

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 4010437 / 4014701 / 4020781
Fax : 4024068 / 4023516
Website : <http://mpcb.mah.nic.in>
E-Mail : ast@mpcb.gov.in



KALPATARU POINT, 3rd Floor,
Sion-Matunga Scheme Road No.8,
Opp. Sion Circle, Sion (East)
Mumbai-400 022.

No. MPCB/AS(T)/TB/B- 5087

Date : 03/12/2015.

CIRCULAR

Sub:- Grant of Renewal of Consent to Operate for a minimum period of Five Years for Large/ Medium scale and a minimum period of Three Years for Small scale industries excluding Sugar industries.

- Ref.:** 1. Env. Dept.'s G.R. No. ENV/1088/672 CR-185/Section-1 dtd. 18/03/1992,
2. Board's Circular dtd. 21/01/1997,
3. Minutes of the CAC meeting held on 03/11/2015.

Maharashtra Pollution Control Board in its efforts to make ease of doing business in its Make in Maharashtra initiative, has taken a decision in the 9th CAC meeting of 2015 held on 03/11/2015 to make much more simplified grant of renewal of Consent to all categories of industries, operations and processes for a minimum period of Five Years for Large/ Medium scale and a minimum period of Three Years for Small scale industries excluding Sugar industries being Seasonal operation and for which a fresh crushing license have to be obtained every year from the concerned Authority. The Maharashtra Pollution Control Board has already taken a decision to grant auto renewal without any substantial changes to the industries, operations or processes by submitting self compliance certificate.

As per the G.R. dtd. 18/03/1992, Environment Department, GoM has approved the time period for Red, Orange & Green category of industries. The Government's resolution has defined terms of Consent renewal for each category of industries i.e. for Red category of industry One year is considered as a single term, for Orange category of industry Two year is considered as a single term and for Green category of industry Three year is considered as a single term. The Government resolution prescribed fees structure for different slabs based on Capital investment of the industry for grant of Consent to Establish & Consent to Operate. The fee structure for Consent to Establish is uniform for all three categories of industries, however for Consent to Operate and renewal the basic standard fee is prescribed for single term which is One year for Red category industry, Two years for Orange category industry & Three years for Green category of industry. The Board vide Circular dtd. 21/01/1997, has specifically mentioned that, in case of readiness from the Project Proponent/Industry Authority to pay the requisite Consent fees for five terms for renewal of Consent to operate to be granted for 5 years, 10 years & 15 years for Red, Orange & Green category of industries respectively.

Now, Maharashtra Pollution Control Board has decided to grant renewal of consent for a minimum period of Five Years for Large/ Medium scale and a minimum period of Three Years for Small scale industries excluding Sugar industries to ease the process, to have an uniform approach and thereby avoiding frequent repetition of Consent renewal application after it's expiry of short period. Hence, the Consent granting Authority shall renew Consent to Operate of Large/ Medium scale of Red category industries for the minimum period of Five Years and for the minimum period of Six Years of Large/ Medium scale of Orange & Green category industries. In case of Small scale Red & Green category industries, renewal of Consent to Operate shall be granted for the minimum period of Three Years and for Small scale Orange category industries a minimum period of Four Years shall be taken into consideration so as to ease the levying of the Consent fees as per the prevailing Circulars.

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This will help the officers of the Board to have enough time to concentrate more on monitoring and pursuing compliance of various conditions imposed in the consent. This will also reduce the unnecessary follow-up of the Project Proponent with the Authority granting consent and thereby they will also be able to concentrate on their business activities and compliance of environmental norms.

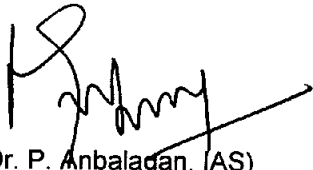
Wherever in a particular year a non compliance of consent conditions causing serious problem of environmental pollution is observed, the Officer/Authority delegated with powers to grant Consent, may revoke consent for the remaining period till compliance is secured. After compliance of particular condition for which consent has been revoked, the Project Proponent will have to apply a fresh consent with the requisite fees for renewal of consent. The fees for remaining period of consent after violation will be forfeited and Project Proponent will have to deposit a fresh consent fees. Once revocation order is issued on account of violation of environmental norms / conditions in a particular year, the Project Proponent after securing compliance will be under obligation to make a fresh application for reinstatement of Renewal of Consent.

Wherever, the Project Proponent is unable to deposit consent fees for a minimum period of Five Years for Large/ Medium scale and a minimum period of Three Years for Small scale industries on account of his own reasons such as industry's Court cases, poor financial condition, BIFR registration, change in management and winding up of business; the Project Proponent's request can be entertained and the renewal can be granted for the period for which consent fees have been deposited. The Consent granting authority should not discourage the Project Proponent from depositing consent fees for a minimum period of Five Years for Large/ Medium scale and a minimum period of Three Years for Small scale industries. The officer found to be creating obstructions in the in the process of granting Consent renewal for a minimum period of Five Years for Large/ Medium scale and a minimum period of Three Years for Small scale industries will be liable for disciplinary actions including stoppage of increment.

It has also been decided to extend the Consent validity upto a minimum period of Five Years for Large/ Medium scale and a minimum period of Three Years for Small scale industries for the Consent issued after 01/04/2015 and which have been granted renewal for the period less than Three/Five/Six Years of validity period. The Consent granting authorities have to inform the project proponent/ unit head regarding this decision and direct them to pay requisite fees for remaining period thus covering total period of Five Years for Large/ Medium scale and a minimum period of Three Years for Small scale industries and grant the amendment in consent accordingly.

All the Authorities empowered to grant consent shall strictly follow these instructions by granting to grant renewal of consent for a period of Five Years for Large/ Medium scale and a minimum period of Three Years for Small scale industries excluding Sugar industries, failing which, they will be responsible for any disciplinary action as deem feet necessary, which may please be noted.

This Circular comes in force with immediate effect.


(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.

- The Regional Officer and Sub-Regional Officer should brought this fact into the notice of the industries, Industrial Association under their jurisdiction and create awareness in this regard at appropriate forum.