

## Environmental Guideline on FPO/FPC Operation under APART

### PURPOSE

APART supports small to medium scale FPO FPC interventions. These interventions involves minor to moderate infrastructure development followed by installation of machineries. These activities would have potential for negative environmental impacts. We are committed to mitigate the negative environmental impacts of each sub-projects and have developed Sector specific Environmental Guideline to safeguard the environmental concerns through the preparation of various tools.

This FPO/FPC operational manual for safeguarding the Environment has been prepared to guide the respective Line Departments/stakeholders under the project, in

- A. Subproject selection & site selection;***
- B. Screening and categorization;***
- C. Environmental assessment & Preparation of environmental management plans;***
- D. Legal & Regulatory requirements;***
- E. Preparation of Implementation and monitoring plan for the subprojects to facilitate compliance with the requirements specified in the World Bank Operational Policies and government rules and laws.***
- F. Capacity Building***

This manual outlines the policies, assessments and procedures that will enable the implementing agency to ensure that the project is developed in accordance with EMF and is adequately protected from associated risks.

### A. SUBPROJECT SELECTION

Compliance of the project with the relevant legislations of GoI (MoEF&CC), State level and local level and policies of World Bank have been ascertained. Applicable legislations during implementation of the project and necessary provisions for compliance have been examined. Following table provides the list of applicable rules and regulations.

Sl. No.	Type of Interventions	Types of Activities
1	Agricultural Production	<ul style="list-style-type: none"> <li>• Purchase, stock, sale, distribution or exhibition of the following pesticides will not be supported such as Pesticides banned by GOI, and pesticide classified in class Ia, Ib, II of WHO classification.</li> <li>• Stocking, sale, purchase, distribution of chemical, pesticide without license is prohibited.</li> <li>• Digging of irrigation tube well without taking required permission from the relevant authority (Central Ground Water Board (CGWB)) at Block/district level</li> </ul>

Sl. No.	Type of Interventions	Types of Activities
		will not be supported
2	Fishery	Culturing of banned fish ( <i>Clariasgariepinus</i> (Thailand Magur), <i>Oreochromis sp.</i> (Tilapia), <i>Aristichthy snobilis</i> (Bighead carp)) will not be supported. Fishing in beel in banned season (April 1 <sup>st</sup> to July 15 <sup>th</sup> ) will not be allowed.
3	Food Processing Plants	Activities involving discharge into any water body any industrial waste, sewerage or other polluting substance will not be supported. Fruit and vegetable product manufacturing units are not allowed without license from Industrial (Development and Regulation) Act, 1951 Any industrial activity (related to food processing or cottage industries) will not be supported without requisite permissions for establishment and operation from the State Pollution Control Board.
4	Cattle Grazing	Cattle grazing in the forest areas without permission from the Forest Department will not be supported. Livestock shall be vaccinated for grazing in the forest area/ wildlife sanctuaries. However, traditional forest dwellers have access to grazing areas, as per the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
5	Forest Protection	Activities that involve use of forest land for non-forest purposes without the permission of the Forest Department will not be supported Extraction, transport, processing, sale of forest produce including non-timber forest produce without taking required permission from the Forest Department will not be supported. However traditional forest dwellers have access as per the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 Felling of trees without taking required permission from the Forest Department will not be supported.
6	Activities near to National parks, Wildlife sanctuaries, Biodiversity hotspots	Poaching of Species prescribed under Wild Life Protection act Schedule is prohibited. Activities that involve destruction of wildlife or of wildlife habitat will not be supported.

**SITE SELECTION CRITERIA FOR FPO/FPC/CSC:**

- Selected land must be a non-agricultural land; Effort shall be taken such that the selected sites are free from public conflicts or litigation. Land marked as VGR/PGR/Jalatak by revenue dept. should not be selected for any kind of development.
- Site should not be located near critical wild life habitats (as mentioned in natural habitat management Plan of EMF).
- Site should not be chosen near Natural Protected areas. If site is located near or less than 1 km distance from protected area, then a proper consent shall be obtained from forest department.
- The area should not be located in flood prone areas, low lying areas or steep slopes.

- The site should be free of contamination, storage of industrial waste etc.
- While selecting the site, care should be taken such that it shall not disturb any dense habitations.
- Preference to be given to develop the structures which are already in use, to make it more efficient and smooth instead of proposing a new one. This will save the environment and also prevent unnecessary nuisance. Like if an area has been already using for community development purposes then the same can be used for the proposed activities.
- Criteria shall enforce that new site will be selected only after having a proper need based assessment of the site.
- After identification of Site, necessary permission as applicable from Gram Panchayat, revenue Department shall be procured.
- Prior approval of the PCU is required in case of any innovations in design and identification of sites.

## **B. SCREENING & CATEGORIZATION**

Screening is the process by which the appropriate level and type of Environmental assessment is determined for a given sub-project on the basis of its likely environmental impacts. For identification of sensitive sub-projects with respect to the environmental issues a screening and review process has to be worked out. This exercise will be a useful tool to identify the environmental issues and integrate them into the project preparation, and not as an exclusion criterion for avoiding environmental impacts. The implementing agency with the help of project Environmental Safeguard team will carry out screening exercise for all proposed subproject interventions (sector wise) to be further identified in the subsequent stages of the project prior to initiation of the activities. The screening activity shall be conducted with the help of screening format given as **Annex-1**.

## **C. ENVIRONMENTAL ASSESSMENT & PREPARATION OF ENVIRONMENTAL MANAGEMENT PLANS**

Following Scoping, assembled legislative requirements, project/ subproject interventions, environmental and socio-economic data will be assessed in greater detail to ensure that all of the proposed activities and their consequences / likely impacts are considered in full. Mitigation measures are an integral part of impact evaluation. It looks for better ways of doing things so that the negative impacts of the subprojects are eliminated or minimized and the benefits are enhanced. As soon as significant adverse impacts are identified, discussions should be held to see if they can be 'designed out' through changes in project interventions, location or operation. For measures that were unavoidable, the Environmental Management Plan should address the anticipated impacts. The Environmental management Plan should also have Environmental Monitoring Plan for the environmental attributes which shall be measured at site. The Environmental management Plan should be enclosed/ attached in the DPR Document following appropriate Environmental Protection clauses (refer **Annex 2**) in the Technical specification for effective implementation of the EMP during the project construction.

**D. LEGAL & REGULATORY REQUIREMENT**

Regulatory requirements at the national and state level, applicable World Bank requirements are described under this section:

**Procedure for Obtaining Consent to Establish And Operate Consent to Establish / Operate**

**Consent / Authorization Management:**

Granting Consent under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Biomedical Waste (Management & Handling) Rules, 1998, the Hazardous Waste (Management & Handling) Rules, 1989 and the Municipal Solid Waste (Management and Handling) Rules, 2000 are some of the important functions of the Board. A brief note / guidelines for obtaining the NOC / Consent / Authorization for the entrepreneurs are illustrated below:

**Water Act :**

Control of water pollution is achieved through administering conditions imposed in consent issued under provision of the Water (Prevention & Control of Pollution) Act, 1974. These conditions regulate the quality and quantity of effluent, the location of discharge and the frequency of monitoring of effluents. The surface and ground water monitoring conducted by the Board indicates that the water quality has improved over the years and that it is now, in general, reasonably good.

**Air Act:**

Under the Air (Prevention & Control of Pollution) Act, 1981 consent of the Board is mandatory for releasing emissions to the atmosphere. The Board issues consent to air polluting industries with conditions to regulate the quality and quantity of emission and stipulate the frequency for monitoring the emissions.

**Consent to Establish / Operate:**

To establish an industry with potential for water pollution / air pollution; prior consent under the Water Act / Air Act is to be obtained respectively which needs to be obtained in two phases:

Consent to Establish [NOC]	This consent is to be obtained prior to establishing any industry or process or plant.
Consent to Operate [Initial & Renewal]	Once the industry or process plant is established along the required pollution control systems, the entrepreneur is required to obtain consent to operate the unit. The consent is given for a particular period, which is mandatory to be renewed regularly.

**Consent to Establish [NOC]**

Before establishing/constructing a plant the proposed industry should obtain NOC under the Water Act and/or the Air Act. The application form for NOC (Consent to Establish) under the Water Act / Air Act is to be submitted in duplicate through the Regional offices of the Board.

The application form fees Rs. 100/- and is available at all the offices of the Board or can be downloaded from the Website. The amount is to be submitted as DD in favour of the Member Secretary, Pollution Control Board, Assam payable at Guwahati.

Those who have obtained NOC need not submit application again in the above forms.

NOC is to be obtained prior to carrying out any work at the site proposed for the project. However, NOC is issued even if construction work of the unit has been started provided:

- The site is suitable
- The application for NoC is accompanied by prescribed fees
- The required pollution control measures are provided

The validity of NOC is one year. NOC should be renewed if the unit is not commissioned by then. If renewal is not sought within the validity period fresh application has to be made to the Board.

#### **Documents to be Submitted with NOC form:**

The documents to be submitted along with the consent application form for processing of the application are:

- Land Documents / Lease agreements.
- Project report with total investment.
- Non-agricultural Land Certificate from SDC/Circle Officer.
- A site plan map showing location of the proposed site including surrounding location in details.
- Details of layout plan indicating different processes and point sources of effluent discharge /air emission/solid waste/hazardous waste and position of stack / effluent treatment plant, including D.G. set capacity in KVA.
- Manufacturing process of each product with flow diagram, chemical reactions and material balance with water budget.
- A details list of raw material and inputs with quantity / amount to be utilized daily / monthly.
- Details of water pollution control/air pollution control devices and solid waste / hazardous waste management proposed to be provided.
- Details of land available for disposal of effluent and its are.
- Details of green belt development with area details.
- N.O.C. from the Directorate of Industries, Govt. of Assam.
- N.O.C. from the Urban / Rural Authority of the concerned site / location.
- NOC fees in the form of Demand Draft drawn in favour of Member-Secretary, Pollution Control Board, Assam, Guwahati.

**Consent to Establish [NOC] fees :**

Slab	Total capital investment (in Rupees)	Consent to Establish (NOC) (in Rupees)
1	Industries having total investment upto Rs. 5.00 lakhs	2,000/-
2	Industries having total investment exceeding Rs. 5.00 lakhs but not exceeding Rs. 10.00 lakhs.	5,000/-
3	Industries having total investment exceeding Rs. 10.00 lakhs but not exceeding Rs. 20.00 lakhs.	8,000/-
4	Industries having total investment exceeding Rs. 20.00 lakhs but not exceeding Rs. 50.00 lakhs.	12,000/-
5	Industries having total investment exceeding Rs. 50.00 lakhs but not exceeding Rs. 1.00 crores.	50,000/-
6	Industries having total investment exceeding Rs. 1.00 crore but not exceeding Rs. 5.00 crores.	75,000/-
7	Industries having total investment exceeding Rs. 5.00 crore but not exceeding Rs. 10.00 crores.	1,00,000/-
8	Industries having total investment exceeding Rs. 10.00 crores but not exceeding Rs. 50.00 crores.	2,00,000/-
9	Industries having total investment exceeding Rs 50.00 crore but not exceeding Rs. 100.00 crores.	3,00,000/-
10	Industries having total investment exceeding Rs. 100.00 crore but not exceeding Rs. 200.00 crores.	5,00,000/-
11	200.00 crores above	7,00,000/-

**Consent to Operate (Initial) under Water and Air Act :**

The validity of Consent to Establish is one year. Consent to Establish should be renewed if the nit is not commissioned by then. If renewal is not sought within the validity period fresh application has to be made to the Board.

The application form for Consent to Operate under the Water Act and Air Act is Schedule- should be submitted in triplicate. The application form fees Rs. 100/- and is available at all the offices of the Board or can be downloaded from the Website. The amount is to be submitted as DD in favour of the Member Secretary, Pollution Control Board, Assam payable at Guwahati.

**Documents to be submitted:**

The documents to be submitted along with the Renewal of consent application form for processing of the application are :

- Land Documents / Lease agreements.
- Project report with total investment.
- Non-agricultural Land Certificate from SDC/Circle Officer (strictly for Brick and Stone Crusher).
- Details of water pollution control/air pollution control devices and solid waste / hazardous waste management facilities provided.

- Copy of latest cess return / payment statement.
- Consent fees in the form of Demand Draft drawn in favour of Member - Secretary, Pollution Control Board, Assam, Guwahati.
- Copy of environmental clearance or any other permission from Government of Assam or Govt. of India in case of first consent to operate, incase of industries / process requiring environmental clearance.
- Laboratory analysis report of the trade effluent / Ambient and Stack emissions.
- In case of any changes to previous submissions (NOC) the entrepreneur has to be submit the following documents (for the Renewal of consent to operate):
- Details of layout plan indicating different processes and point sources of effluent discharge /air emission/solid waste/hazardous waste and position of stack / effluent treatment plant, including D.G. set capacity in KVA.
- Manufacturing process of each product with flow diagram, chemical reactions and material balance with water budget.
- A details list of raw material and inputs with quantity / amount to be utilized daily / monthly.
- Details of water pollution control/air pollution control devices and solid waste / hazardous waste management proposed to be provided.
- Details of land available for disposal of effluent and its are.
- Details of green belt development with area details.
- N.O.C. from the Directorate of Industries, Govt. of Assam.
- N.O.C. from the Urban / Rural Authority of the concerned site / location.

*\*The validity of Consent is one year.*

#### **Consent Fee under Water Act / Air Act:**

Application shall be accompanied by prescribed fee for each term (not exceeding one years).

Slab	Total capital investment (in Rupees)	Consent under Air Act (in rupees)	Consent under Water Act (in rupees)
		Initial	Initial
1	Industries having total investment upto Rs. 5.00 lakhs	1,000/-	1,000/-
2	Industries having total investment exceeding Rs. 5.00 lakhs but not exceeding Rs. 10.00 lakhs.	2,500/-	2,500/-
3	Industries having total investment exceeding Rs. 10.00 lakhs but not exceeding Rs. 20.00 lakhs.	5,000/-	5,000/-
4	Industries having total investment exceeding Rs. 20.00 lakhs but not exceeding Rs. 50.00 lakhs.	7,500/-	7,500/-
5	Industries having total investment exceeding Rs. 50.00 lakhs but not exceeding Rs. 1.00 crores.	10,000/-	10,000/-
6	Industries having total investment exceeding Rs. 1.00 crore but not exceeding Rs. 5.00 crores.	25,000/-	25,000/-
7	Industries having total investment exceeding Rs. 5.00 crore but not exceeding Rs. 10.00 crores.	50,000/-	50,000/-
8	Industries having total investment exceeding Rs. 10.00 crores but not exceeding Rs. 50.00 crores.	1,00,000/-	1,00,000/-

Slab	Total capital investment (in Rupees)	Consent under Air Act (in rupees)	Consent under Water Act (in rupees)
		Initial	Initial
9	Industries having total investment exceeding Rs 50.00 crore but not exceeding Rs. 100.00 crores.	2,00,000/-	2,00,000/-
10	Industries having total investment exceeding Rs. 100.00 crore but not exceeding Rs. 200.00 crores.	3,00,000/-	3,00,000/-
11	200.00 crores above	5,00,000/-	5,00,000/-

### Renewal of Consent to Operate

Application for Consent to Operate (Renewal) is to be submitted in the 4th month before the expiry of the Consent order. If application is made after expiry of the validity period an action is to be taken as per Section 25/26 of Water Act & Section 21 of Air Act.

The application form for Consent to Operate (Renewal) under the Water Act and Air Act is Schedule-I should be submitted in triplicate. The application form fees Rs. 100/- and is available at all the offices of the Board or can be downloaded from the Website. The amount is to be submitted as DD in favour of the Member Secretary, Pollution Control Board, Assam payable at Guwahati.

### Documents to be submitted:

The documents to be submitted along with the Renewal of consent application form for processing of the application are :

- Balanced Sheet Certified by C/A
- Previous consent copy.
- Details of water pollution control/air pollution control devices and solid waste / hazardous waste management facilities provided.
- Copy of latest cess return / payment statement.
- Consent fees in the form of Demand Draft drawn in favour of Member - Secretary, Pollution Control Board, Assam, Guwahati.
- Copy of environmental clearance or any other permission from Government of Assam or Govt. of India in case of first consent to operate, incase of industries / process requiring environmental clearance.
- Laboratory analysis report of the trade effluent and Ambient & Stack emissions.
- In case of any changes to previous submissions (NOC) the entrepreneur has to be submit the following documents (for the Renewal of consent to operate):
- Details of layout plan indicating different processes and point sources of effluent discharge /air emission/solid waste/hazardous waste and position of stack / effluent treatment plant, including D.G. set capacity in KVA.



Slab	Total capital investment (in Rupees)	Consent under Air Act (in rupees)	Consent under Water Act (in rupees)
		Renewal	Renewal
1	Industries having total investment upto Rs. 5.00 lakhs	1,000/-	1,000/-
2	Industries having total investment exceeding Rs. 5.00 lakhs but not exceeding Rs. 10.00 lakhs.	2,500/-	2,500/-
3	Industries having total investment exceeding Rs. 10.00 lakhs but not exceeding Rs. 20.00 lakhs.	5,000/-	5,000/-
4	Industries having total investment exceeding Rs. 20.00 lakhs but not exceeding Rs. 50.00 lakhs.	7,500/-	7,500/-
5	Industries having total investment exceeding Rs. 50.00 lakhs but not exceeding Rs. 1.00 crores.	10,000/-	10,000/-
6	Industries having total investment exceeding Rs. 1.00 crore but not exceeding Rs. 5.00 crores.	25,000/-	25,000/-
7	Industries having total investment exceeding Rs. 5.00 crore but not exceeding Rs. 10.00 crores.	50,000/-	50,000/-
8	Industries having total investment exceeding Rs. 10.00 crores but not exceeding Rs. 50.00 crores.	1,00,000/-	1,00,000/-
9	Industries having total investment exceeding Rs. 50.00 crore but not exceeding Rs. 100.00 crores.	2,00,000/-	2,00,000/-
10	Industries having total investment exceeding Rs. 100.00 crore but not exceeding Rs. 200.00 crores.	3,00,000/-	3,00,000/-
11	200.00 crores above	5,00,000/-	5,00,000/-

- Manufacturing process of each product with flow diagram, chemical reactions and material balance with water budget.
- A details list of raw material and inputs with quantity / amount to be utilized daily / monthly.
- Details of water pollution control/air pollution control devices and solid waste / hazardous waste management proposed to be provided.
- Details of land available for disposal of effluent and its are.
- Details of green belt development with area details.
- N.O.C. from the Directorate of Industries, Govt. of Assam.
- N.O.C. from the Urban / Rural Authority of the concerned site / location.

## E. IMPLEMENTATION & MONITORING PLAN

Supervision and Monitoring of mitigation/ management measures as per the safeguard requirements will be done at two level i.e. Regular monitoring by implementing agency and monthly monitoring by DEC.

**Regular monitoring** shall be carried out by the project implementing agency and District Environment Coordinator with the help of monitoring format **Annex-3**. The regular monitoring will be based on the good environmental practices, which have been identified and it is necessary to figure out from possible environmental concern, mitigation plan and with the help of initial consultations following project EMP.

**F. CAPACITY BUILDING**

Capacity Building on Environmental Safeguard requirements for the project functionaries and beneficiaries shall be worked out as a part FPC training schedule. During their orientation program concerned DEC/ representatives should be involved for better planning and implementation. The orientation program may also include the industry associations who are likely to be engaged during the implementation phase.