

CIRCULAR

Subject:- Procedure of conducting Public Hearing as per Ministry of Environment & Forest, Govt. of India's Notification No. 318 (E) and 319 (E) dated 10-4-1997.

Ministry of Environment and Forests, Govt. of India has issued amendments to the Environmental Impact Assessment notification dated 27/01/1994 as amended on 4-5-1994 vide the notification cited above. The Notification No.318 (E) introduces the procedure for conducting the Public hearing in respect of projects requiring Environmental Clearance from the Govt. of India. The notification No. 319 (E) delegates powers of grant of Environmental clearance to certain categories of power plants to the State Government. Copies of these Notifications have already been circulated.

No administrative, financial and procedural outline has been given in the said Notifications for conducting the Public hearing. The Board has therefore, laid down the following procedure for conducting the Public hearing as decided in the 118th meeting of the Board held on 20-11-1997.

1. The Project Proponent will be required to submit 20 sets of documents as prescribed in the Notification at the Sub-Regional office/Regional office of the Maharashtra Pollution control Board for the area wherein the project is proposed to be set up. This will include the executive summary about the project in English and Local language (Marathi) including the information about the likely pollution- Environmental problems and proposed action for controlling environmental degradation and pollution, copies of the application forms under water Act and Air Act and any other documents which will be useful for considering the case from Environmental angle only. The application forms prescribed by the Govt. of Maharashtra under Water & Air Act will have to be submitted along with executive summary.
2. The composition of Public hearing panel –
The public hearing panel will be as below;

a.	District Collector or his nominee (Not below the rank of S.D.O.)	Chairman
b.	Representative of State Environment Department (not below the rank of S.D.O.)	Member
c.	Chairman of MPCB or his nominee	Member
d.	Representation of State Government Development of concerned subject (Industries Department for Industrial Project, MSEB for Power Project, PWD for Road Project, Irrigation Department for River Project etc.	Member
e.	Representative of Local Bodies (Mayor/President of Municipal Corporation/Council, Sarpanch of Gram Panchayat etc) (not more than 3 to be decided by MPCB)	Member
f.	Senior citizens of area to be nominated by District	Member

	Collector (not exceeding 3)	
g.	Regional Officer/Sub-Regional Officer of MPCB of the concerned area.	Convener

3) Chairman or his nominee will carry out the job of compilation of objections received during Public Hearing as well as other materials received by the panel with the assistance of Convener. The report will be finalised by the Chairman or his nominee and the same will be submitted to the ministry of Environment & Forests, Government of India with due comments/observations by the convener.

4) The duties of the Convener will be as follows:

- (i) Send copies of the Executive Summary and other documents for making the same available for public;-
 - (a) District Collector's Office.
 - (b) District Industries Centre.
 - (c) Chief Executive Officer, Zilla Parishad,
or
Commissioner of Municipal Corporation,
or
Officer Incharge of Local Body.
 - (d) MPCB Head Quarter Office, Mumbai.
 - (e) Environmental Department, Government of Maharashtra, Mumbai.
 - (f) Regional Office, MPCB.
 - (g) Sub-Regional Office, MPCB
- (ii) Get names and addresses of the senior citizens of the area from the District Collector (not exceeding 3) and inform the same to MPCB.
- (iii) Recommend names and addresses of the representatives of Local Body, Municipalities, village Panchayat or Zilla Parishad and inform the same to MPCB (HQ).
- (iv) Fix up the date, time and venue of the hearing at District Head Quarters in consultation with the Chairman of the Panel.
- (v) Issue Public Notices in two newspapers widely circulated in the area of the project. (A draft format for public notice in English/Marathi is made available to Board officers).
- (vi) Make arrangements for public Hearing such as booking of hall, refreshments during the meeting, recording the objections/suggestions presented orally during the Public Hearing etc. He shall maintain a register for this purpose
- (vii) Intimate the date, venue and time of the Public Hearing along with copy of the documents such as Executive Summary; Application forms etc. to the members of Panel at least 7 days in advance.
- (viii) Receive and compile the representations, suggestions/objections received from the public with reference to the Public Notice and also during the Public Hearing.

(ix) Prepare the draft report of the Public Hearing and get it duly approved by Chairman of Panel and signed by Panel Members and send the final report along with one set of documents, written representations, suggestions/objections and record of oral submissions during the public hearing to the Environment Department, Government of Maharashtra or Ministry of Environment & Forests, Government of India as the case may be.

5) Appointment of Public Hearing Panel and order of appointment of Public Hearing Panel will be issued by MPCB on receipt of communication about nomination of Senior citizens from District Collector and receiving information about other members from convener of the Public Hearing.

6) T.A. and D.A. of Panel Members: Non-official panel members will be paid T.A. and D.A. as per the Rules in force of the Government of Maharashtra for the journey undertaken for the purpose of Public Hearing. The panel members will be treated as on par with the Class-1 Officer of the Government for the purpose of T.A. & D.A. The expenditure will be made by MPCB.

7) Charges for conducting Public Hearing to be borne by the Project Proponent. The Board has decided to levy the charges on the basis of capital investment (land, building, plant & machinery) of the proposed project as under:

Less than Rs. 3 crores	Rs. 5,000/-
Rs. 3 crores to Rs. 50 crores	Rs. 25,000/-
Rs. 50 crores to Rs.100 crores	Rs. 50,000/-
Rs.100 crores to Rs.500 crores	Rs. 1 Lakh
Rs. 2 Lakhs	Above Rs. 500 crores

These charges are levied to cover the expenditure on account of Public Notices to be issued in newspapers, expenditure on meeting, visits and other services provided by MPCB. The charges are required to be paid by the Project Proponent to the sub-Regional Officer, Regional Officer of MPCB of the concerned area by Demand Draft in favor of "Maharashtra Pollution control Board." These should be paid at the time of submission of set of documents related to the Projects.