

Rajasthan Air (Prevention And Control Of Pollution) Rules, 1983

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short title and commencement
2. Definitions

CHAPTER 2 :- MANNER OF DECLARATION OF AIR POLLUTION CONTROL AREA

3. Manner of declaration of any area or areas within the State as air pollution control area or areas

CHAPTER 3 :-THE FORM OF APPLICATION FOR THE CONSENT OF THE STATE BOARD. THE FEES PAYABLE THEREFORE, THE PERIOD WITHIN WHICH SUCH APPLICATION SHALL BE MADE, PARTICULARS IT MAY CONTAIN AND THE PROCEDURE FOR MAKING ENQUIRY FOR GIVING CONSENT

4. The form of application for consent
5. Consent fee
6. Procedure for Making enquiry into application for con sent

CHAPTER 4 :- FURNISHING OF INFORMATION TO STATE BOARD, AUTHORITIES OR AGENCIES

7. Furnishing of information to State Board, Authorities or Agencies

CHAPTER 5 :- THE MANNER IN WHICH SAMPLES OF AIR OR EMISSION MAY BE TAKEN

8. Manner of taking samples of air or emission

CHAPTER 6 :- FORM OF THE NOTICE

9. Form of notice

CHAPTER 7 :- REPORT OF STATE BOARD ANALYST

10. Form of Report of State Board Analyst

CHAPTER 8 :- REPORT OF GOVERNMENT ANALYST

11. Form of Report of Government Analyst

CHAPTER 9 :- STATE AIR LABORATORY

12. functions of the State Air Laboratory

CHAPTER 10 :- THE QUALIFICATION FOR GOVERNMENT OR BOARD ANALYST

13. Qualification for Government or State Board Analyst

CHAPTER 11 :- APPEALS

14. Memorandum of Appeal

CHAPTER 12 :- MAINTENANCE OF REGISTER

15. Consent Register

SCHEDULE 1 :- FORM I

SCHEDULE 2 :- FORM II

SCHEDULE 3 :- FORM III

SCHEDULE 4 :- FORM IV

SCHEDULE 5 :- FORM V

SCHEDULE 6 :- FORM VI

SCHEDULE 7 :- FORM VII

SCHEDULE 8 :- FORM VIII

Rajasthan Air (Prevention And Control Of Pollution) Rules, 1983

[In Raj. Gaz., Pt. IV-C(I), dt. 24-11-1983,P.235.] G.S.R. 59.- In exercise of the powers conferred by section 54 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14of 1981) the State Government after consultation with the State Doard for the Prevention and Control of Water Pollution, hereby makes the following rules, namely:

CHAPTER 1 **PRELIMINARY**

1. Short title and commencement :-

(1) These rules may be called the Rajasthan Air (Prevention and Control of Pollution) Rules, 1983: (2) These 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 Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981); (b) "Form" means a form annexed to these rules; (c) "Section" means the section of the Act; (d) "Schedule" means the schedule appended to the Act; (e) Words and expressions used but not defined in these rules and defined in the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981) shall have the meaning respectively assigned to them in that Act.

CHAPTER 2

MANNER OF DECLARATION OF AIR POLLUTION CONTROL AREA

3. Manner of declaration of any area or areas within the State as air pollution control area or areas :-

Any area or areas within the State may be declared as air pollution control area or areas either by reference to a map or by reference to the boundary of any district or by reference to the circumference or boundary of the industry specified in the schedule or partly by one method and partly by another.

CHAPTER 3

THE FORM OF APPLICATION FOR THE CONSENT OF THE STATE BOARD. THE FEES PAYABLE THEREFORE, THE PERIOD WITHIN WHICH SUCH APPLICATION SHALL BE MADE, THE PARTICULARS IT MAY CONTAIN AND THE PROCEDURE FOR MAKING ENQUIRY FOR GIVING CONSENT

4. The form of application for consent :-

An application for obtaining the previous consent of the State Board for operating any industrial plant under section 21 shall be made to the State Board in Form I: Provided that where any person, immediately before the declaration of any area as an air pollution control area under sub-section (1) of section 19 of the Act, was operating in such area any industrial plant for the purpose of any industry specified in the schedule such person shall make an application in Form I within four months from the date of declaration of air pollution control area.

5. Consent fee :-

(1) Application under rule 4 shall be accompanied by the fees as mentioned in the table below: - TABLE

Category of Industry	Fees in Rupees
Major having an investment of more than Rs. 2 crores.	10,000
Medium having an investment of more than Rs. 10 lac but less than Rs. 2 crores	5,000
Small Scale-having an investment of less than Rs. 10 lakhs	2,000

(2) The fees under sub-rule (1) shall be paid by Bank Draft drawn in the favour of the Member-Secretary of the State Board.

6. Procedure for Making enquiry into application for consent :-

(1) On receipt of an application for consent under section 21 the State Board may depute any of its officers accompanied by such assistants as may be necessary, to visit and inspect any place or premises under the control of the applicant for the purpose of verify the correctness or otherwise of the particulars furnished in the application. Such officer may for that purpose inspect any place or premises where emission from the Chimney of fugitive emission from any location within the premises of the industry as also any control device is installed in the said premises. Such officer may for that purpose, inspect any place or premises under the control of the applicant or occupier, and may require the applicant or occupier to furnish to him any plans, specifications or other data relating to control equipment or system or any parts thereof that he considers necessary. (2) Such officer shall before visiting any premises of the applicant for the purpose of inspection under sub-rule (1) above, give notice to the applicant of his intention to do so in form II. The applicant shall furnish to such officer all informations and provide all facilities to conduct the inspection. (3) An officer of the Board may, before or after carrying out an inspection under sub-rule (1) above, require the applicant to furnish to him orally or in writing such additional information or clarification or to produce before him such documents, as he may consider necessary for the purpose of investigation of the application and may for that purpose summon the applicant or his authorised agent to the office of the State Board.

CHAPTER 4

FURNISHING OF INFORMATION TO STATE BOARD, AUTHORITIES OR AGENCIES

7. Furnishing of information to State Board, Authorities or Agencies :-

(1) The person in charge of premises from where due to accident or other unforeseen act or event, emission or any air pollutant into atmosphere, in excess of the standard laid down by the State Board, occurs or is apprehended to occur, shall forthwith intimate the fact of such occurrence or the apprehension of such occurrence to the State Board and to all or any one of the following authorities, namely:- (i) District Collector; (ii) Sub-Divisional Magistrate; (iii) Nearest Officer of the Local Authority concerned including Panchayat; (iv) Public Health Department; (v) Department of Industries.

CHAPTER 5

THE MANNER IN WHICH SAMPLES OF AIR OR EMISSION MAY BE TAKEN

8. Manner of taking samples of air or emission :-

(1) The samples of air or emission from any chimney, flue or duct or any other outlet, shall be taken from the outlet of any chimney, flue or duct. (2) Such samples, shall be taken in suitable containers with an appropriate instrument. (3) Such containers shall be closed sufficiently tight to prevent leakage, evaporation, entrance of moisture and shall carefully be sealed. (4) Such samples shall be taken in the quantity sufficient for analysis.

CHAPTER 6
FORM OF THE NOTICE

9. Form of notice :-

A notice under sub-section (3) of section 26 shall be in Form III.

CHAPTER 7
REPORT OF STATE BOARD ANALYST

10. Form of Report of State Board Analyst :-

The report of State Board Analyst shall be in Form IV.

CHAPTER 8
REPORT OF GOVERNMENT ANALYST

11. Form of Report of Government Analyst :-

The report of Government analyst shall be in Form V.

CHAPTER 9
STATE AIR LABORATORY

12. functions of the State Air Laboratory :-

The State Air Laboratory shall cause to have analysed any sample of air or air pollutants or emission received from any person and the findings of results shall be recorded In Form V. The fees for each such report shall be Rs.350/-.

CHAPTER 10
THE QUALIFICATION FOR GOVERNMENT OR BOARD ANALYST

13. Qualification for Government or State Board Analyst :-

The qualification for the appointment of Government on State board Analyst under sub-section (1) or (2) of section 29 shall be atleast lind class M.Sc. in Basic Sciences, or Life Sciences, or Earth Sciences, with 3years experience In environmental quality management.

CHAPTER 11
APPEALS

14. Memorandum of Appeal :-

(1) Any person aggrieved by an order made by the Statc Board under sections 20, 21 or 22 may file an appeal to the appellate Authority constituted by the State Government in Form VI. (2) The fee payable for an appeal shall be Rs.50/- which shall be deposited in the office of the Appellate Authority and an authen ticated copy of the receipt obtained shall be annexed to the memorandum of appeal. (3) Every appeal shall: (I) be in writing; (Ii) specify the name and address of the appellant and date of the order appealed against; (iii) specify date on which the order against was communicated to the appellant; (iv) contain a clear statement of facts of the case and grounds relied upon by the aggrieved person in support of the appeal; (v) state precisely the relief prayed for; and (vi) be signed and verified by the appellant or an agent duly authorised by the appellant In writing in this behalf. (4) Every appeal shall be accompanied by:-- (a) an authenticated copy of the order against which appeal is preferred; (b) any document relevant to the appeal; and (c) a satisfactory proof of the payment of the fee prescribed under sub-rule (2). (5) Every memorandum of appeal shall be submitted in quad ruplicate in the office of the Appellate Authority and shall either be presented by the appellant or his authorised agent in person or sent to the office of Appellate Authority by registered post. When the memorandum of appeal is presented by an agent duly authorised by the appellant, It shall be accompanied by a power of attorney. (6) On receipt of the memorandum of appeal, the appellate Authority shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it as the case may be. (7) The Appellate Authority shall, as soon as may be after the memorandum of appeal is filed before it, fix a date for hearing the appeal and give Intimation of the same to the appellant and the Member-Secretary of the State Board in Form WI. While giving such intimation to the Member-Secretary a copy of the memoran dum of the appeal together with its enclosures shall also be sent to the Member-Secretary and he shall be called upon to sent to the Appellate Authority all the relevant records connected with the matter relating to the appeal. (8) Where on the date fixed for hearing or on any date to which the hearing of the appeal may be adjourned the appellant or his duly authorised agent does not appear when the appeal is called for hearing, the appeal shall liable to be dismissed or may be decided ex parte. (9) Where an appeal is dismissed under sub-rule (8) the appel lant may, within 30 days from the date of dismissal of the appeal, apply to the Appellate Authority for the restoration of the appeal and if it is shown to the satisfaction of the Appellate Authority that the appellant had not received intimation of the date of hearing of the appeal or was prevented by any cause, sufficient in the opinion of the Appellate Authority from appearing when the appeal was called for hearing the Appellate Authority may restore the appeal on such terms as It thinks lit. (10) The order passed by the Appellate Authority on the appeal shall be in writing and shall state clearly the poInts before it for determination, the decision thereon and the reasons for the same. (11) A copy of the order passed In appeal shall be supplied by the Appellate Authority, free of cost to the appellant as well as to the Member-Secretary.

CHAPTER 12
MAINTENANCE OF REGISTER

15. Consent Register :-

State Board shall maintain register In Form VIII as required by section 51.

SCHEDULE 1
FORM I

S. No.		Coal	Oil	Diesel	Wood, Natural gas	Others(Specify)
1	Daily consumption in tonnes.					
2	Calorific Value					
3	Ash Content%					
4	Sulphur Content %					
5	Other (specify)					

(To be submitted In triplicate)

APPLICATION FOR CONSENT FOR EMISSION/CONTINUATION OF EMISSION UNDER SECTION 21 OF THE ACT.

(See Rule 4)

Dated:

From

To,

The Member-Secretary, Rajasthan State board for Prevention and Control of Water Pollution, JAIPUR

Sir,

(1)1/We hereby apply for consent under section 21. of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981) to make emission from Industrial plant owned/Control by

(a) for a period upto (b)

(2) The Annexure, appendices other particulars and plans are attached herewith In triplicate.

(3)1/We further declare that the Information furnished In the Annexure/Appendices and plans Is correct to the best of my/our knowledge.

(4)1/We hereby submit that in case of a change either of the point, or the quantity of emission or of Its quality a fresh application for CONSENT shall be made.

(5)1/We hereby agree to submit to the State Board, applica tion for renewal of CONSENT one month in advance of thedate of expiry of the consented period for emission.

(6)1/We undertake to furnish any other Information within one month of its being called for by the State Board.

(7)1/We enclosed herewith Bank Draft No Date for Rs(Rupees) in favour of the Rajasthan State board for the Prevention and Control of Water Pollution, Jaipur as fees payable under rule 5 of these rules. Enclosures:

(i) Index/Site Plan.

(ii) Topographical map.

(iii) Detailed layout plan of different processes and point, sources of emissions and position of stacks and chimneys.

(iv) Process flow sheet.

(v) Latest Analysis report.

(vi) Details of Air Pollution Control devices provided or proposed to be provided.

(vii) Ambient air quality report, if available.

(viii) Draft No..... date..... for Rs..... drawn on..... as consent fee.

ANNEXURE I to FORM I

Chimney Existing New Altered

Note:- Any applicant knowingly giving incorrect information or suppressing any Information pertaining thereto shall be liable to penal any action under the provisions of the Act. While filling this Annexure the applicant shall, for such of the items not pertaining to his activity shall state Not applicable against the relevant one and not leave them blank.

1. Full name of the applicant with address (Tel. No)

2. Full name of the land/ premises/Institute/ Factory/ Industry/ Local body with Address. (Tel. No)

3. Give Revenue/City Survey Number of the land/District..... premises for which the application Town..... is made stating District, Tehsil and village.

Village.....

City Survey No

Revenue Survey No. Area in Hectares

4. State month and year in which the industrial plant was actually put Into Commission or is proposed to be put into commission.

5. State the Civil/Military/ Defence / Industrial Estate etc. under whose Administrative jurisdiction the Industrial plant is situated.

District.....

Corporation.....

Municipality.....

Village Panchayat/ Cantonment! Defence Deptt.....

Industrial Estate.....

State Govt.

Prohibited Area.....

Central Govt.

Air Port Authority.....

6. (a) State whether site of industrial plant has been declared as prohibited area -- Yes/No

(b) If yes, state the name of the Authority and furnish a certified copy of the order under which the area has been declared as prohibited area.

7. State working season per year of the plant.

..... Full Year

From..... To.....

From..... To.....

From..... To.....

From..... To..... Continuous / Batch wise..... Every Year

8. (a) No. of persons attending the factory per day.

(b) No. of persons residing in the premises..... Full Year

From..... To.....

From..... To.....

From..... To.....

From..... To.....

9. Indicate the present use of the land In the vicinity of Industrial plant (5 km. radius)

(i) Human settlements more than 1000 population (specify population and distance from the Industrial Plant).....

(ii) Commercial

(iii) Industrial

(iv) Fisheries

(v) Sanctuary/ National/ Parks/ Hills/ Mountains

(vi) Ancient Monuments

10. Climatological and Meteorological details: (If any).....

(a) Indicate the climatic conditions at the site of Industrial plant (e.g. arid, semi-arid etc.)

(b) Rainfall, yearly average, range.

(c) Temperature, seasonal ranges.

(d) Information on speed and direction of wind.

(e) Humidity, solar radiation

11. Give list of all materials used in tonnes /day.

List of Raw Materials Principal Use/ Amount inT/day A process flow diagram must be Included with this statement showing entry and exist points of all raw materials, intermediate products, by products and finished products, Label process and control equipments.

12. Fuel Consumption in T/day.

13. Atmospheric Emission from each stack.

(i) Stack No.

- (ii) Material of construction of stack.
- (iii) Stack attached to
- (iv) Stack height;
- (a) Above the roof Mts.
- (b) Above the ground.
- (c) Above the g level Mts.
- (v) Stack top:
- (a) Round or Circular
- (b) Inside dimensions of the stack at top.
- (vi) Gas quantity m (vii) Flue gas temp. C°
- (viii) Exist velocity of the gas - rn/sec.
- (a) Fuel gas Emission:

Analysis of fuel gas in mg rn3

Stack No.	Type of fuel	Qty. of Fuel/ hr	Type of Firing	SO 2	HC	CO	Particulates	Other (Specify)
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(b) Process Emissions:

Quality of gases/ hr.	SO 2	CO 2	CO	NOX	Analysis of vent gas in mg/ m3 Hydrocarbons	Other (Specify) Particulates
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(c) Particulates analysis

(i) (If available) size distribution.

50/..... %

10/..... % Stack No.....

5/.....%

3/.....% 1/.....%

(ii) Chemical composition (if available).....

14. Give details of fuel gas sampling arrangements.

15. Give details of laboratory facilities available for analysis of emissions.

16. Is there sufficient space available for installing air pollution control equipment.

17. Details of Air Pollution control system

(a) Existing:

(b) Proposed:

Give details specification (Collectors, Precipitators, Scrubbers etc.)

18. State the total quantity of Air handled by ventilation equipment. Specify size and No. of equipments installed or to be installed.

19. Give the following details: -

(a) Total investment in the factory and the year of investment.

(b) The estimated expenditure for implementing the scheme to control air pollution.

(c) Expenditure incurred to date and progress achieved (Physical) for air pollution control, if any and the year/ years of investments along with physical progress achieved. The Firm should give details of action taken to date and the time required for the completion of the scheme.

(d) Annual operation and maintenance cost of Air Pollution Control Plant if any.

(e) Further action that is being taken by the firm to control air pollution.

20. Other relevant Information if any:

Signature:

Name and Address of the applicant on behalf of name and address of the Company

ANNEXURE II TO THE CONSENT APPLICATION FORM

1. (a) Is the company registered? Yes/No.....

(b) If yes give the number and date of registration.

(c) Full address of the registration office.

2. Names, designation and full addresses of persons like Partners/Managing Directors / Director/ Manager etc.

3. The industry comes under the category of Major/ Medium/Small Scale.

4. (a) Do control equipments already exist to treat emission- Yes/No.....

(b) If no mention the period by which industry will be able to install control equipment to treat the emission.

Note: Major Industry more than 2 crores. Medium Industry 10 lakhs to 2 crores. Small Scale Industry less than 10 lakhs.

Date

Signature

Place

Name

Designation

Companys Name

EXPLANATORY NOTE FOR FILLING FORM-I

AND THE ANNEXURES

FORM-I

1. At item (1) (a) mention the name of the owner of the land/premises, if the same does not belong to the applicant industry or factory. If land/premises belong to the factory/industry say self.

(2) At Item (1) (b) mention the date upto which the consent is sought for.

ANNEXURE-I TO FORM-I

Existing means that which is in operation at the time of applying for the consent.

New means that which will be brought into operation in future.

Altered: Means that which has been modified due to change quantity and / or quantity of emission, arrangement and/or point of emission etc.

Item No. 1. Here mention name of the owner of the land! premises If the same does not belong to the applicant industry or factory. If land/premises belong to the factory/industry say self.

Item No.2. Here give the registered name of the industry/In stitution/factory/local bodies etc. under which the business is carried out.

Item No.6. Applicable to only those areas which are prohibited areas such as the ordinance factories Mint etc. Item No. 10. (c) here state the temperature in oC in summer, winter, Monsoon and Post Monsoon seasons.

(d) Here state the seasonal average and wind direction and speed In and around the site of the Industrial Plant.

The above information can be had from representative of Meteorological Centre.

Item No.13. Analysis of the flue gas emission, process emission and particulates analysis should be done for each stack emissions. Wherever stacks are not provided the top floor specific pollutants concerned should be reported.

Chemical Analysis of the particulates matter In the emission should be furnished giving details such as organic matter, metals, non-metals, radioactive substances, asbestos, silicon etc.

SCHEDULE 2

FORM II

RAJASTHAN STATE BOARD FOR THE PREVENTION AND CONTROL OF WATER POLLUTION NOTICE OF INSPECTION

[See Rule 6(2)]

CHAIRMAN

Member-Secretary.....

Shri.....

No.....

Dated.....

To,

Take notice that for the purpose of enquiry under section 21 of the Air (Prevention and Control) Act, 1981 the following officers of the State

Board, namely.--

(i) Shri

(ii) Shri

(iii) Shri and the persons authorised by the Board to assist them shall inspect: -

(1) any system of your industrial plant; and

(2) any other parts thereof or pertaining thereto under management/control of on date(s) between hours Also note that all facilities required by them for such inspection should be made available to them on the site.

BY ORDER OF THE BOARD MEMBER-SECRETARY Copy to:

SCHEDULE 3

FORM III

RAJASTHAN STATE BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION NOTICE OF INTENTION TO HAVE SAMPLE ANALYSED

(See Rule 9)

To,

Take notice that it Is Intended to have analyzed the sample of Air /emission from your premises which is being taken todaythe day of19..... from(1).....

Name and designation of the person taking the samples (I) Here specify the Stack. Chimney or any other emission or outlets.

To,

.....

SCHEDULE 4

FORM IV

REPORT OF THE STATE BOARD ANALYST

(See Rule 10)

Report No.....

Dated the.....

I hereby certify that I, 1..... State Board Analyst duly appointed under sub-section (2) of section 29 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981 received on the 2.....day of19..... from 3a sample of for analysis. The sample was in a condition fit for analysis reported below: -

I further certify that I have analysed the aforementioned sample on 4and declare the result of the analysis to be as follows:

5.

The condition of the seals, fastening and container on receipt was as follows:

Signed this day of..... 19.....

Footnotes:

1 Here write the full name of the State Board Analyst.

2 Here write the date of receipt of the sample.

3 Here write the name of the Board or person or body of persons or officer from whom the sample was received.

4 Here write the date of analysis.

5 Here write the details of the analysis and refer the method of analysis, if the space is not adequate the details may be given on a separate sheet of paper.

Address

(Signature)

State Board Analyst

SCHEDULE 5

FORM V

REPORT BY THE GOVERNMENT ANALYST

(See Rule 11 and 12)

Report No.....

Dated the.....

I hereby certify that I, 1..... Government analyst duly appointed under sub-section (1) of section 29 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981 received on the 2.....date of..... 19..... from 3.....a sample of The sample was in a condition fit for analysis reported below:--

I further certify that I have analysed the aforementioned sample, on 4..... and declare the result of the analysis to be as follows: -

5.....

The condition of the seals, fastening and container on receipt was as follows:-

Signed thisday of19.....

(Signature)

Government Analyst.

Address.....

To,

.....

Footnotes:

1 Here write the full name of the Government analyst.

2 Here write the date of receipt of the sample.

3 Here write the name of the Board or person or body of persons or officer from whom the sample was received.

4 Here write the date of analysis

5 Here write the details of the analysis and refer the method of analysis. if the space Is not adequate the details may be given on a separate sheet of paper.

SCHEDULE 6

FORM VI

(See Rule 14)

FORM OF MEMORANDUM OF APPEAL

Before(here mention the name & designation of Authority)

Memorandum of appeal under section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981).

Appeal No.....

..... Appellant

V/s.

Rajasthan State Board for the Prevention and Control of Water pollution, JAIPUR. Respondent.

The appellant named above, begs to prefer this appeal against the order Nodatedpassed by, the Rajasthan State Board or Prevention and Control of Water Pollution and was communicated to the Appellant onunder section of the of the Air (Prevention and Control of Pollution) Act, 1981 on the following grounds: -

1. The facts of the case are as under:

(Here briefly mention the facts of the case)

2. The grounds on which the appellant relies for the purpose of this appeal are as below:-

(Here mention the grounds on which appeal is made).

3. In the light of what is stated above, the appellant respectfully prayed that:

An amount of Rs. as fee for this appeal has been paid vide receipt No. date. and authenticated copy of which is attached in proof of payment.

Signature of the appellant

(Name In Block letters)

Occupation

Address

Verification

I..... the appellant In the above appeal/or duly authorised agent of the appellant do/does hereby declare that what is stated herein is true to the best of my knowledge and belief and nothing has been concealed in it.

Signature.....

Name.....

(In block letters)

Occupation.....

Date: Address.....

SCHEDULE 7

FORM VII

FORM OF NOTICE

(See Rule 14(7))

Before.....

(Here mention the name and designation of the Authority).

In the matter of appeal No..... 19. Filed under section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981) by Shri..... (here mention the name and address of the appellant). Versus Rajasthan State Board for Prevention and Control of Water Pollution, JAIPUR Respondent

Whereas Shri..... (here mention the name and address of the appellant) has filed before this Authority an appeal against the order No..... dated passed by Rajasthan State Board for the Prevention and Control of Water Pollution under section of the Act.

And whereas under sub (4) of section 31 of the Act this Authority is required to give to the parties an opportunity of being heard.

Now therefore, please take notice that this authority has fixed the date of hearing of the aforesaid appeal. The hearing shall take place at A.M. on that date. You are hereby called upon to appear before this Authority at the appointed time, date and place, either in person or through a duly authorised agent, and explain your case. Please take notice that failure on your part to appear on the day of hearing, either In person or through a duly authorised agent, without showing sufficient cause to the satisfaction of this Authority, will make your appeal liable to be dismissed or decided ex parte.

Given under the hand and seal of the Appellate Authority at this day..... 19.....

SCHEDULE 8

FORM VIII

CONSENT REGISTER

(See Rule 15)

I. General

(a) Consent is issued to:

(Corporation, Company, Government Agency. Firm etc.)

(b) Postal Address

II. Location of the industrial plant (Latitude and longitude must be to the nearest of 15 seconds.)

(a) Nearest City

(b) Latitude Longitude

(c) Is it located in air pollution control area.

Yes/No

If yes, Identification of air pollution control area.

III. Type of operation or process:

(a) Name of Operation or process:

(b) Schedule Identification number

IV. Consent Classification Yes No

(a) Proposed

(b) Now operating

(c) Modification of existing emission source.

(d) Location change

(e) Ownership change

(f) Present consent order

V. Implementation Dates:

(a) In the case of proposed Industries operation expected to begin Day Month Year

(b) Air pollution Control equipment and emission to be installed standards achieved by Day Month Year

VI. Emission Standards

1. Emission Source Number (From plot plant)

2. Air pollutant emitted

3. Emission rate Kg/ hour or standard

VII Consent conditions if any.