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MAHARASHTRA POLLUTION CONTROL BOARD

Shri Chhatrapati Shivaji Maharaj
Municipal Market Bldg., 4th floor,
Mata Ramabai Ambedkar Marg,
Mumbai-400 001.

No.WP/Legal(HQ)/B- 4109

Date: 16/6/2000

CIRCULAR

To

- 1) The Regional Officer-HQ/Mumbai/Thane/Raigad/Kalyan/Navi Mumbai/Pune/
Nashik/Nagpur/Aurangabad/Kolhapur/Amravati/P & P
- 2) The Sub-Regional Officer-HQ/Mumbai I, II, III/Thane/Tarapur/Raigad-I/Mahad/
Kalyan I, II/Navi Mumbai/Taloja/Pune/Sangli/Pimpri Chinchwad/Nashik/Jalgaon/
Nagpur I, II/Akola/Aurangabad/Nanded/Ratnagiri/Satara/Chandrapur/Amravati

Sub: Procedure/Guidelines for exercising powers delegated
under Section 33A of the Water (Prevention & Control
of Pollution) Act, 1974 and under Section 31A of the Air
(Prevention & Control of Pollution) Act, 1981 to the
Regional Officers of the Board

Ref: Minutes of the 126th Meeting held on 08.02.2000

The Board in its 126th Meeting held on 08-02-2000 has delegated powers to the Regional Officers of the Board to issue directions under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981 and under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974.

The Legal Department was asked to lay down procedure for exercising these powers by the Regional Officers on the lines of the same which is in existence.

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The procedure to be followed by the Regional Officers shall be as under :

- 1) Sub-Regional Officers and Regional Officers shall carry out surprise checks/monitoring besides regular monitoring to identify wilful defaulters. Besides this on the basis of complaints or information gathered from any source about serious damage to environment being caused by particular unit, such unit shall be identified for action. Information about the unit in prescribed proforma for legal action with necessary documentary proofs - report of visiting officer, analysis results, complaints shall be put up to R.O.
- 2) A register shall be maintained indicating details of defaulting industry, date of inspection/occurrence of the incidents, findings and recommendations and action proposed.
- 3) Before issuance of directions an opportunity of hearing shall be given to the occupier. However, if the Regional Officer is of the opinion that in view of the likely-hood of grave injury to the environment it is not expedient to provide an opportunity to file objections against the proposed directions, the Regional Officer may for reasons to be recorded in writing, issue final directions.
- 4) A register for hearing shall also be maintained which shall be signed by the Regional Officer as well as the person to whom opportunity of hearing is given. The submission shall be recorded and appropriate decision shall be taken by the Regional Officer.
- 5) The proposed direction/directions shall be sent to the occupier properly by hand delivery and acknowledgement of the occupier shall be obtained. Alternatively the same shall be sent by Registered Post in the name of the company at its Registered Office or place of business. In case of notice, proposed directions/final directions to be addressed to an officer serving Government, copy shall be addressed to the person or the head of

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the department. In case of any difficulty, the provisions contained in Rule 4 of the Environment (Protection) Rules, 1986 shall be followed.

6) Once the final directions are issued coupled with disconnection of electricity/water supply or any other essential services, the Regional Officer shall submit detailed report about the action taken by him with the reasons for issuance of final directions to the Member Secretary. Representation received from the industry against the order of closure/final directions shall be scrutinised by Regional Officer and sent to Head Office with his detailed and clear curt remarks. The proposals will be scrutinised by Legal and Technical Wings before submitting the same to Member Secretary and Chairman. In case the Regional Officer feels that the industry shall not be allowed to resume manufacturing activities till the entire work or certain work is completed, he shall make such comments. The proposal shall also be accompanied by representation received from the industry against the order of closure/final directions, if any.

7) The compliance of the directions shall be monitored by visiting the industry and the progress be reported to the Head Office by submitting monthly returns, till the works of improvement in the pollution control arrangements are carried out as per the time bound programme agreed to by the industry and permitted by Board.

8) These power shall be utilised judiciously.

The aforesaid procedure is not exhaustive and can be suitably amended after gaining experience.


(K.H. Mehta) 17-c
Member Secretary

Copy submitted to: Chairman, MPCB Mumbai - for information.

Copy to: W.P.A.E./A.P.A.E./P.S.O./L.O.(HQ)/L.O.(LW), MPCB Mumbai - for information.