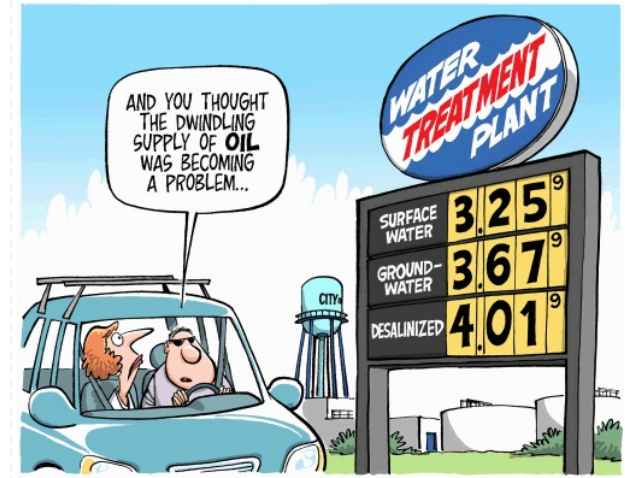
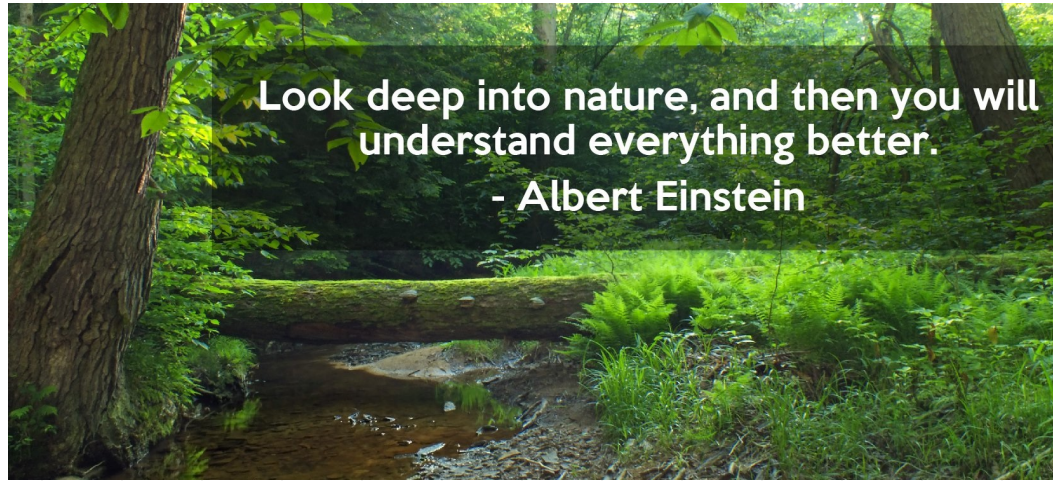




# ENVIRONMENTAL GOVERNANCE

## Towards Better Enforcement & Monitoring

NITI Aayog - EPIC - National Conference, New Delhi - 7th July 2017



# AGENDA

- ⦿ **Present Status – Act, Regulations, Command & Control**
- ⦿ **Limitations – Disadvantages of Current Situation**
- ⦿ **Changes – Modifications within current regime**



# Present Status

Act, Regulations, Command & Control

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# PRESENT STATUS - GOVERNANCE

- ◉ **Command & Control Regime**
- ◉ **Consent to Establish – Consent to Operate**
  - ◉ **Section 25 of Water Act, 1974**
  - ◉ **Section 21 of Air Act, 1981**

# PRESENT STATUS – WATER ACT, 1974

## “25. RESTRICTIONS ON NEW OUTLETS AND NEW DISCHARGES

(1) Subject to the provisions of this section, no person shall, **without the previous consent** of the State Board,

(a) **establish or take any steps to establish** any industry, operation or process, or any treatment and disposal system or an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or

(b) **bring into use any new or altered outlets** for the discharge of sewage; or

(c) begin to make any new discharge of sewage;”

# PRESENT STATUS – AIR ACT, 1981

## “21. Restrictions on use of certain industrial plants.

(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area :”

# PRESENT STATUS – GOVERNANCE

- ◉ **No incentive for compliance**
- ◉ **No system of penalties / fines**
- ◉ **Present choice – drastic action or no action**



# PRESENT STATUS – RESOURCES

- ◉ **Man Power Crunch**
- ◉ **Requirement of Capacity Building – Skill Development**
- ◉ **Lack of Innovativeness**
- ◉ **No use of new technologies**



# Limitations

## Disadvantages of Current Situation

# 2

# LIMITATIONS - DISADVANTAGES

## Consent To Establish, Consent To Operate

- ◉ Most of SPCBs time taken for processing of CTE – CTO
- ◉ Need of Renewal
- ◉ Existing Man Power Paucity
- ◉ Lost Focus on Compliance Monitoring
- ◉ Overall picture of weak enforcement

# LIMITATIONS - DISADVANTAGES

## Command and Control Approach

- ⦿ Emissions standards, process/equipment specifications, limits on input/output/discharges, requirements to disclose information, and audits.
- ⦿ Have been criticised for restricting technology, as there is no incentive for firms to innovate and comply



# Innovations – Changes

## Within Current Acts & Regulations

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# CHANGES - MODIFICATIONS

Changes in  
Consent  
System

Modified  
Compliance  
Monitoring

Innovative  
Methods

Innovative  
Governance



# CHANGES IN CONSENT SYSTEM

- ⦿ **Merge CTE - CTO into a single comprehensive document which includes raw materials, products, conditions for establishment - operation etc.**
- ⦿ **Remove validity – Procedure for renewal are done away**
- ⦿ **In case of changes in production / raw materials the company should obtain an amendment**

# MODIFIED COMPLIANCE MONITORING

- ◉ **Reduction in CTE – CTO processing - more focus on Compliance Monitoring - re-allocation of man power**
- ◉ **Develop Industry Environment Performance Index (IEPI)(Consent status, compliance of conditions, emissions etc. as indicators)**
- ◉ **Frequency of Monitoring depending on IEPI (historic weighted indices – last 3-4 index used)**
- ◉ **Industry to pay for Compliance Monitoring (compensate for loss of CTE-CTO fees, incentivise compliant industries)**



# INNOVATIVE GOVERNANCE

- ◎ **Use of Newer methods of governance like Market Based environment policy Instruments (MBI)(environmentally related taxes, charges and subsidies, emissions trading and other tradeable permit systems, deposit-refund systems, licenses etc.)**
- ◎ **Use of Data Analytics – huge data within all PCBs - IEPI**
- ◎ **Use of Online Monitoring System for emissions – A & W**
- ◎ **SPCBs' role – as a facilitator & not just a regulator**
- ◎ **Open House & Environmental Clinics (doctor but not police)**

# INNOVATIVE METHODS

- ◉ **Use of Air Modeling for Regulatory Purposes**
- ◉ **Use of ETP Simulation Softwares on random basis for upcoming and new industries**
- ◉ **Use technologies like CCTVs, Drones**
- ◉ **Zoning Atlas for siting of new industries**
- ◉ **Use of softwares and apps (siting, monitoring)**



"A **clean**  environment is a human right like any other. It is therefore part of our  responsibility  toward others to ensure that the world we pass on is as **healthy**, if not healthier, than we found it."

- Dalai Lama

# THANKS!

## Questions?

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