

MAHARASHTRA POLLUTION CONTROL BOARD

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

Date : /06/2015.

C I R C U L A R

Sub:- Scheme of auto-renewal of Consents based on self-certification for Orange & Green Category industries.

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

2.CAC meeting dtd. /06/2015.

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 increase significantly. This additional workload of consent management will increase scope of activities of Board and the limited available manpower is resulting in delay in grant of consents at various levels. The regulations provide four months of 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.

Earlier, Board vide Office Order dtd. 30/01/2012 has implemented auto-renewal policy for Red Category industries coming under purview of CAC/CC. But, it has been observed that, due to large quantum of Orange & Green Category industries, work load on MPCB for consent management can be further substantially reduced by extending the scheme of auto-renewal for Orange & Green Category industries.

Now, it has been resolved in the Consent Appraisal Committee meeting held on /06/2015 to extend the scheme of auto-renewal policy for Orange & Green Category industries.

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

The scheme of auto-renewal will be considered:

- a) In case of Green Category industries, auto-renewal to be considered and granted on the basis of Self- Certification of Compliance submitted by the Authorised -Signatory with the undertaking about not to start any un consented activity.
- b) In case of SSI-Units having discharge less than 25 M³ in the CETP area with the membership of CETP, having full-fledged primary treatment to achieve inlet EPA standards laid down under E P Rules subject to Self -Compliance Certificate by the Authorised Signatory and Undertaking not to discharge without treatment of any substandard effluent.

- c) In cases of applications for renewal of consents after First Consent to Operate from SSI -Red outside CETP Area not having membership of CETP, it can be considered after provision of full fledged ETPs on the basis of self-compliance certificate submitted by the authorised signatory along with latest MPCB monitoring reports available with them.
- d) In cases of orange category industries, auto-renewal can be considered on the basis of self-compliance certificate submitted by the authorised signatory along with latest reports on monitoring done by the MPCB available with them
- e) However, in cases of MSI & LSI Red -category industries self-compliance certificate of compliance required to be submitted with Board-Resolution in order to ensure that the Board of Directors have properly perused it.
- f) It is decided that if auto-renewal certification of compliance is submitted along with latest monitoring reports of MPCB or duly confirmed with the MPCB Latest Monitoring Reports, then auto-renewal can be considered on such reports. As far as other compliances, such as submission of Cess -Returns, H W Returns, Environmental Statement etc, auto-renewal can be considered imposing condition to submit such reports in 30 days, for which, appropriate B.G. to be obtained first & then to grant auto-renewal.

The scheme of auto-renewal will not be considered:

- i) If there is increase in overall production capacity, change in product-mix and increase in pollution load.
- ii) If there is increase in Capital investment by over 10% which is due to infrastructure development, clean technology, pollution control system and better production management.
- iii) If the Capital investment is decreased, then the industry need to apply in prescribed Consent application form.

The object of extending scheme of auto-renewal policy for Orange & Green Category industries is to promote ease in doing business to smaller industries and to reduce workload on MPCB so that Board's strength can be utilized effectively for the implementation of various Environmental Acts. For the auto-renewal, the industry shall submit format of self-certification (Annexure 'A') on compliances of earlier Consent conditions duly signed by Authorised Signatory of the industry alongwith the prescribed fees at SRO/RO Offices.

This scheme comes in force with immediate effect from /06/2015.

(Dr. P. Anbalagan, IAS)
Member Secretary

For information:
Hon'ble Chairman, 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 for Self-Certification of Compliance by the industry for auto-renewal of Consent to Operate of 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 alongwith 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 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 Consent conditions.
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. This undertaking has the approval of the industry and copy of the Commitment letter of the industry is attached herewith.

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

Authorized Signatory

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

Draft Commitment letter to be submitted by Board of Directors/ Partners/ Proprietor of the industry for auto-renewal of Consent to Operate of Orange/ Green Categories

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