

MAHARASHTRA POLLUTION CONTROL BOARD

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Mumbai-400 022.

No. MPCB/AS(T)/TB/B- 5088

Date : 03/12/2015.

C I R C U L A R

Sub:- Scheme of Auto-Renewal of Consent based on self-certification for Red, Orange & Green Category industries.

Ref.: 1. Office Order No. 6 of 2012 dtd. 30/01/2012.

2. Corrigendum to Office Order No. 6 of 2012 dtd. 30/01/2012 issued vide letter No. BO/P&L Divn./B-5265 dtd. 01/09/2012.

3. CAC decision dtd. 24/06/2015.

4. Minutes of 165th meeting of the Board held on 14/10/2015.

Board intends to initiate auto renewal of Consent for the plain renewal of Consent for industries which will submit a self certification of environmental regulations. Presently, all consent applications for establish, first operate, expansion and plain renewals are considered uniformly by the Board, through the delegation of powers defined under consent management scheme. With the increased number of industries and also, the requirements of industries for amendment for products and expansion, the work load on MPCB for consent management has increased significantly. This additional workload of consent management has decreased scope of activities of Board and the limited available manpower, thereby resulting in delay in grant of consents at various levels. The regulations provide four month's time to MPCB for consideration of consent application and it has been observed that the time taken for Consent management is exceeding this time frame in many cases, which may attract 'Deemed consent' provisions.

The Strategies for effective implementations of environmental regulations include enforcement and compliance aspects, which are being handled simultaneously with the consent. In order to expedite the consent, it is now proposed to emphasis enforcement and compliance as discrete activities, alongwith the responsibility of declaring the compliance of regulations by the industry, while seeking renewal of consent.

Earlier, Board vide Office Order dtd. 30/01/2012 has implemented auto-renewal policy for all Category of industries coming under purview of CAC/CC. This auto-renewal policy was further simplified for other Red & Orange industries having pollution potential vide above referred Corrigendum.

It has been observed that, due to rise in the number of Environmental related Laws, increase in public awareness towards pollution prevention and increase in number of complaints received in

the Board, the workload has increased considerably at the Regional and Sub-Regional Offices. As a result of this, pendency of Consent applications have considerably increased due to large quantum of Orange & Green Category industries. The work load on MPCB for consent management can be further substantially reduced by extending the scheme of auto-renewal for all the remaining Red, Orange & Green Category industries.

It has been therefore decided in the CAC Meeting held on 24/06/2015 to implement Auto-Renewal Policy for all categories of industries i.e. Red, Orange & Green Category industries. Therefore, it has been resolved in the Board's 165th meeting held on 14/10/2015 to implement the scheme of Auto-Renewal of Consents based on self certification for Red, Orange & Green Category industries.

Therefore, it is directed to accept applications henceforth for Auto-Renewal of Consent to Operate of all the Red, Orange & Green Category industries alongwith Self-Certification and Commitment letter, and grant auto-renewal as per the delegation of power within stipulated time period without any delay.

The key features of this scheme are as under:

1. This scheme will be applicable for all the industries under Red Orange & Green category.
2. The auto renewal of consent will be applicable when there is no increase in overall production capacity and also, in pollution load.
3. This scheme is applicable, only in case if there is marginal increase (upto max 10%) in the capital investment which is due to infrastructure development clean technology, pollution control system and better production management, without increase in production or pollution load, the industry shall submit corresponding fees for consent to establish and also difference in consent to operate fees since the blocks year the capital investment is made on pro-rata basis.
4. In case, if there is increase in Capital investment by over 10% then the application for grant of renewal of Consent under Auto-renewal Policy will not be considered. The industry needs to apply in prescribed consent application form.
5. In case, if the capital investment is decreased, then the application for grant of renewal of Consent under Auto-renewal Policy will not be considered. The industry needs to apply in prescribed consent application form.
6. For the auto-renewal, industries under purview of CC/CAC shall submit format of self-certification (Annexure 'A') on compliances of earlier Consent conditions duly signed by person authorized by Company's Board and shall submit the copy of the said Resolution (Annexure-'C') along with the prescribed fees at SRO/RO Offices.
7. For the auto-renewal of industries other than CC/CAC purview, industry shall submit format of self-certification (Annexure 'A') on compliances of earlier Consent conditions duly signed by the Board of Directors/ Partners/ Proprietor/ Unit Head of the industry along with the prescribed fees at SRO/RO Offices and, also industry shall submit Commitment towards compliance of the Consent conditions & the Environmental Laws in prescribed format (Annexure-'B').
8. The auto renewal can be availed for the period of five Years for Red category of industries and for a minimum period of Six Years & maximum period of five terms for Orange & Green

Category of industries excluding Sugar industries as per Board's Circular dtd. 03/12/2015 regarding grant of renewal of Consent to Operate subject to payment of requisite fees.

9. The format of self certification by industries is enclosed as Annexure-'A'. The industry shall submit this format along with the prescribed fees either at MPCB HQ or RO/SRO offices. In case, the application is submitted at RO/SRO offices, RO/SRO shall ensure that the same shall be forwarded to HQ within 3 days along with details of fees paid and DD details and DR details. The renewal will be reflected in MPCB website within 7 days.
10. Following condition shall be incorporated in the Consent while granting renewal under auto renewal policy:
 - a) **"This Consent is issued under the auto renewal consent policy of the Board vide letter No. -----dtd.-----as per self certificate submitted by Mr.....(Designation:), authorized signatory.**
 - b) **"The M.P.C. Board reserves the rights to revoke the Consent any time for any violation."**
 - c) **The applicant shall inform the Board in each financial year about the change in Capital investment of the industry. In case, if the Capital investment is increased by an amount upto 10% then industry shall make payment of the corresponding fees for consent to establish and also difference in consent to operate fees for the corresponding block year. In case, if there is increase in Capital investment by over 10% then the industry shall submit a fresh application in prescribed form.**

This Circular supersede all the earlier Circulars/ Corrigendum issued related to Auto-renewal scheme and will be made applicable from the date of issue of this Circular.


(Dr. P. Anbalagan, IAS)
Member Secretary

For information:

Hon'ble Chairperson, M.P.C. Board, Mumbai.

To,

All HODs/TA, CC-CAC Cell, M.P.C. Board, Sion, Mumbai.

All ROs/ All SROs/ All FOs, M.P.C. Board.

Draft format of Request letter along with Self-Certification of Compliance by the industry for auto-renewal of Consent to Operate of Red/ Orange/ Green Categories.

To,
The Member Secretary,
M.P.C. Board,
Sion, Mumbai.

Sub.: Self Certification of Compliances for Auto-renewal of Consent to Operate
Ref.: Consent issued by the Board vide letter No. _____ dtd. _____ valid upto
_____.

Sir,

We are submitting our Consent renewal application along with the necessary fees for the same. We wish to apply for the auto-renewal of our existing Consent referred above. We undertake the following:

1. We have obtained a valid Consent to Operate from the MPCB vide above referred letter and copy of the same is enclosed. The present details of the manufacturing process and all other information as required under the prescribed Consent application form are same as per the earlier Consent application submitted for above referred Consent and therefore the same may be considered for present application.
2. The Capital investment of the industry, as per the earlier Consent granted by MPCB vide above referred Consent was Rs. _____ Lakh. The Capital investment for the proposed Consent auto-renewal is Rs. _____ Lakh. (The change in Capital investment, if any, is only due to investments in infrastructure development, clean technology, pollution control systems and better production management. There is no increase in production or pollution load than as referred in the earlier granted Consent. We are submitting corresponding fees for Consent to establish and also, difference in Consent to operate fees since the block year the Capital investment is made on pro-rata basis, duly supported by the Chartered Accountants Certificate to that effect).
3. The production or manufacturing was as per the Consented limits during the validity period of the earlier Consent for which renewal has been applied.
4. We are complying with the earlier conditions of Consent granted vide above reference.
5. We undertake to comply with any further condition which may stipulated by MPCB in future and also, undertake to pay all the charges/fees in future.
6. I am duly authorised by the company to submit this self-certification along with application for Auto Renuwal. In case of any misleading information/concealment of material facts or wrong information revealed by the Board, the consent will be liable to be revoked and the company will be liable for further necessary legal action. A copy of

the commitment letter about the authenticity of the information provided is true and correct to the best of my knowledge and belief and as per record of the company is submitted separately for which the undersigned is fully responsible being authorised signatory.

7. The above self certificate is true and correct to the best of my knowledge and belief and I have personally verified the above contents by perusal of all the documents available with the company. An affidavit in the support of self certification on the basis of personal verification of compliance of the conditions stipulated in Consent is enclosed for which, I will be personally liable for authenticity thereof.

It is requested to issue the auto-renewal of the Consent.

Authorized Signatory

Name & Designation with phone,
e-mail address & Seal of the Industry

Draft of Commitment letter to be submitted by Board of Directors/ Partners/ Proprietor/ Unit Head of the industry for auto-renewal of Consent to Operate of Red/ Orange/ Green Categories (Other than CC/CAC cases)

To,
The Member Secretary,
M.P.C. Board,
Sion, Mumbai.

Sub.: Commitment letter for Auto-renewal of Consent to Operate.

Ref.: Consent issued by the Board vide letter No. _____ dtd. _____ valid upto
_____.

Sir,

We are submitting our Consent renewal application form in prescribed format alongwith the necessary fees for the same. We wish to apply for the auto-renewal of our existing Consent referred above.

We solely affirm that we will abide with all the conditions stipulated in the Consent granted by the MPCB and will abide all the directions/ orders/ suggestions of the MPCB as per Environmental Laws in future towards prevention and control of pollution.

In case of failure to above commitment, MPCB is free to take action as per the provisions of the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981.

Authorized Signatory

Name & Designation with phone,
e-mail address & Seal of the Industry

Draft of Board Resolution passed at the meeting of Board of Directors held on _____ at _____.

(for CC/CAC cases only)

POWER OF ATTORNEY ISSUED TO MR.

, (Designation)

"RESOLVED THAT Consent of the Board of Directors of the Company be and hereby accorded for issuing Power of Attorney as tabled before the Board in favour of Mr. (Designation) of the Company.

FURTHER RESOLVED THAT Mr. (Designation) of the Company is hereby authorized to sign and execute the Power of Attorney and to affix the common seal of the Company according to the Article 99 of the Articles of Association of the Company and to do all such acts, deeds and things as may be essential for execution of responsibility towards making an application for grant of Auto-Renewal in the Maharashtra Pollution Control Board.

Authorized Signatory

Name & Designation with phone,
e-mail address & Seal of the Industry