MAHARASHTRA POLLUTION CONTROL BOARD

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No BO/P&I. Dtn '13-5289

CIRCULAR

Sub: Effective implementation of EIA Notification-
Public Hearing

Ref: Circular issued by the Board vide No MPCB/
JD(WPC)/MS/B-1875, dttd. 16/4/2013

Date: 22/12/2014

In continuation of earlier circular dttd 16/4/2013 issued by the
Board vide Reference above, it has been observed that the Regional
Officers and Sub-Regional Officers (i.e. the Convener of the public
hearing) are not scrupulously following due procedure laid down under
EIA Notification, 2006, more particularly, under Appendix-IV, Clause-6.4
& 6.6 respectively and thereby, a number of objections are raised in
respect of not following due procedure either in the Public Interest
Litigation or Applications/ Appeals filed before the Hon’ble National
Green Tribunal Benches.

The Clauses-6.4 & 6.6 are reproduced hereunder for ready
reference.

6.4. Every person present at the venue shall be granted the
opportunity to seek information or clarification on the project
from the Applicant. The summary of public hearing
proceedings accurately reflecting all the views and concerns
expressed shall be recorded by the representative of the
SPCB or UTPCC and read over to the audience at the end of
the proceedings explaining the contents in the vernacular
language and the agreed minutes shall be signed by the
District Magistrate or his or her representative on the same
day and forwarded to the SPCB/UTPCC concerned.

6.6 The proceedings of the public hearing shall be
conspicuously displayed at the office of the Panchayats
within whose jurisdiction the project is located, office of the
concerned Zila Parishad, District Magistrate and the SPCB or
UTPCC. The SPCB or UTPCC shall also display the
proceedings on its website for general information.
Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the Applicant concerned.

Henceforth, the Convener of the public hearing will be responsible to ensure the compliance of all the provisions in respect of conducting public hearing which are specifically enumerated under the EIA Notification, 2006, including Notice of Public Hearing, the panel, the videography, the proceedings/recording of the proceedings & readover to the audience at the end of the proceedings explaining the contents in the vernacular language, statement of issues raised by the public and the comments of applicants as well as display of the proceedings of public hearing at the office of Panchayats, Zilha Panshad, District Magistrate and SPCC at the conspicuous part and on the website of MPCB etc. The Convener will be responsible for communicating the proceedings of the public hearing to the concerned officer at Head Quarter and also to EIC to host it on the website of MPCB.

The above circular should be scrupulously followed along with earlier circular dt 16/4/2013.

(Rajeev Kumar Mital)
Member Secretary

Copy submitted to Honble Chairman, MPCB, Office of the Addl Chief Secretary, Environment Deptt, Govt of Maharashtra, Room No 217, 2nd Floor Annex, Mantralaya, Mumbai-32 - for favour of information.

Copy to
1) Joint Director-APC/MPC/Asstt Secretary Tech/Principal Scientific Officer/Regional Officer (HQ)/Technical Advisor MPCB, Mumbai - for information and necessary action. They are requested to circulate the said circular to the officers under their control.
2) L O/HQ(L & P & Div.)/S.O. MPCB, Mumbai - for information.
3) R.O.-Mumbai/Navi Mumbai/Thane/Kalyan/Raigad/Pune/Aurangabad/Nagpur/Kolhapur/Amravati/Chandrapur/MPCB - for circulation and necessary action. They are requested to circulate the said circular to the officers under their control.
5) All Asstt Law Officers/II & I Div.1, MPCB, Mumbai - for information.
6) Asstt System Officer, MPCB, Mumbai - for information and necessary action - he is instructed to place the said circular on the website of the Board by giving reference of the earlier circular dt 16/4/2013.