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ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ Karnataka State Pollution Control Board

"ಪರಿಸರಭವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ.49, ಚರ್ಚ್‌ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ
"Parisara Bhavana", 1st to 5th Floor, # 49, Church Street, Bengaluru - 560 001, Karnataka, INDIA

No. PCB/782/COC/2016/7158

Date: 31.03.2016

OFFICE MEMORANDUM

Sub: Inspection Policy & Guidelines – reg.

Ref: Proceedings of 202nd Board Meeting held on 25.02.2016

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Board is entrusted to enforce the provisions of the Water Act, the Air Act, Environment (Protection) Act and the rules framed therein. Section 17 states the function of the State Board wherein Board need to inspect sewage or trade effluent, works and plants for the treatment of sewage and trade effluents. Also to inspect air pollution control areas at such intervals as deemed necessary, access the quality of air therein and take steps for the prevention. Provides to inspect, at all reasonable times, any control equipment, industrial plant or manufacturing process and to give by order such directions to such persons as deemed necessary to take steps for prevention, control or abatement of air pollution.

The Business Reform Action Plan for States/UTs published by Government of India during December 2015 calls for documentation of inspection policy/guideline which shall focus more on list based industries for satisfactory compliance of environmental regulations and to ensure that the inspections are more transparent. It also mentions about identifying the list of industries that need to be inspected based on computerised risk assessment, to publish the check list for inspection, to allow the industries to view and download the inspection report, mandate that the same inspector will not inspect the same establishment twice consecutively, inspection should be linked to online application and approval system and that the inspection report to be submitted by the inspecting officer within 48 hours of inspection and the report should be available for viewing and downloading by the users on portal or the website.

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In this regard, in the 202nd Board Meeting the inspection policy and guidelines for the purpose of carrying out inspection and monitoring were approved.

Hence the following Inspection Policy & Guidelines is issued herewith;

INSPECTION POLICY

(Under Section 23 of the Water Act, 1974, under Section 24 of the Air Act, 1981 and under Section 10 of the Environment (Protection) Act, 1986)

1. Preamble:

Any person who proposes to establish or operate an industry/ operation/process which is likely to discharge sewage/trade effluents has to obtain prior Consent to Establish/ Consent to Operate from the Karnataka State Pollution Control Board (Board), under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, and under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 by submitting prescribed application forms complete in all respect. Also the Occupier has to obtain prior Authorization from the Board for handling Hazardous/Bio-medical waste besides to obtain Registration to manufacture plastic carry bags under the various Rules made under the Environment (Protection) Act, 1986. On receipt of applications for consent the Board may make such inquiry as it deemed fit by following prescribed procedure before grant of consent. Similarly the Board has to satisfy that the occupier possesses the necessary capacity/facility to handle the waste before issue of authorization. In order to make inquiry, assess the capability and also to ascertain compliance to the conditions prescribed earlier inspections are being carried out as per the relevant provisions of Water Act, Air Act and under the Environment (Protection) Act, 1986.

The inspections have an impact on the measurement of actual level of operation and maintenance of pollution control systems. They also provide regulators with a more accurate pollution profile of the plants. There will also be an impact on the behaviour of industries and other stakeholders for improvements in their environmental performance.

Consent to Establish (CTE) is granted subject to the projects meeting the siting guidelines, adequacy of the proposals for pollution control measures and in case of

projects covered under EIA Notification there shall be an EC issued by the Competent Authority.

The Consent to Operate (CTO) is granted subject to compliance with conditions stipulated in CTE and earlier CTOs for renewal.

Hence in order to ensure compliances Inspection & Monitoring has to be carried out. This enhances the environmental performance of industries and other stakeholders.

2. Inspection Protocol

Check list for inspection:

- i) Inspection of site for new industries:
 - a. Application for CTE made by the industry
 - b. Location map – for red category projects attracting EIA Notification 10 km radius, other red category one km, orange category one km, Green category 500mts. All features shall be indicated.
 - c. Raw material details.
 - d. Water source and the effluent generation.
 - e. Brief description of proposed activity.
 - f. Treated effluent/sewage management plan.
 - g. Emission sources .
 - h. GPS instrument.
 - i. Camera

- ii) Inspection of operating industries for Compliance
 - a. Consent order copy
 - b. Monitored data of the previous inspection
 - c. Notices issued by the Board
 - d. Sampling kit with field assistant
 - e. Forms required for monitoring
 - f. Camera

- iii) Inspection for verification of Complaints
 - a. Copy of the complaint
 - b. If it is related to the industry the details of the industrial establishment and pollution control measures with compliance status.

- Purpose of inspection
- Objective of inspection
- Legal provisions
- Frequency of inspection and sample collection.
- Procedure for inspection.

3. Objectives of inspection:

i. For proposed Establishments

- Field Observation to capture surrounding environmental settings
- Verification of information submitted in application/proposals

ii. For existing establishments:

- Verification of information submitted in the applications/records/documents/reports.
- To verify the compliance statute of conditions imposed in consent to establish/Consent for Expansion/consent to operate, Authorization/Registration.
- To verify the relevant records/documents for compliance
- Assessing performance of Pollution Control systems
- Sampling and Monitoring of environmental parameters

iii. For complaint related aspects

- Nature of Complaint.
- Verification of facts about the complaint.
- Gathering facts through the complainant & the industry.

4. Power of Entry for inspection:

Section 23 of the Water (Prevention and Control of Pollution) Act, 1974 as amended, Section 24 of the Air (Prevention and Control of Pollution) Act, 1981, as amended and Section 10 of the Environment (Protection) Act, 2006 empowers any officers authorized by the State Pollution Control Board, the right to enter any industry at reasonable times with assistance for the process of performing any of the functions of the State Board entrusted to him/her etc.,

The KSPCB empowers the Environmental Officers, Deputy Environmental Officers and Assistant Environmental Officers to inspect and to exercise powers under Section 21 and 23 of the Water Act, 1974; Section 24, 25 and 26 of the Air Act, 1981 and Section 11 of the Environment (Protection) Act, 1986 as specified therein.

5. Frequency of inspection and sample collection

The frequency of inspection as specified in MoEF & CC, GoI OM J.2011 1/15/88-IA is as follows;

Sl. No.	Size of Industry	Category	Frequency of visit and sampling
1.	Small scale	Red	At least once in a year
2.	Small scale	Orange	At least once in 3 years
3.	Non-polluting of SSI/tiny units	Green	At least once in 5 years On random check basis
4.	Large & Medium Scale	Red	At least once in 3 months
5.	Large & Medium Scale	Orange	At least once in a year
6.	Large & Medium Scale	Green	At least once in 2 years On random check basis.

6. Procedure for Inspection.

The inspecting officer shall follow the following procedures for inspection;

- (i) Notice of inspection shall be served to the occupier of the premises before conducting the actual inspection of the premises in the prescribed form as per the Statute.
- (ii) In presence of the occupier/authorized agent of the industry inspection shall be conducted.
- (iii) For new project for site inspections the following are to be verified.

- a) Compliance to the siting guidelines prescribed.
 - b) Distance of proposed site with respect to human settlements, water bodies, National/State high way, railways, existing industries in the vicinity of the site, forest boundary, archeological monuments, bio-reserves, wild life sanctuaries, religious and educational institutions.
 - c) The latitude-longitude of the proposed project site (in case of major and medium Scale industries)
- (iv) In case of existing industries while issuing CTO: When the industry makes an application for obtaining CTO, the industry is inspected to collect the following details
- a. Point wise compliance to the CTE conditions.
 - b. Point wise compliance to the CTO conditions.
 - c. Verification of relevant records and log books.
 - d. Verification of water meters as per Cess Act.
 - e. The source of generation of wastewater flow meter, energy meter attached to the ETP/STP, operation of the treatment plant and disposal facilities provided.
 - f. The sources of generation of Hazardous and Non-Hazardous Solid Waste, its storage, treatment and disposal facilities.
 - g. In case of on line/ real time monitoring – verification of the functioning of instrument, calibrations, and data logging.
- (v) During the inspection if the inspecting officer desires to gather evidences for non compliances during the visit the samples of the air emissions and discharges; hazardous waste and ground/surface water, soil Sample depending upon the requirement shall be collected following the procedures as laid down in the Water Act, the Air Act and the EP Act. Care shall be taken to draw proper mahazar at site, preserve and transport the sample to jurisdictional Board Laboratory and to divide the sample if desired. The copy of the mahazar shall be given to the occupier or to the authorized agent.
- (vi) The inspecting officer shall inform the non-compliance/violations orally and record them in the book if maintained by the industry.

- (vii) After the inspection, the inspecting officer shall report the observations in the XGN Karnataka Portal within 48 hours in the prescribed format. A hard copy shall also be given to the concerned authorizes and to the industry. The inspecting officer shall ensure that, the inspection report also indicate the quality of the treated effluent and the emissions over a period of time.
- (viii) The inspection report shall only record the observations of the inspecting officer, findings of the records and also his/her views on the compliance.
- (ix) Based on the inspection report, the decision making authority will initiate appropriate action as contemplated in the Statute.

6. Inspection procedure for verification of complaint:

- Ascertain whether the complaint is within the jurisdiction of the Regulatory activities of KSPCB.
- If the complaint is within the purview of the Board's activity, the copy of the complaint shall be served to the industry/organization on whom the complaint is made with intimation to the complainant.
- If the complaint requires inspection, the inspecting officer the same shall be informed to the complainant and the complaine.
- Inspect the industry/organization and verify the facts & allegations and initiate required action as deemed fit if any.
- Inform the complainant about the findings.
- If the complaint is not relevant to the activities covered by the Board, an endorsement shall be given to the complainant to approach the appropriate authority for the redressal of the complaint.

7. Risk Based Inspections

Industries/facilities identified for continuous real time monitoring are covered. viz 17 categories, Common Bio medical waste treatment facilities, Common Effluent treatment facilities, Hazardous waste recycling facilities and common Hazardous waste land fill facilities.

Chief Environmental Officers, Senior Environmental Officers and Environmental Officers are the inspecting officers for the purpose. The establishment/facility and the officer other than the jurisdiction will be randomly selected by the computerized allocation system.

The officer selected for inspection shall carry out the inspection within 10 working days and he shall take the assistance of the Zonal Senior Environmental Officer for the inspection. He shall furnish the inspection report within 48 hours.

The inspecting officer shall ensure that, the inspection report also indicate the quality of the treated effluent and the emissions over a period of time.

All the technical officers of the Board are responsible for inspection and monitoring and are instructed to follow the above guidelines strictly.


Member Secretary

To:

1. Chief Environmental Officers – 1,2 & 3
2. SEO (Waste Management), SEO (17 Category), SEO (Infrastructure), SEO(Mines, Steel & Stone Crushers), SEO (Non-EIA, Enforcement, Awareness, Inspection & Monitoring)
 1. SEO (Bengaluru City), SEO (Bengaluru East), SEO (Bengaluru South), SEO (Bengaluru North), SEO (Mysuru), SEO (Mangaluru), SEO (Dharwad), SEO (Ballari), SEO (Chitradurga), SEO(Kalaburagi)
 2. All Regional Officers, Regional Office: (1) Bengaluru City-East, (2) Bengaluru City-Peenya, (3) Bengaluru City-South, (4) Bengaluru City-West, (5) Dasarahalli, (6) Doddaballapura, (7) Nelamangala, (8) Yelahanka, (9) Anekal, (10) Bommanahalli, (11) Rajarajeshwari-nagara, (12) Ramnagar, (13) Sarjapura, (14) Chikkaballapur, (15) Hosakote, (16) Mahadevpura, (17) Mysuru-1, (18) Mysuru-2, (19) Mandya, (20) Chamarajnagar, (21) Tumakuru, (22) Chitradurga, (23) Davangere, (24) Kolar. (25) Shivamogga, (26) Dharwad, (27) Gadag (28) Belagavi-1, (29) Belagavi-2 (Chikkodi Centre), (30) Bagalkot, (31) Vijayapura, (32) Ballari, (33) Raichur, (34) Koppal, (35) Bidar, (36) Kalaburagi, (37) Udupi, (38)Mangaluru, (39) Hassan, (40) Chikkamagaluru , (41) Karwar, (42) Kodagu (43) Haveri, (44) Yadgiri.
 3. EO (e-governance), EO(KUM), EO (Waste Management), EO(CCM), EO (Non-EIA, other than Bengaluru), EO (Non-EIA Bengaluru), EO (17 Cat), EO

- EO (Enforcement (excluding Large Red), Complaint, Vigilance), EO (Corporate),
EO (Mines, Steel & Stone crushers), EO (Infrastructure Projects)
4. Website

Copy to :

1. PA to Chairman & Member Secretary for information.
2. TA to Chairman
1. Administrative Officer
2. Chief Finance Officer
3. Law Officer
4. Public Relation Officer
5. AEEs, Building Division
6. Chief Scientific Officer -1, Enviro Care Cell, Head Office
7. Chief Scientific Officer -2, Central Environmental Laboratory.
8. SO (AQM).



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Karnataka State Pollution Control Board

“ಪರಿಸರಭವನ”, 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ.49, ಚರ್ಚ್‌ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ
"Parisara Bhavana", 1st to 5th Floor, # 49, Church Street, Bengaluru - 560 001, Karnataka, INDIA

No. PCB/782/COC/2016/

2237

Date: 21 JUL 2016

CORRIGENDUM

Sub: Inspection Policy & Guidelines – reg.

Ref: 1. Proceedings of 202nd Board Meeting held on 25.02.2016

2. OM No. PCB/782/COC/2016/7158 dated : 31.03.2016

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Inspection policy and guidelines has been issued in the Office Memorandum cited under reference (2). Partial modification to the Office Memorandum with regard to frequency of inspection and sample collection is revised as under

Sl. No.	Size of Industry	Category	Frequency of inspection and sampling
1.	Small scale	Red	At least once in a year
2.	Small scale	Orange	At least once in 3 years
3.	Large, Medium & Small scale industries	Green	The green category of industries with history of satisfactory compliance is exempted from environmental compliance inspection.
4.	Large & Medium Scale	Red	At least once in 3 months
5.	Large & Medium Scale	Orange	At least once in a year

Further, one of the action points under Business Reform Action Plan, 2016 for Ease of Doing Business is “Mandate that the same inspector will not inspect the same

establishment twice consecutively.”. Therefore, in the Regional Office, the allocation for inspection shall be made such that **“no Officer shall inspect the same industry/establishment/organization twice consecutively”**.

This is issued in order to achieve various mandates under “Ease of Doing Business”. However in the matter related to Legal Cases/Complaints/Press Clippings/Issues referred by Government and other authorities, the concerned Regional Officer/Senior Environmental Officer shall carry out inspections as per the instructions issued therein so as to take further action for implementation of various Environmental Laws.

The Board reserves its right and power as per the provisions laid under Environmental Laws and Rules in vogue to issue directions/orders as deemed fit in the interest of Public Health and Environment.

All other inspection policy & guidelines cited in OM under reference remains unaltered.


Member Secretary

To:

1. Chief Environmental Officers – 1,2 & 3
2. SEO (Waste Management), SEO (17 Category), SEO (Infrastructure), SEO(Mines, Steel & Stone Crushers), SEO (Non-EIA, Enforcement, Awareness, Inspection & Monitoring)
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