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MAHARASHTRA POLLUTION CONTROL BOARD

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No. BO/P & L Div. II/B-1681

Date : 13-03-2008.

CIRCULAR

Sub : Processing of applications for Consent to Establish /
Operate received from IT & ITES Parks.

The Industries, Energy and Labour Department, Govt. of Maharashtra had announced its "Information Technology & Information Technology Enable Services Policy, 2003" on 12/07/2003. In the said policy, the State Government extended support to IT & ITES industries in order to promote this industry. One of the relaxations was exemption from obtaining NOC from MPCB reasoning that these units do not generate any effluents.

The Board has been receiving representations from such units seeking exemption from grant of NOC of MPCB by referring policy of the State Government. The issue was discussed at length at Board office level and it has been observed that IT & ITES units do generate pollution during the establishment as well as operational phase. The consumption of water and subsequent generation of waste water and solid waste through canteens, is found to be sizable which requires proper treatment and disposal. Further, these units need uninterrupted power supply, therefore, install DG sets of high capacity, giving rise to air as well as noise pollution. Similarly, e-waste is also generated by these units requiring proper treatment and disposal.

The provisions contained in section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 provide that "no person shall, without the previous consent of the State Board establish or to take steps to establish any industry, operation or process or any treatment and disposal system etc., which is likely to discharge sewage or trade effluent into environment". Similarly, section 21 of the Air (Prevention & Control of Pollution) Act, 1981 stipulates that "no person shall, without the previous consent of the State Board establish or operate any industrial plant in an Air Pollution Control Area".

The IT & ITES Policy, 2003 states at point No. 9.6 that, IT & ITES units do not cause any pollution and therefore, shall be exempted from the requirement of NOC from MPCB. However, as mentioned above, these units do generate effluent, air emissions, noise pollution as well as e-waste in the process and therefore are covered in the regime of Consent Management and are categorized as 'ORANGE' category.

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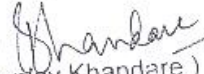
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It is therefore, clear that the provisions of the Water (Prevention & Control of Pollution) Act, 1974; Water (Prevention & Control of Pollution) Cess Act, 1977; Air (Prevention & Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 are applicable to IT & ITES units and shall have effect notwithstanding anything inconsistent contained in any enactments other than these Acts.

The Regional Officers and Sub-Regional Officers shall accept the applications for consent received from IT & ITES Parks & individual units with canteen facilities and process the same as per the laid down procedure. They shall also monitor the compliance of conditions stipulated in 'Consent to Establish' and 'Environmental Clearance', if issued by Ministry of Environment & Forests, GOI, during the construction phase.

The above clarification is issued in order to clear any ambiguity or doubt, on the subject matter.

This is issued with the approval of Chairman, MPCB.


(Sanjay Khandare)
Member Secretary

Copy submitted to -

1. Additional Director (IA), Ministry of Environment & Forests, Govt. of India, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi - 110 003, for favour of information.
2. Principal Secretary, Industries, Energy & Labour Department, Govt. of Maharashtra, Mantralaya, Mumbai : 400 032, for favour of information.
3. Secretary, Environment Department, Govt. of Maharashtra, Mantralaya, Mumbai : 400 032, for favour of information.
4. Chairman, MPCB, Mumbai, for favour of information.

Copy for information & necessary action to-

WPAAE/APAAE/SLO I /II /PCI- I /PCI- II / R.O. -HQ/ P & P / Coordination /
Regional Officer, Amravati/ Aurangabad/Kalyan/Kolhapur/Mumbai /
Nashik/Navi Mumbai/Pune /Raigad/Thane.

Sub-Regional Officer-Mumbai-I/II/III/IV/Thane-I/II/Tarapur-I/II/Cess/Navli
Mumbai-I/II/Taloja -I /II /Mahad/Kalyan-I/II/III/Raigad-I/II/
Nashik-I/Jalgaon-I/II/Ahmednagar/Pune-I/II/Pimpri-
Chinchwad/Satara/Solapur/Ratnagiri/Chiplun/Sangli
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