

Minutes of the 105th Board Meeting of the Pollution Control Board, Assam held on 14/06/2023 in the Conference Hall of the Head Office, Pollution Control Board, Assam, Bamunimaidam, Guwahati-21

Member present:

- 1. Dr. Arup Kumar Misra : Chairman
- 2. Dr. Shantanu Kumar Dutta : Member Secretary
- 3. Dr. Bhupendra Barman, Executive Engineer - Representative of Public Health Department : Member
- 4. Shri Uttam Bhowmic, Secretary, ASBFC, Water Resource Department : Member
Representative of Water Resource Department
- 5. Shri Tarun Ch. Saharia, Director, Public Enterprise Representative of Industries & Commerce Department : Member
- 6. Mr. Suhal Yasin, Asstt. Commissioner - Representative of the Commissioner, Guwahati Municipal Corporation : Member
- 7. Dr. Saikat Patra, Chairman, Municipal Board, Dibrugarh : Member
- 8. Ms Ambika Majumdar, Chairman, Municipal Board, Nagaon : Member
- 9. Mr. Rajib Chanda, CPO, SBM(U), SMB - Representative of the Chairman, Municipal Board, Silchar : Member
- 10. Shri Arup Borpujary, Secretary, Laghu Udyog Bharati : Member
- 11. Dr. Jogen Kalita, Prof. of Zoology, Gauhati University : Member
- 12. Dr. Dhruvajyoti Saharia, Prof. of Geography, Gauhati University : Member
- 13. Shri Bimal Ch. Deori, Dy. G.M (T), AIDC. - Representative of the Managing Director, Assam Industrial Development Corporation : Member
- 14. Shri Hara Kanta Daimari, Dy. G.M - Representative of the Managing Director, Assam State Transport Corporation : Member

- All the Agenda Notes were placed before the Members of the Board.
- At the outset the Chairman welcomed all the members of the Board to the meeting and initiated the proceedings of the meeting as per the agenda.

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- The Minutes of the 104th Board Meeting was placed before the Board Members for confirmation and after going through the records of the minutes, the Board unanimously confirmed the minutes.
- The Member Secretary submitted the action taken report as per the decision taken as recorded in the minutes of 104th Board Meeting. After discussion on the action taken report the Board suggested the following:
 - i) The amendment of the Pollution Control Board, Assam (Employees' Service) Regulation-2012 should be expedited.
 - ii) Possibilities of setting up of Plastic Bottle collection centres in more locations, like 'Kamakhya centre', should be explored.
 - iii) The unauthorised Brick Kiln industries should be brought under the ambit of Pollution Control Board urgently. Possibilities of linking the 'Consent' with the GST and other such mechanism should be examined and explored.
- The Member Secretary through a Power Point Presentation appraised the Board about the recent initiative of the Board

After the initial discussion, the Board subsequently proceeded to the issues as per the Agenda for 105th Board Meeting.

Agenda Item No. 105.1: Presentation on Budget for financial Year 2023-2024 for approval.

The Member Secretary submitted the draft Budget for the year 2023-24 before the Board. As per the statement submitted by the Member Secretary, the sanction for the Financial Year 2022-23 was 3291.26 lakhs against which actual expenditure for the Financial Year was 3273.41 lakhs. During the year the revenue earned by the Board was Rs. 6590.00 lakhs. For the current Financial Year the projected revenue is 6,600.00 lakhs. The Member Secretary proposed Rs. 6444.58 lakhs for expenditure during the year 2023-24. In his speech he informed that Rs, 2000.00 lakhs had been proposed for the new Head Office Building of the Pollution Control Board, Assam.

After detailed discussion the Board unanimously decided that for the current year only 10% of the total requirement of about Rs.2000.00 lakhs *i.e.* Rs.

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200.00 lakhs only should be kept for new Office Building as the entire project is now at planning and design stage only without much financial implications. Accordingly, the Board approved Rs. 4644.58 lakhs for expenditure for the year 2023-24.

Agenda Item No. 105.2: Contribution to CM's Relief Fund.

The Member Secretary submitted a proposal for *post facto* approval of the Board for Rs. 1.0 Cr. that has been contributed to the Chief Minister's Relief Fund on 07/06/2023. The Board unanimously accorded *post fact* approval for the same.

Agenda Item No.105.3: Amendment in the "Procurement Manual for Goods & Civil works of Pollution Control Board, Assam" in Section 3.1.10(2.3.4.5)10(3)

The Member Secretary submitted a proposal for amendment of "Procurement Manual for Goods & Civil works of Pollution Control Board, Assam" in Section 3.1.10(2.3.4.5)10(3). After detailed discussion, the Board suggested the Member Secretary to further examine the provisions of Assam Procurement Manual and also consult Financial Adviser of the department in regards to legality of the amendment proposed.

Agenda Item No.105.4: Establishing 2 (two) nos. of new Regional Offices at Tinsukia and Chaygaon/Boko

The Member Secretary submitted a proposal for establishment of two (2) Regional Offices, one at Tinsukia and other at Chaygaon/Boko area as administrative requirement for efficient management of its pollution control strategies in those areas by rationalising areas under Kamrup, Bongaigaon, Tezpur and Dibrugarh Regional Offices. He submitted that Regional Office Kamrup (1250+) and Regional Office Dibrugarh (1500+) are overloaded with industries and jurisdiction area of the RLO, Bongaigaon is comparatively large. Necessity is felt to rationalize the number of industries across the Regional Offices.

He proposed for establishment of two new Regional Offices at Chaygaon / Boko for covering areas namely the southern part of Kamrup, Goalpara,

South Salmara and Mankachar District, and at Tinsukia for covering areas under Tinsukia District. He further proposed to bring the Lakhimpur District, presently under Tezpur Regional Office, under the Dibrugarh Regional Office for operational convenience.

After detailed discussion the Board unanimously approved the following

- i) Establishment of two (2) new Regional Offices, one at either Boko or Chaygaon and other at Tinsukia for administrative convenience and efficient management of Board's activities and strategies
- ii) Proposed rationalisation of number of industries under Kamrup, Bongaigaon, Dibrugarh and Tezpur Regional Offices to distinctly earmark the jurisdictions of the two new Regional Offices

Agenda Item No.105.5: Granting of CTE and CTO to M/S North East Onco Care, 11th Mile, Amerigog, Jorabat, Guwahati, Assam

The Member Secretary submitted a proposal to accord Consent to Establish and Consent to Operate (CTE&CTO) for expansion and operating the Health Care Facility under the Water Act, 1974 and Air Act, 1981 to M/s. North East Super Speciality Hospital (a Unit of M/s. North East Onco Care Ltd.) to be located at 11th Mile, Amerigog, Jorabat, Guwahati, Assam.

The Member Secretary stated that Byrnihat has been identified as a polluted industrial area, one of the 100 such PIAs in the country. In compliance of the Hon'ble NGT order dated 10.07.2017 in the matter related to OA No. 1038/2018, the Board Issued a Notification vide no. WB/G-1548/2019-20/56-A dated 26.02.2020 prohibiting of setting up or expansion of all categories of Industries viz. RED, ORANGE, GREEN and WHITE, in the Polluted Industrial Area of Byrnihat (Assam) within a radius of 5 km. The Board, through another Notification No. WB/G-1600/19-20/L/OA-1038:18/102 dated Guwahati the, 05th May 2022, reiterated this prohibition of setting up and expansion of RED and ORANGE category industrial units, but exempting setting up and expansion of GREEN and WHITE category industrial units. In view of the above, Consent to Establish to a Red & Orange category industry is restricted in the Byrnihat Critically Polluted Area (CPA).

He further submitted that the proposed Health Care Facility comes under RED categories of industries. M/s. North East Super Speciality Hospital (a Unit of M/s. North East Onco Care Ltd.) for obtaining Consent to Establish under the Water Act, 1974. As M/s. North East Super Speciality Hospital (a Unit of M/s. North East Onco Care Ltd.) falls under Red category of industries, hence, establishment of such an industry is restricted. However, for the health care service to the cancer patients of the North East India, such type of Health Care Facility is of utmost necessity for betterment of the society.

The Board after threadbare discussion on pros and cons of the proposal, legal complicacies and insignificant pollution potential and social aspects unanimously decided to accord CONSENT to the M/S North East Onco Care, 11th Mile, Amerigog, Jorabat, Guwahati, Assam with concrete mechanism of pollution control including recycling of effluent water etc. The Board has also decided to direct the industry not to discharge any effluent outside the premises.

Agenda Item No.105.6: Proposal for pension Scheme for Board's employees

The Member Secretary submitted a proposal for adopting a Pension Scheme for the employees of Pollution Control Board, Assam. After detailed discussion the Board unanimously opined that there should be a Pension Scheme for the employees of the Board. The Board further opined that the Pension Scheme as placed before the Board requires detailed examination. The Board also discussed the present practice of CPF fund management of the Board and suggested for proper Fund Management under EPF Act, 1952. After discussion, the Board constituted a three member committee with the following members to prepare a Pension Scheme after examining all aspects and submit the same on or before 31st July, 2023 to the Chairman, Pollution Control Board for placing the same in the next Board meeting.

Members of the 3 member committee:

- i) Dr. Shantanu Dutta, Member Secretary, PCBA
- ii) Shri Tarun Ch. Saharia, Director, Public Enterprise
Department of Industries & Commerce Department
- iii) Shri Arup Borpujary, Secretary, Laghu Udyog Bharati

Agenda Item No.105.7: Discussion on the payment of extra bill against laboratory modernisation work and decision of payment of the extra amount.

The Member Secretary submitted that for obtaining NABL Accreditation for the Central Laboratory of PCBA, necessary upgradation and renovation work for the central laboratory were carried out as prescribed by the visiting team from NABL. For the work, estimates were prepared and tenders were invited. The estimated amount was Rs.42,71,131.00 for the work. On observing due tender process, the deal was settled with Sri Bhaben Bora of Noonmati, Guwahati-20 at his quoted rate of Rs. 36,82,496.00 being the lowest quoted rate which was 13.78 % below than the estimated amount. During the execution of work there were some additional work and items, which cropped up and were considered necessary for proper execution. This resulted in Rs. 16,96,564.00 (Rupees Sixteen Lakhs Ninety Six Thousand Five Hundred Sixty Four) increase in the final Bill amount than the settled amount.

After detailed discussion the Board suggested the Member Secretary to constitute a Committee to thoroughly examine the working estimate and works executed for considering payment.

Agenda Item No.105.8: Implementation of Environment (Protection) Amendment Rules, 2022 notified by Govt. of India vide No. Q-15017/35/2007-CPW dtd. 22.02.2022 regarding permitted technology for Brick manufacturing like Zig-Zag Technology or vertical shaft or use of piped natural gas for brick manufacturing.

The Member Secretary submitted that the Govt. of India published the notification on Zig-Zag Technology of brick production vide notification No. Q-15017/35/2007-CPW dtd. 22.02.2022. The States have to implement the provisions of the notification. The major provisions of the notification include adaptation of Zig-Zag Technology for brick production, siting criteria for brick Kilns, etc. He further informed that in 2013, PCBA published 'Guidelines for Brick Manufacturing Industries'.



In view of the recent notification under the Environment (Protection) Amendment Rules, 2022 dtd. 22.02.2022, the said guidelines need to be reviewed.

The Member Secretary submitted proposal for Approval of

1. Adaptation of the Environment (Protection) Amendment Rules, 2022 notified by Govt. of India vide No. Q-15017/35/2007-CPW dtd. 22.02.2022.
2. Revisions of the guidelines titled "Guidelines for Brick Manufacturing Industries".

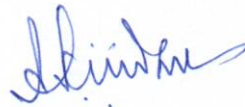
The Board after detailed discussion approved the proposal and suggested that the Department of Industries and Commerce, Government of Assam should be intimated about the Rule and guidelines as the department is intimately associated with the brick kilns.

Agenda Item No.105.9: Imposition of penalty for establishment of Industrial Unit without prior permission of the Board.

The Member Secretary submitted that as per norms the industries have to pay CTE fee as per the fee structure based on total investment for a particular project for obtaining a CTE. The fee levied as per the notification of Government of Assam. He informed that many industries establish their units without taking any prior CTE from the Board and subsequently apply for CTE only for regularization and claiming of subsidy from the Government.

Since prior consent of the Board for establishment of industries is a statutory requirement, therefore for such violation, the Member Secretary proposed for imposition of 100% additional CTE fee as penalty while issuing consent to such industries which are set up without prior permission of the Board.

The Board approved the proposal.



Agenda Item No.105.10: Rationalization of period of validity of Consent with respect to manufacturing season of the year.

The Member Secretary submitted that the Board receives about 10,000 applications for consent in a year which include the applications received from the Health Care Facilities of the State. The CTO fee is also received by the Board on financial year basis. Accordingly, the Board renews Consent to Operate (CTO) up to five (5) years with validity expiring on the 31st March of a particular year.

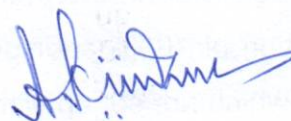
He further informed that the Board issues directives to the industries to apply for renewal of CTO before ninety (90) days of its expiry and as such it receives a large number of applications during November to March every year. It is very difficult to process all the applications within the stipulated time given in the EoDB portal.

The Member Secretary proposed the following for better functioning:

- i) Approval of Board to issue of consent to tea gardens / factories with validity till 31st December instead of 31st March (present practice) for rationalisation of disposal of applications as per norms.
- ii) Approval of Board to issue of consent to brick industries with validity till 30th June of next financial year in place of present practice of issuing Consent with validity till 31st March for rationalisation of receiving application for efficient management.

After detailed discussion the Board approved both the proposal.

The meeting ended with a vote of thanks to the Chair.



(Dr. Arup Kumar Misra)
Chairman
Pollution Control Board, Assam