

MAHARASHTRA POLLUTION CONTROL BOARD

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Date: 28/04/2010

To,
The Regional Officer,
Maharashtra Pollution Control Board,
Mumbai/ Thane / Navi Mumbai / Kalyan / Raigad / Pune / Nashik /
Aurangabad / Kolhapur / Amravati / Nagpur/ Chandrapur.

10042915-10167

CIRCULAR

Sub: Conditions to be imposed in the consent granted to the
Building construction projects.

Ref: Petition of Sh.Surabhi Gupta, 802,B,Birchwood, Hiranandani
Gardens, Powai, Mumbai.

The Board has been receiving various complainants in respect of noise pollution caused due to construction activities and one such Petition of Sh.Surabhi Gupta, 802, B, Birchwood, Hiranandani Gardens, Powai, Mumbai from Section Officer, Prime Minister's Office, New Delhi dated 1/2/2010 through the Chief Secretary's Office, Govt of Maharashtra regarding serious health hazards, nuisance and pollution caused by the construction activities in Hiranandani Gardens, Powai, Mumbai was received by this office.

In order to monitor such type of construction activities causing sever pollution, following conditions are being incorporated in the Consent granted by the Board, which are as under:

- (i) To take adequate mitigation measures to control the emissions of SO₂, NO_x, SPM, and RSPM to achieve the National Ambient Air Quality standards.
- (ii) The applicant shall take adequate measures to control the noise levels from its own sources within the complex (residential cum Commercial) in respect of noise to less than 55 dB(A) during the day time and 45 dB(A) during the night time. Daytime is reckoned as between 6 am to 10 pm and Nighttime is reckoned between 10 pm to 6 am.
- (iii) To strictly prohibit the construction activities during the nighttime.
- (iv) The construction material shall be carried in enclosed vehicles during construction activities.
- (v) Proper loading and unloading of construction material, excavated material and its proper disposal should be carried out as per the Municipal Solid Wastes (Management and Handling) Rules, 2000.
- (vi) The Applicant shall not cause any nuisance in the surrounding area.
- (vii) To impose the condition of Bank guarantee in the Consent for Building construction projects.

You are also directed to carry out the Ambient Air monitoring of construction projects granted Consent/s and those projects requiring Environment Clearance and also to make surprise checks and submit the report to the Head quarters.

The Board has further introduced following new conditions in addition to the above 5 conditions in the consent namely.

- 1) The project proponent should not cause any nuisance due to construction activity in the surrounding area.
- 2) It has been decided that the Board may obtain an appropriate bank guarantee upto Rs.3 Lakhs for a project, in respect of which, the construction cost is less than Rs.50 crores and the Board may obtain a bank guarantee upto Rs.5 Lakhs, in case, the cost of the construction project is between Rs.50 crores to Rs.150 crores and Rs.10 lakhs in case the cost of the construction project above Rs.150 crores, so as to ensure the compliance of the consent conditions (Consent to Establish and Consent to Operate as well as Environment Clearance) sanctioned to such projects.

It has been observed that lot of construction activities, for which, an Environment Clearance is required are being started without obtaining an Environment Clearance from the competent Authority as well as Consent to Establish from the Maharashtra Pollution Control Board, thereby effective steps are taken in violation of the EIA Notification dtd.14/09/2006. This has given rise to a number of complaints from the affected persons such as Slum Dwellers or tenants or other complainants. Because of such violations not only the nuisance is caused but also the Board office has to spend more time on such type of readdressal of the complaints, by calling investigation report, issuance of show cause notices, personal hearing and issuance of stop work notices, applications under the Right to Information Act, 2005 etc. with appeals filed by the aggrieved parties.

Therefore, all the Regional Officers are hereby directed to keep proper co-ordination with the Municipal Corporations/Local Bodies, which are granting permissions for such type of construction activities without verifying the Environment Clearance and consent being obtained by them, thereby illegal and unauthorized construction activities without obtaining Environment Clearance from the competent Authority and Consent to Establish and Consent to Operate from the Maharashtra Pollution Control Board are being undertaken in violation of the provisions of the Environment Impact Assessment Notification, 2006 and the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 respectively. It has been also observed that the SRA is also granting sanctions to the construction projects under the SRA Scheme without verifying the compliance of the EIA Notification, 2006 and the Water and Air Acts, thereby, unauthorized constructions are being undertaken under such SRA Schemes. The Board has already written specific letter to the SRA Authorities about not to grant any permissions to the SRA projects, requiring Environment Clearance/Consent, without complying with the provisions of the above Acts and Rules. A copy of the said letter is enclosed herewith for ready reference.

You are hereby instructed to issue appropriate letter/circular to all the Local Bodies under your jurisdiction, pointing out that as per the EIA Notification dtd.14/09/2006, it is obligatory on the part of the projects having construction built up area above 20,000 sq.mtrs. upto 1,50,000 sq.mtrs in case of building and construction

projects and above 1,50,000 sqmtrs for townships and area development projects to obtain Environment Clearance from the State Environment Impact Assessment Authority. The said projects also require to obtain Consent to Establish and Consent to Operate from the Maharashtra Pollution Control Board and till Environment Clearance is obtained, not to take any effective steps for construction activity. Therefore, the Authorities granting permissions for such construction projects should not grant Commencement Certificate for permission of construction activities unless and until an Environment Clearance as well as Consent to Establish are obtained and no Occupation Certificate should be granted till Consent to Operate is granted by the Board. This has to be done to ensure that proper waste management plant/connection to sewerage line, municipal solid waste management and other conditions which are imposed in the Environment Clearance and Consents are being complied with and followed up strictly.

During the construction activity is in progress, it is necessary that proper monitoring is done about the important consent conditions such as the construction activity is being carried out in covered enclosures either in tin sheets or tarpaulin etc, so that no dust particulate finding its way into nearby residential / commercial area, noise generated from the construction activity is properly controlled, so as to achieve the Noise standards prescribed in the consent order. The construction activity should not be carried out beyond the day time after 6.00 pm , as per the permission granted by the local bodies.

In case of serious complaints of causing nuisance, proper Ambient Air Quality monitoring with Noise monitoring and with proper visit and inspection report in respect of compliance of various Consent conditions should be prepared and in appropriate cases of serious violations , Bank guarantees can be encashed with the approval of the Board office. In more serious cases, till effective steps are taken to comply with the conditions of environment clearance and Consents, stoppage work can be recommended.

After construction is completed, if proper waste management is not provided / operated and thereby serious pollution carried, giving rise to complaints of serious nature, proper case should be developed for issuance of prosecution notice/ filing of prosecution etc.



(A. D. Saraf)
I/c Member Secretary

Copy to: Sr.Law Officer(P&L Divn.)/I/c WPAE(PCI-III)/I/c APAE/I/c PSO(PCI-I)/Project Leader (Zoning Atlas), MPCB, Mumbai -for information and necessary action.

Copy to: R.O.- HQ/~~PCI-II~~ & Zonal Officer(PAMS DIVN.)/P&P/Co-Ordination/PAMS/ MPCB, Mumbai - for information and necessary action.

Copy to:L.O.(P&L Div.I&II)/S.O., MPCB, Mumbai-for information and necessary action.