

Environment (Protection) Rules, 1986

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In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules, namely: -

1. Short title and commencement. - (i) These rules may be called The Environment (Protection) Rules, 1986.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. - In these rules, unless the context otherwise requires, -

(a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);

[(aa) "areas" means all areas where the hazardous substances are handled;]

(b) "Central Board" means the Central Board for the Prevention and Control of Water Pollution constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(c) "Form" means a Form set forth in Appendix A to these rules;

(d) "Government Analyst" means a person appointed or recognised as such under section 13;

(e) "person" in relation to any factory or premises means a person or occupier or his agent who has control over the affairs of the factory or premises and includes in relation to any substance, the person in possession of the substance;

[(ee) "prohibited substance" means the substance prohibited for handling;]

(f) "recipient system" means the part of the environment, such as soil, water, air or other which receives the pollutants;

[(ff) "restricted substance" means the substance restricted for handling;]

(g) "section" means a section of the Act;

(h) "Schedule" means a Schedule appended to these rules;

(i) "standards" means standards prescribed under these rules;

(j) "State Board" means a State Board for the Prevention and Control of Water Pollution constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), or a State Board for the Prevention and Control of Air Pollution constituted under section 5 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).

3. Standards for emission or discharge of environmental pollutants. - (1) For the purposes of protecting and improving the quality of the environment and preventing and abating environmental pollution, the standards for emission or discharge of environmental pollutants from the industries, operations or processes shall be as specified in [Schedules I to IV].

[* * *]

(2) Notwithstanding anything contained in sub-rule (1), the Central Board or a State Board may specify more stringent standards from those provided in [Schedules I to IV] in respect of any specific industry, operation or process depending upon the quality of the recipient system and after recording reasons, therefor, in writing.

[(3) The standards for emission or discharge of environmental pollutants specified under sub-rule (1) or sub-rule (2) shall be complied with by an industry, operation or process within a period of one year of being so specified.]

[(3-A)(i) Notwithstanding anything contained in sub-rules (1) and (2), on and from the 1st day of January, 1994, emission or discharge of environmental pollutants from the [industries, operations or processes other than those industries, operations or processes for which standards have been specified in Schedule I shall][not exceed the relevant parameters and standards specified in Schedule VI:

Provided that the State Boards may specify more stringent standards for the relevant parameters with respect to specific industry or locations after recording reasons therefor in writing;

(ii) The State Board shall while enforcing the standards specified in Schedule VI follow the guidelines specified in Annexures I and II in that Schedule.]

[(3-B) The combined effect of emission or discharge of environmental pollutants in an area, from industries, operations, processes, automobiles and domestic sources, shall not be permitted to exceed the relevant concentration in ambient air as specified against each pollutant in columns (3) to (5) of Schedule VII.]

[(4) Notwithstanding anything contained in sub-rule (3),-

(a) the Central Board or a State Board, depending on the local conditions or nature of discharge of environment pollutants, may, by order, specify a lesser period than a period specified under sub-rule (3) within which the compliance of standards shall be made by an industry, operation or process;

(b) the Central Government in respect of any specific industry, operation or process, by order, may specify any period other than a period specified under sub-rule (3) within which the compliance of standards shall be made by such industry, operation or process.

(5) Notwithstanding anything contained in sub-rule (3), the standards for emission or discharge of environmental pollutants specified under sub-rule (1) or sub-rule (2) in respect of an industry, operation or process before the commencement of the Environment (Protection) Amendment Rules, 1991, shall be complied with by such industry, operation or process by the 31st day of December, 1991.]

[(6) Notwithstanding anything contained in sub-rule (3), an industry, operation or process which has commenced production on or before 16th May, 1981 and has shown adequate proof of at least commencement of physical work for establishment of facilities to meet the specified standards within a time-bound programme, to the satisfaction of the concerned State Pollution Control Board, shall comply with such standards latest by the 31st day of December, 1993.]

(7) Notwithstanding anything contained in sub-rule (3) or sub-rule (6) an industry, operation or process which has commenced production after the 16th day of May, 1991 but before the 31st day of December, 1991 and has shown adequate proof of at least commencement of physical work for establishment of facilities to meet the specified standards within a time-bound programme, to the satisfaction of the concerned State Pollution Control Board, shall comply with such standards latest by the 31st day of December, 1992.]

[(8) Use of coal by Thermal Power Plants, without stipulations as regards ash content of distance, shall be permitted subject to following conditions:

(1) Setting Up Technology Solution for emission norms: - (i) Compliance of specified emission norms for Particulate Matter, as per extant notifications and instructions of Central Pollution Control Board, issued from time to time.

(ii) In case of washeries, Middling and rejects to be utilized in FBC (Fluidised Bed Combustion) technology based thermal power plants. Washery to have linkage for middling and rejects in Fluidised Bed Combustion plants.

(2) Management of Ash Ponds: - (i) The thermal powers plants shall comply with conditions, as notified in the Fly Ash notification issued from time to time, without being entitled to additional capacity of fly ash pond (for existing power generation capacity) on ground of switching from washed coal to unwashed coal.

(ii) Appropriate Technology solutions shall be applied to optimise water consumption for Ash management;

(iii) The segregation of ash may be done at the Electro-static Precipitator stage, if required, based on site specific conditions, to ensure maximum utilization of fly ash;

(iv) Subject to 2(i) above, the thermal power plants to dispose fly ash in abandoned or working mines (to be facilitated by mine owner) with environment safeguards.

(3) Transportation: - (i) Coal transportation may be undertaken by covered Railway wagon (railway wagons covered by tarpaulin or other means) and/or covered conveyer beyond the mine area. However, till such time enabling Rail transport/conveyer infrastructure is not available, road transportation may be undertaken in trucks, covered by tarpaulin or other means.

(ii) It shall be ensured by the thermal power plant that -

(a) Rail siding facility or conveyor facility is set up at or near the power plant, for transportation by rail or conveyor; and

(b) If transportation by rail or conveyor facility is not available, ensure that the coal is transported out from the Delivery Point of the respective mine in covered trucks (by tarpaulin or other means), or any mechanized closed trucks by road.

(4) This shall also be deemed to be additional conditions of the relevant Environment Clearances for respective projects for financial year 2020-21 and onwards. The existing Environmental Clearances shall stand modified so as to make the above conditions operative for relevant sectors. The Consent to Operate shall be issued by respective State Pollution Control Boards accordingly.]

4. Directions. - (1) Any direction issued under section 5 shall be in writing.

(2) The direction shall specify the nature of action to be taken and the time within which it shall be complied with by the person, officer or the authority to whom such direction is given.

[(3-a)] The person, officer or authority to whom any direction is sought to be issued shall be served with a copy of the proposed direction and shall be given an opportunity of not less than fifteen days from the date of service of a notice to file with an officer designated in this behalf the objections, if any, to the issue of the proposed direction.

[(3-b) Where the proposed direction is for the stoppage or regulation of electricity or water or any other service affecting the carrying on any industry, operation or process and is sought to be issued to an officer or an authority, a copy of the proposed direction shall also be endorsed to the occupier of the industry, operation or process, as the case may be, and objections, if any, filed by the occupier with an officer designated in this behalf shall be dealt with in accordance with the procedures under sub-rules (3- a) and (4) of this rule:

Provided that no opportunity of being heard shall be given to the occupier if he had already been heard earlier and the proposed direction referred to in sub-rule (3- b) above for the

stoppage or regulation of electricity or water or any other service was the resultant decision of the Central Government after such earlier hearing.]

(4) The Central Government shall within a period of 45 days from the date of receipt of the objections, if any, or from the date up to which an opportunity is given to the person, officer or authority to file objections whichever is earlier, after considering the objections, if any, received from the person, officer or authority sought to be directed and for reasons to be recorded in writing, confirm, modify or decide not to issue the proposed direction.

(5) In a case where the Central Government is of the opinion that in view of the likelihood of a grave injury to the environment it is not expedient to provide an opportunity to file objections against the proposed direction, it may, for reasons to be recorded in writing, issue directions without providing such an opportunity.

(6) Every notice or direction required to be issued under this rule shall be deemed to be duly served-

(a) where the person to be served is a company, if the document is addressed in the name of the company at its registered office or at its principal office or place of business and is either,-

(i) sent by registered post, or

(ii) delivered at its registered office or at the principal office or place of business;

(b) where the person to be served is an officer serving Government, if the document is addressed to the person and a copy thereof is endorsed to the Head of the Department and also to the Secretary to the Government, as the case may be, incharge of the Department in which for the time being the business relating to the Department in which the officer is employed is transacted and is either,-

(i) sent by registered post, or

(ii) is given or tendered to him;

(c) in any other case, if the document is addressed to the person to be served and-

(i) is given or tendered to him; or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any, to which it relates; or

(iii) is sent by registered post to that person.

Explanation. - For the purposes of this sub-rule,-

(a) "company" means any body corporate and includes a firm or other association of individuals;

(b) "a servant" is not a member of the family.

5. Prohibition and restriction on the location of industries and the carrying on processes and operations in different areas.

(1) The Central Government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas:-

(i) Standards for quality of environment in its various aspects laid down for an area.

(ii) The maximum allowable limits of concentration of various environmental pollutants (including noise) for an area.

- (iii) The likely emission or discharge of environmental pollutants from an industry, process or operation proposed to be prohibited or restricted.
- (iv) The topographic and climatic features of an area.
- (v) The biological diversity of the area which, in the opinion of the Central Government, needs to be preserved.
- (vi) Environmentally compatible land use.
- (vii) Net adverse environmental impact likely to be caused by an industry, process or operation proposed to be prohibited or restricted.
- (viii) Proximity to a protected area under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or a sanctuary, National Park, game reserve or closed area notified, as such under the Wild Life (Protection) Act, 1972, or places protected under any treaty, agreement or convention with any other country or countries or in pursuance of any decision made in any international conference, association or other body.
- (ix) Proximity to human settlements.
- (x) Any other factor as may be considered by the Central Government to be relevant to the protection of the environment in an area.

(2) While prohibiting or restricting the location of industries and carrying on of processes and operations in an area, the Central Government shall follow the procedure hereinafter laid down.

(3)(a) Whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions on the location of an industry or the carrying on of processes and operations in an area, it may, by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.

(b) Every notification under clause (a) shall give a brief description of the area, the industries, operations, processes in that area about which such notification pertains and also specify the reasons for the imposition of prohibition or restrictions on the location of the industries and carrying on of processes or operations in that area.

(c) Any person interested in filing an objection against the imposition of prohibition or restriction on carrying on of processes or operations as notified under clause (a) may do so in writing to the Central Government within sixty days from the date of publication of the notification in the Official Gazette.

(d) The Central Government shall, within a period of one hundred and twenty days from the date of publication of the notification in the Official Gazette, consider all the objections received against such notification and may [within [seven hundred and twenty five days][, and in respect of the States of Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim and Jammu and Kashmir in exceptional circumstance and for sufficient reasons within a further period of one hundred and eighty days][from such date of publication,] impose prohibition or restrictions on location of such industries and the carrying on of any process or operation in an area.

[Provided that for the purpose of this clause, the period of national lockdown from 25th March, 2020 to 31st May, 2020 on account of COVID-19 pandemic shall be excluded for the purpose of counting the number of days for publication of the final rule or order or notification.]

[(4) Notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3).]

[6. Procedure for taking samples. - The Central Government or the officer empowered to take samples under section 11 shall collect the sample in sufficient quantity to be divided into two uniform parts and effectively seal and suitably mark the same and permit the person from whom the sample is taken to add his own seal or mark to all or any of the portions so sealed and marked. In case where the sample is made up in containers or small volumes and is likely to deteriorate or be otherwise damaged if exposed, the Central Government or the officer empowered shall take two of the said samples without opening the containers and suitably seal and mark the same. The Central Government or the officer empowered shall dispose of the samples so collected as follows:-

- (i) one portion shall be handed over to the person from whom the sample is taken under acknowledgment; and
- (ii) the other portion shall be sent forthwith to the environmental laboratory for analysis.]

7. Service of notice. - The Central Government or the officer empowered shall serve on the occupier or his agent or person in charge of the place a notice then and there in Form I of his intention to have the sample analysed.

8. Procedure for submission of samples for analysis, and the form of laboratory report thereon. - (1) Sample taken for analysis shall be sent by the Central Government or the officer empowered to the environmental laboratory by registered post or through special messenger alongwith Form II.

(2) Another copy of Form II, together with specimen impression of seals of the officer empowered to take samples alongwith the seals/marks, if any, of the person from whom the sample is taken shall be sent separately in a sealed cover by registered post or through a special messenger to the environmental laboratory.

(3) The findings shall be recorded in Form III in triplicate and signed by the Government Analyst and sent to the officer from whom the sample is received for analysis.

(4) On receipt of the report of the findings of the Government Analyst, the officer shall send one copy of the report to the person from whom the sample was taken for analysis, the second copy shall be retained by him for his records and the third copy shall be kept by him to be produced in the Court before which proceedings, if any, are instituted.

9. Functions of environmental laboratories. - The following shall be the functions of environmental laboratories:-

- (i) to evolve standardised methods for sampling and analysis of various types of environmental pollutants;
- (ii) to analyse samples sent by the Central Government or the officers empowered under sub-section (1) of section 11;
- (iii) to carry out such investigations as may be directed by the Central Government to lay down standards for the quality of environment and discharge of environmental pollutants, to monitor and to enforce the standards laid down;
- (iv) to send periodical reports regarding its activities to the Central Government;
- (v) to carry out such other functions as may be entrusted to it by the Central Government from time to time.

10. Qualifications of Government Analyst. - A person shall not be qualified for appointment or recognised as a Government Analyst unless he is a -

- (a) graduate in science from a recognised university with five years' experience in a laboratory engaged in environmental investigations, testing or analysis; or
- (b) post-graduate in science or a graduate in engineering or a graduate in medicine or equivalent with two years' experience in a laboratory engaged in environmental investigations, testing or analysis; or
- (c) post-graduate in environmental science from a recognised university with two years' experience in a laboratory engaged in environmental investigations, testing or analysis.

11. Manner of giving notice. - The manner of giving notice under clause (b) of section 19 shall be as follows, namely:-

- (1) The notice shall be in writing in Form IV;
- (2) The person giving notice may send notice to,-
 - (a) if the alleged offence has taken place in a Union territory:-
 - (A) the Central Board; and
 - (B) the Ministry of Environment and Forests (represented by the Secretary of the Government of India);
 - (b) if the alleged offence has taken place in a State:-
 - (A) the State Board; and
 - (B) the Government of the State (represented by the Secretary to the State Government incharge of environment); and
 - (C) the Ministry of Environment and Forests (represented by the Secretary to the Government of India);
- (3) The notice shall be sent by registered post-acknowledgment due; and
- (4) The period of sixty days mentioned in clause (b) of section 19 of the Environment (Protection) Act, 1986 (29 of 1986) shall be reckoned from the date it is first received by one of the authorities mentioned above.

[12. Furnishing of information to authorities and agencies in certain cases. - Where the discharge of environmental pollutant in excess of the prescribed standard occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person in charge of the place at which such discharge occurs or is apprehended to occur shall forthwith intimate the fact of such occurrence or apprehension of such occurrence to all the following authorities or agencies, namely:-

- (i) The officer-in-charge of emergency or disaster relief operations in a district or other region of a State or Union territory specified by whatever designation, by the Government of the said State or Union territory, and in whose jurisdiction the industry, process or operation is located.
- (ii) The Central Board or a State Board, as the case may be, and its regional officer having local jurisdiction who have been delegated powers under sections 20, 21, 23 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and section 24 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).
- (iii) The statutory authorities or agencies specified in column 3 in relation to places mentioned in column 2 against thereof of [Schedule V].]

[13. Prohibition and restriction on the handling of hazardous substances in different areas. - (1) The Central Government may take into consideration the following factors while prohibiting or restricting the handling of hazardous substances in different areas:-

- (i) the hazardous nature of the substance (either in qualitative or quantitative terms) as far as may be in terms of its damage causing potential to the environment, human beings, other living creatures, plants and property;
- (ii) the substances that may be or likely to be readily available as substitutes for the substances proposed to be prohibited or restricted;
- (iii) the indigenous availability of the substitute, or the state of technology available in the country for developing a safe substitute;
- (iv) the gestation period that may be necessary for gradual introduction of a new substitute with a view to bringing about a total prohibition of the hazardous substance in question; and
- (v) any other factor as may be considered by the Central Government to be relevant to the protection of environment.

(2) While prohibiting or restricting the handling of hazardous substances in an area including their imports and exports the Central Government shall follow the procedure hereinafter laid down:-

- (i) Whenever it appears to the Central Government that it is expedient to impose prohibition or restriction on the handling of hazardous substances in an area, it may, by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.
- (ii) Every notification under clause (i) shall give a brief description of the hazardous substances and the geographical region or the area to which such notification pertains and also specify the reasons for the imposition of prohibition or restriction on the handling of such hazardous substances in that region or area.
- (iii) Any person interested in filing an objection against the imposition of prohibition or restrictions on the handling of hazardous substances as notified under clause (i) may do so in writing to the Central Government within thirty days from the date of publication of the notification in the Official Gazette.
- (iv) The Central Government shall within a period of sixty days from the date of publication of the notification in the Official Gazette consider all the objections received against such notification and may impose prohibition or restrictions on the handling of hazardous substances in a region or an area.]

[14. Submission of environment statement. - Every person carrying on an industry, operation or process requiring consent under section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) or both or authorisation under the Hazardous Wastes (Management and Handling) Rules, 1989 issued under the Environment (Protection) Act, 1986 (29 of 1986) shall submit an environmental [statement] [for the financial year ending on the 31st March in Form V to the concerned State Pollution Control Board on or before the [thirtieth day of September][every year, beginning 1993.]