potential and environmental risk associated with the sector. The State Pollution Control Board has fixed a minimum inspection frequency and monitoring frequency for Red, Orange and Green category of industries vide its notification no 9968 dt17.06.2015.
2. As per the above, there is a provision to inspect the Orange category of industries with an investment up to Rs 50 crores, once in every 3 years, and Orange category of industries with an investment of Rs. 50 crores and above, once in 2 years.
3. In order to create an atmosphere of Ease of Doing Business and without compromising the environmental need, it is hereby decided in the public interest that, the Orange category of industries are exempted from routine inspection of the State Pollution Control Board, provided they submit an audit report prepared by an auditor empaneled by OSPCB for each financial year by 30th September of the following year.
4. The choice of auditor for a specific industry shall be made by the OSPCB on a random selection basis from the panel of auditors maintained by the OSPCB. The auditors shall be paid by the OSPCB for their assignment at a rate which shall be determined by the OSPCB from time to time.
5. Category-B Orange industries (With an investment of Rs. 50 crores and above) shall pay an audit fee of Rs. 25,000 /- (Rupees twenty-five thousand only) every year, and category-C Orange industries (With investment up to Rs. 50 crores) shall pay an audit

fee of Rs. 15,000 /- (Rupees fifteen thousand only) every year by 30th June. The audit fee shall be in addition to the consent fee payable under Water (prevention and Control of Pollution) Act 1974, and Air (prevention and Control of Pollution) Act 1981.

6. The auditors or the auditing firms shall have NABL accreditation, or should have valid certification / recognition under Environment (Protection) Act 1986 from MoEF&CC, and sector specific NABET-QCI accreditation for being eligible to be empanelled as the OSPCB auditor.
7. The manner of empaneling an environmental auditor, and their role and responsibility shall be prescribed by the OSPCB from time to time. However, the auditors shall submit an audit report, which is consistent with the inspection report format prescribed by OSPCB, and the inspections carried out in accordance with the guidelines issued by OSPCB from time to time, and should address the following details:
 - a. Whether the industry has put in place necessary pollution control equipment, effluent treatment systems, which are adequate to meet statutory norms for emissions and effluents, if no, the extent of deviation from the norms;
 - b. Whether the industry has complied with the conditions of the Consent to Operate issued by OSPCB under the Water (prevention and Control of Pollution) Act 1974, and Air (prevention and Control of Pollution) Act 1981.
 - c. Whether the solid-waste management practice adopted by the industry is environmentally sound and the activities of sound management is properly documented.
8. It shall be open to the auditors to make such recommendation as they may think fit for improvement of the existing environmental management system. The audit report submitted by the auditors shall be examined by the respective cells or the Regional Officers (as the case may be) for taking an appropriate decision, but such recommendation shall not be binding on the OSPCB in any manner.
9. The exemptions from routine inspections in the case of Orange industries will not be applicable to the industries, against which there is a public complaint, legal case, or which in the opinion of the Board do not deserve such exemption. In these cases, normal inspections will be made by the Board.

10. In the case it is found by the OSPCB that, an auditor has submitted a false report, the fact shall be brought to the notice of the unit head of the industry, then the empanelment of the concerned auditor may be suspended, and steps may be taken for black-listing the auditor after due process of investigation by an expert committee constituted by OSPCB in this regard.

11. This Scheme is in addition to, and, not in derogation of the powers vested with the OSPCB under the provision of Water (prevention and Control of Pollution) Act 1974, and Air (prevention and Control of Pollution) Act 1981 relating to various enactments and rules relating to prevention and control of pollution and protection of environment. This scheme is also without prejudice to any action that may be taken against any industrial unit by the OSPCB.



MEMBER SECRETARY

Memo No. 10614 /Dt. 29.06.2016
Copy forwarded to all Branch Officers / All Regional Officers / Administrative Officer/ Sr. Law Officer / Guard file / Notice Board for information and necessary action.



MEMBER SECRETARY

Memo No. 10615 /Dt. 29.06.2016
Copy forwarded to the P.S. to Chairman /P.S to Member Secretary, SPC Board, Odisha for kind information of the Chairman & Member Secretary respectively.



MEMBER SECRETARY

Memo No. 10616 /Dt. 29.06.2016
Copy forwarded to Er.M. Pattnaik, EE-Cum-System Administrator for information and necessary action. She is requested to upload the circular in the website of the Board.



MEMBER SECRETARY