

**Minutes**  
**of the 103<sup>rd</sup> Board Meeting of the**  
**Pollution Control Board, Assam**  
**held on 02<sup>nd</sup> February, 2022**  
**at 10.30 AM in the**  
**Conference Hall, PCBA**



**Pollution Control Board, Assam**  
**Bamunimaidam, Guwahati-21**

## **MINUTES OF 103<sup>RD</sup> BOARD MEETING OF THE POLLUTION CONTROL BOARD, ASSAM HELD ON 02-02-2022**

The 103<sup>rd</sup> Board Meeting of the Pollution Control Board, Assam was held on 02<sup>nd</sup> February, 2022 at the Conference Hall of the Board at Guwahati. The meeting chaired by Dr. Arup Kumar Misra, Chairman of the Pollution Control Board, Assam was attended by Sixteen (16) Members. Fifteen (15) members attended the meeting in person and Dr. Jogen Chandra Kalita, Prof. of Zoology, Guahati University attended the meeting virtually (Attendance Sheet attached).

At the outset, the Chairman welcomed all the members of the Board and briefed about the significance of this long-pending meeting. He stated that the last Board Meeting (102<sup>nd</sup>) was held in December, 2019 and as such there was no Board Meeting in the last 2 years due to the pandemic situation.

The Member Secretary of the Board made a presentation on the present activities and future roadmap. He mentioned that proactive steps have been taken to expedite the process of issuing of CTE / CTO to the Industries. He also informed the Board that every registered unit would have to install Display Board at the entrance of the Industry, which will help in identifying illegal units.

Board was also informed that steps have been initiated for mass awareness campaigns on use of Single Use Plastic in the State, besides promoting activities under National Clean Air Program (NCAP). Active participation by the Board in the Policy making Process of Govt. of Assam on issues, like elimination of Single Use Plastic (SUP), amendment of the Water Rules to include the rules regarding Idol immersion, status of solid waste dumping sites, etc. has been ensured. Board Members were appraised of the various other initiatives being undertaken by the Board, viz.

- ▶ To make the Board more people-friendly, educative and accessible.
- ▶ To equip the Board as a guiding force for industries in terms of better environmental management.
- ▶ To foster collaborative projects and cordial interactions with the industries.
- ▶ To introduce administrative reforms for management viz., Government e-marketing (GeM), adoption of PFMS, e-office practices in the Board.
- ▶ To ensure NABL accreditation for Central Laboratory.
- ▶ To put a system in place to monitor the status of management of solid waste at all the 103 Urban Local Bodies (ULB) in the State.

The Board discussed the need of preparation of a SOP by PCBA regarding proper handling and disposal of solid waste by the ULBs and other stakeholding departments under the provisions of the Solid Waste Management Rules, 2016 and other waste management Rules. The Chairman appreciated the suggestion and assured all the members that the Board would prepare the SOP within three (3) months.

Responding to the presentation by the Member Secretary on "Miyayaki Method of Plantation", the members appreciated and suggested for its application, especially on the banks of River Bharalu in Guwahati in collaboration with Guwahati Municipal Corporation.

Subsequently, the meeting took up the discussion agenda-wise, which are captured in the following paragraphs:



**Agenda Item No. 1 : Action Taken Report for the minutes of the last Board Meeting.**

Deputy Manager (HRA) elaborated upon the status of actions already taken on the approved agenda items of 102<sup>nd</sup> Board Meeting. **The Board accepted the Action Taken Report on the recommendations of the 102<sup>nd</sup> Board Meeting.**

**Agenda Item No. 2 : Proposal for Internal Budget approval for the financial year 2022-2023.**

The HR Section explained about the Budget for the Financial Year 2022-23. It was placed before the Board stating that the earning of revenue of the Board for the year 2022-23 was estimated at about Rs. 4057.61 (in lakhs); whereas estimated expenditure would be Rs. 3309.21 (in lakhs), hence a Surplus for the Financial Year 2022-23 to the tune of Rs. 748.40 (in lakhs).

**The Board approved the budget for the F.Y. 2022-2023, as placed above.**

**Agenda Item No. 3.1 : Proposal for purchase of an individual building or floors/ individual tower of a building from real estate developer for PCBA Head Office or acquisition of land in Guwahati for construction of Head Office Building.**

It was submitted to the Board that the existing Head Office building of about 24,000 sq. ft. floor area has become insufficient to accommodate almost 150 employees and the Central Laboratory. PCBA has also been housing the State Environmental Impact Assessment Authority (SEIAA), putting additional stress on space. The Chairman emphasized upon the need to solve this acute crisis of space, impairing both people and the costly, sophisticated equipment/analyser of the laboratory.

Board was also informed about insufficient parking space for vehicles, which at times become an embarrassing problem, not to speak of the long waits in the Railway level crossing at Bamunimaidam.

The Agenda was placed before the Board that an "under construction" building with individual campus or an entire tower in a real estate project could be purchased for the Head Office building with a total built up area of about 30,000 sq. ft. with PCBA's own resources. It was informed that the new proposed office would accommodate the administrative wings including various divisions, while the Central Laboratory would continue in the present building, and the present Regional Office for Kamrup (M) would also shift from rented accommodation.

The Board, in principle agreed that the present set-up was inadequate, but few members suggested to take up the matter in a more transparent and phase manner.

After threadbare discussion, **the Board resolved to approach the Govt. for allotment of an existing building or a land suitable for construction of an office building.** The Govt. would also be requested to consider the proposal for allocation of the existing office Building of Water Resource Department at Chandmari. It was resolved that the Board would follow the Govt. procedure and only as the final resort, PCBA would float EOI for purchase of a building/few floors from private builders.



**Agenda Item No. 3.2 : Shifting of Regional Office (RO), Guwahati-II to Amingaon / Baihata or Beyond; and to rename it as RO North Guwahati / Guwahati Rural; RO to be headed by officials up to the level of Senior Environmental Engineer / Senior Environmental Scientist and delineation of powers / roles.**

The Board was informed about two regional offices, viz., Kamrup (M) and Kamrup (Rural), commonly designated as Regional Office Guwahati-I (ROG-I) and Regional Office Guwahati-II (ROG-II) respectively. While ROG-I covers the areas falling under the Kamrup Metro District, the ROG-II covers the areas of Kamrup district, including Chaygaon, Rangia, Nalbari, etc. Both are now operating from rented premises in Bamunimaidam, Govt. Press Road, Guwahati.

Proposal was made that the new regional office for Kamrup (Rural) should be located at any place between Amingaon and Baihata Chariali, and rename this RO as "RO Kamrup".

**Board resolved the proposal of relocating and renaming the ROG-II and suggested a location in and around Changsari, Amingaon or Baihata Chariali.**

**The other proposal for placing officers up to maximum Senior Environmental Engineer/ Senior Environmental Scientist as Regional Head was also accepted. Additional Chief Engineers are expected to operate from HO for obvious reasons.**

**Agenda Item No. 4.1 : Proposal for introduction of processing fees for Authorization / Registration under-**

**Authorization under Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016.**

**Authorization under E-waste (Management) Rules, 2016.**

**Authorization under Bio-Medical Waste (Management) Rules, 2016.**

**Registration under Plastic Waste (Management) Rules, 2016.**

**Registration under the Batteries (Management and Handling) Rules, 2001.**

**Authorization under Solid Waste (Management) Rules, 2016.**

The agenda item was placed to the Board to augment the revenue of the Board, besides making the industries more accountable. Detailed proposal was submitted for levying "processing fees" for granting authorization/registration, which involved considerable resources of the Board starting from man power to IT infrastructure, transportation, stationeries, etc. Moreover, the Board had to bear a high annual cost towards online consent and authorisation management system and annual maintenance costs (AMC). The proposed processing fee structure was placed for approval.

After a detail discussion on the subject, the Board decided that District Health Centers (DHC) would be authorised by the Board without charging any processing fee. It was decided that public notice would be served for the stakeholders and to consider the comments received from the stakeholders. It was further decided that the proposed authorization fee for integrated solid waste management facility shall be kept at Rs. 5000/- per annum. The Board also decided to exempt the plastic waste recycling units from any processing fee as a goodwill gesture from the Board towards environment friendly practices.

**The Board resolved to levy the processing fee to various stakeholders with effect from 01<sup>st</sup> April, 2022 after considering the feedback from the various stakeholders, if any.**



**Agenda Item No. 4.2 : Proposal for one time approval of CTO for 15 years for Standalone Diesel Generator (DG) Sets.**

It was submitted to the Board that Consent to Establish (CTE) and Consent to Operate (CTO) certificates to stand alone DG sets, especially those installed with the mobile towers, shopping mall, etc., were being issued on yearly basis. It was estimated there were more than 7000 standalone DG sets with these mobile towers. The present practice of yearly renewal of CTO for the DG Set has resulted in unnecessary workload at Regional Offices as well as Head Office of the Board.

In this regards, the agenda was submitted to the Board Members with a proposal of granting a combined CTE and CTO certificate to the stand alone DG sets being installed at mobile towers, real estates, retail units, hospitals, etc. for a period of fifteen (15) years after realization of prescribed CTE fee, which is levied for one time only as well as CTO fees for fifteen (15) years at one go. It was also proposed that in case of any genuine public complaint against pollution created by any DG Set received and found to be valid, a penalty of Rs. 20,000/- would be charged to the unit towards emission monitoring and files visit purposes.

**The Board approved the proposal for issuing a combined CTE and CTO to the stand alone DG sets installed, as proposed, for fifteen (15) years and also the charge of Rs. 20,000/- to any unit against genuine and ratified public complaint.**

**Agenda Item No. 5.1 : Partial Modification of Notification regarding exclusion of White and Green categories of industries in Byrnihat (Assam) Industrial Area/Cluster Area.**

The Board was informed that Byrnihat, Assam had been declared as a polluted industrial area (PIA) and therefore, a specific attention of the Pollution Control Board, Assam was required for effective control of pollution in the industries located in the area. A specific order of the Hon'ble NGT passed on 10.07.2019 (OA no. 1038/2018), was placed before the Board as follows:

*"...No further industrial activities or expansion be allowed with regard to 'red' and 'orange' category units till the said areas are brought within the prescribed parameters or till carrying capacity of area is assessed and new units or expansion is found viable having regard to the carrying capacity of the area and environmental norms."*

The Board was informed that a notification was issued by the Board vide no. WB/G-1548/2019-20/56-A dated 26-02-2020 through which below mentioned direction was issued.

*".....no new industry shall be allowed to setup in the area (Byrnihat). Further no expansion of existing industries shall be allowed henceforth."*

PCBA issued notification for **complete ban** of setting up any industry in the area. The Board was informed that the PCBA Notification, on complete ban on all categories of industries, had affected the industrial growth in the area. It was also placed before the Board that because of the notification, about fifty (50) coke crushing units, and various other small industrial units like godown of cement, coke, etc. have been set up in the area illegally and are in operation.

To regularize the setting up of Green and White categories of Industries in the PIA, the agenda was proposed to amend the above Notification to allow setting up of White & Green category industries in the Byrnihat (Assam) PIA with enforcement of pollution control mechanism. The amended Notification would be at par with the existing NGT order, which has been in force; as per the NGT order, White & Green categories of industries may be allowed.

All the members discussed the agenda in detail. It was decided that the Board would take the opinion from CPCB, Regional Office, Shillong as well as Govt. of Assam to modify the Board's earlier Notification, which banned all types of industries in Byrnihat. **It was agreed that the Board would go ahead with the partial modification of the notification that would allow**

*Abhinav*

**setting up of Green and White categories of industries after getting response from the CPCB Regional Office, Shillong as well as Govt. of Assam.**

Regarding closing down of the operation of illegal industries, *various possible actions, viz.* joint verification by a team consisting of District Magistrate, PCBA officials together with the Police department, filing sue-moto cases against those industries by PCBA, to 'seal' the defaulting units, withdrawal of GST Registration of the illegal units, etc. were discussed.

**The Board resolved that all the illegally set up units in the area would be closed down by enforcing the closure notices.**

**Agenda Item No. 5.2 : Revocation of Closure Notices served to Hotels and Restaurant and other industries, which have complied with the condition of installation of PETP (Primary Effluent Treatment Plant).**

Placing the agenda to the Board Members, the Board was referred to the Hon'ble Supreme Court of India's order dated 22<sup>nd</sup> Feb 2017 in WP(C) No. 375 of 2012 (Paryavaran Suraksha Samiti Vs Union of India) as follows:

*"...to direct the concerned State Pollution Control Board to issue to all industrial units, which require "consent to operate" by way of common advertisement, requiring them to make their primary effluent treatment plants fully operational, within three months from today.."*

In addition, an order of the Hon'ble National Green Tribunal (NGT) in (OA. No. 593/2017) was referred:

*"To begin with, Environmental Compensation may be levied by CPCB only when CPCB has issued the directions under the Environment (Protection) Act, 1986."*

Member Secretary placed the following facts before the Board:

1. PCBA had issued Show Cause Notices to about 900 industries in the year 2017.
2. Closure Notices were issued to 416 industries in the year 2019.
3. Subsequently, 73 industries were levied with Environmental Compensation Fine (ECF) in the year 2017. ECF was calculated in the range of Rs. 1, 82,813.00 (against Sheikh Brothers, a Bakery Shop) to Rs. 53, 25,000 (against Hotel Raj Palace, Sivasagar).
4. It is observed that for most of the cases ECF were calculated in the range of Rs. 30 to 40 Lacs.
5. Only 3 units paid the ECF, while most of the others expressed their inability to pay such huge ECF.
6. It is observed that the Board did not consider to levy the ECF uniformly to all the units, but issued ECF only to 73 units and there is no specific reason cited for selecting less than 10% of the units for ECF from the list of Show Cause Notices to about 900 industries.
7. Hotel Equinox went to the NGT citing injustice and discrepancies by the Board in levying the ECF and won the case in their favour and did not have to pay any ECF.
8. A few Hotels / Restaurant have closed their operation permanently as they failed to pay the ECF.
9. It is understood that many Hotels have changed their name into new names to avoid the ECF
10. Though the Closure Notices have been in force, almost all the Industries are in operation denying the Closure Notice and Board is not able to take any action.

11. As Closure Notice has been in force, Board has not issued CTO to these units and all the units are operating without any valid CTO and as such Board is losing revenue in the form of CTO fee.

Citing the Court Orders in favour of the Hotel Equinox and various other facts, viz. failure of the Board to impose ECF to all the units in a uniform manner, losing of CTO fee from these Industries in the last two years, completion of construction of primary Effluent Treatment Plants by these defaulting units after issuing of Closure Notices, **the agenda was placed before the Members to consider revocation of Closure Notices issued to all the industries and exempting the units, which have been levied with ECF, from payment of the ECF and regularize the CTO after collecting the arrear fees.** It was also mentioned that the step would not only bring a good public image of the Board but also would help local entrepreneurs to revive operations after the pandemic. It was proposed that pending CTO fees would be collected as arrears and all the industries would be regularized by bringing into the consent mechanism and such an action would compensate the ECF to certain level and would bring revenue to the Board.

The Chairman opined that tremendous fall in tourism and thereby loss of Govt. revenue was observed during the last two years of pandemic and Hotels & Restaurants suffered a huge financial loss and many could not even survive during the period. And as such it was not possible to pay the hefty ECF levied against the units. Regarding installation of PETPs, MS asserted that almost all the units had installed PETPs in compliance with the court order.

**The Board agreed and unanimously approved the proposal for withdrawing the Closure Notice to all the industries as well as the ECF levied to the industries.**

**Agenda Item No. 6.1 : Proposal for special allowance of 3000/- for the Grade –IV employees working on Fixed Pay.**

The agenda was placed before the Board to consider a special allowance of 3000/- for the Grade-IV employees working on fixed pay for a considerable period.

Discussing on the Agenda in detail, the Board resolved to grant a special allowance of Rs. 3000/- to the Grade-IV employees, who have completed more than 365 days of working in total by completing required numbers of contract period of 89 days.

**The Board agreed and unanimously approved the proposal.**

**Agenda Item No. 6.2 : Proposal for adoption of in-service Death Benefits to the families of the demised employees of the Board.**

Board members were requested to discuss about adoption of in-service Death Benefits policy to the families of the demised employees of the PCBA. The Board was informed that the PCBA had been granting the death benefit in case to case basis and it would be beneficial if the Board adopts the Govt. notification in this regard.

The Board discussed the issue extensively and **resolved that the PCBA should extend the Death Benefits to the families of the demised employees as per the relevant Notification of Govt. of Assam.**



**Agenda Item No. 6.3 : Proposal for acceptance of Group Membership of Assam Healthcare Cooperative Society to all Officers and Staff of Pollution Control Board, Assam.**

This item was placed before the Board regarding a proposal of Group Membership of Assam Healthcare Cooperative Society, which extends various medical benefit to its members, viz., up to 25% less charges for pathological tests and other health checkups for a large number of pathological labs in the country and a number of Health Care Facilities across the country.

*MS informed the members the Life Membership of the said society was Rs. 500.00 (Rupees Five Hundred) per member. For the benefit of the entire PCBA family consisting of about 250 members, the Board could pay the one time membership at a total cost of about 80,000.00, as a welfare measure.*

**The Board agreed and unanimously approved to the proposal.**

**Agenda Item No. 7.1 : Approval for Filling up of all vacant posts as per PCBA, (Employees' Service) Regulation – 2012.**

The Board was informed that the PCBA had already advertised for 14 nos. of various posts in the year 2019 and received approx. 3073 nos. of online applications. However, as per the direction of then Chief Secretary, Govt. of Assam, approached the Guwahati University for completing the recruitment drive. However, the University could not complete the drive and as such, completion of the recruitment of the staffs was of urgent need, the MS asserted the need.

In the matter, the MS referred to the visit of the Commissioner to the Govt. of Assam, Env. & Forest Department the Board and the idea of the Commissioner and Secretary to conduct the recruitment drive by the Board itself.

**The Board after a thorough discussion on the matter, resolved** to constitute of selection committee, duly approved by the Govt. of Assam, and then to proceed with the process of recruitment drive on its own.

**Agenda Item No. 7.2 : Proposal for Recruitment of Senior Research Fellow (SRF) and Junior Research Fellow (JRF)**

The agenda regarding Recruitment of NET/GATE qualified Senior Research Fellow (SRF) and Junior Research Fellow (JRF), on temporary basis, was discussed in order to meet with the manpower shortage of the Board. It was suggested that the salary of the JRF/SRF would be as per the UGC Guidelines and as practiced in Central Pollution Control Board or IIIT, Guwahati.

After discussion on the agenda, the **Board agreed to the proposal for recruitment of SRF and JRF, on temporary basis and to be renewed on yearly basis.**

**Agenda Item No 7.3 : Proposal for approval on Service out sourcing from third party like – Trainee Engineer, Data Entry Operator, Project Assistant, etc.**

The agenda was placed before the Board for hiring of personnel like Data Entry Operators, Stenographers, Project Assistants, etc. under various projects through a third party. It was emphasized that PCBA would select an agency by floating an EOI and selected agency would provide a list of candidates as per the Board's requirement.

The Board discussed the issue extensively to select a Third party recruitment agency through floating EOI, and the third party would be responsible for providing suitable candidates as required by PCBA. The Board decided that the performance of the manpower from time to time.

**The Board agreed and unanimously approved the proposal.**





**Agenda Item No 8.1 : Purchase of New Monitoring Vehicles for the Board**

The agenda was placed before the Board about the urgent need of new Monitoring Vehicles for its Head Office and nine (9) Regional Offices. On discussion about the type of monitoring vehicle to be purchased, few members suggested that Mahindra Bolero would be more suitable for Regional Offices for their extensive field duties in the difficult areas.

After discussion on the topic, **the Board took the resolution to purchase the monitoring vehicles (2 nos of Innova Crysta for Head Office and 9 nos. of Mahindra Bolero for Regional offices) from its own resources. It was decided that vehicle would be purchased from GeM, if available. Otherwise, procedure would be followed for e-Procurement or direct purchase from dealers at special Govt. rates, whichever is feasible.**

**Agenda Item No 8.2 : Proposal for issuing of Laptop for seniors officers of the Board.**

The agenda was placed before the Board about issuing of Laptops for senior officers of the Board.

**The Board agreed to the proposal submitted by the Member Secretary and also suggested to buy the same under GeM portal. The need of the laptop was unanimously agreed by the Members and it was decided to issue laptops to officers of the Board of the rank EE and above, including the IT personnel, who had been associated in maintaining the OCMMS portal & others. The proposal was approved by the Board.**

**Agenda Item No 9.1 : Proposal for Enhancement of Drawing and Disbursement Power—Approving and Cheque signing of Member Secretary from present limit of Rs. 25,000.00 (Rupees twenty five thousand) to Rs. 50,000.00 (Rupees fifty thousand only).**

The Member Secretary proposed about the need for enhancement of Drawing and Disbursement Power of MS from 25,000/- to 50,000/-. He informed the Board members that cash had to be withdrawn every week, sometimes 2/3 times a week, to meet with the contingency expenditures of the Board including its various meetings.

**The Board unanimously agreed to the Proposal submitted by the Member Secretary.**

**Agenda Item No 9.2 : Proposal for enhancing the application fees for processing of CTE/CTO.**

An agenda was placed before the Board about the need of collection of an application fee for processing of CTE/CTO applications in the PCBA's OCMMS portal. Board was informed that so far no application fee for processing the CTE/CTO or various authorization was being paid but Rs. 100/- had been paid by the industries as the cost of application form. To meet up the AMC expenditure for the OCMMS portal, it was proposed to introduce the application fees at Rs. 1000/- per application in lieu of Rs. 100/- as cost of application form.

After threadbare discussion on the topic, **the Board decided to introduce the application fees at Rs.500.00/- and suggested to invite objection from the stakeholders, if any by publishing the proposed online application fee in public domain and to take the necessary action subsequently after incorporating the suggestion, or recommendation of the stakeholders.**



**Agenda Item No 9.3 : Revised House Building Advance Scheme-2022.**

An agenda was placed before the Board about the Revised House Building Advance Scheme-2022, which included a proposal for an enhancement of House Building Advance to the Board employees from 10 lakhs to 15 lakhs and interest rate at to 4% to the Board officials, who wanted to avail the house building advance. Member Secretary also informed that previously Board members approved 10 lakhs as House Building Advance @ 6.4% interest rate. The MS also placed before the Board that the HBA would be recovered from the employee in 120 equal installments, as has been practiced by the Board.

After extensive discussion on the topic, **the Board approved the proposal.**

**Agenda Item No 9.4 : Levying of Fee for renewal/extension of Consent to Establish (CTE) order.**

An agenda was placed before the Board regarding Levying of Fee for renewal/extension of Consent to Establish (CTE) order. Member Secretary also informed the Board members that the Board had received many applications regarding extension of validity of CTE and such proposals had been entertained by the Board.

After discussion on the topic, **the Board members agreed to levy CTE Extension fee at 100% of the CTE fees as applicable to the projects at the time of CTE renewal. It was also agreed that all such renewal would be granted with a validity of seven (7) years.**

**Agenda Item No 9.5 : Proposal to impose fine on the defaulting unit.**

The agenda was placed before the Board about imposing upon fine on the defaulting units which did not apply for renewal of CTO but applied for the same for preceding years together with the current year. PCBA used to accept such applications after a unit paid CTO fee for the entire period. To discourage such practices, it was put up by the MS to impose a penalty of 50% of the prescribed Consent fee for each year of delay, i.e. the unit would pay 1.5 times of the consent fee for the years for which the units did not pay the CTO fee. It was also deliberated by the Board that the proposed penalty would be applicable for the units, which were granted with CTO by the Board, on earlier occasions.

**After discussion on the topic, the Board agreed to the proposal.**

**Agenda Item No 9.6 : Proposal to impose fine on the defaulting unit issued with closure/withdrawal of consent.**

The Member Secretary submitted to the Board about the proposal on imposing fine to the defaulting units served with closure/withdrawal of consent or authorization after those units had been found violating with the environmental norms as applicable. Agenda was placed with a proposal of levying of environmental compensation fine at Rs. 5000/ day at par with an NGT order

**After discussion on the topic the, Board agreed to the proposal.**

The meeting ended with vote of thanks to and from the Chair.



**(Arup Kr. Misra)  
Chairman**

**Pollution Control Board, Assam**