

The Maharashtra Air (Prevention and Control of Pollution) Rules, 1983

MAHARASHTRA

India

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Rule

THE-MAHARASHTRA-AIR-PREVENTION-AND-CONTROL-OF-POLLUTION-RULES of 1983

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The Maharashtra Air (Prevention and Control of Pollution) Rules, 1983Published vide Notification No. APA-1082/32/CR-41/UD-18. Published in Maharashtra Government Gazette, Part 4A, pp. 512-518Notification No. APA-1082/32/CR-41/UD-18. - In exercise of the powers conferred by sub-sections (1) and (2) of section 54 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), and of all other powers enabling it in that behalf the Government of Maharashtra, after consultation with the State Board as required under sub-section (3) of the said section 54, hereby makes the following rules, namely

Chapter I

Preliminary

1. Short title and commencement.

(1)These rules may be called the Maharashtra Air (Prevention and Control of Pollution) Rules, 1983.(2)They shall come into force on the 1st day of May, 1983.

2. Definitions.

(1)In these rules, unless the context otherwise requires,-(a)'Act' means the Air (Prevention and Control of Pollution) Act, 1981;(b)'Board' means the Maharashtra Water (Prevention and Control of Pollution) Board constituted under section 4 of the Water (Prevention and Control of Pollution) Act,

1974 (6 of 1974) and deemed under section 4 of the Act to be the State Board for the Prevention and Control of Air Pollution constituted under section 5 of the Act;(c)'Chairman' means the Chairman of the Board;(d)'Committee' means Committee constituted under sub-section (1) of section 11;(e)'furnace' means any structure or installation where any form or type of fuel is burnt or otherwise a high temperature higher than ambient is maintained;(f)'Government' or 'State Government' means the Government of Maharashtra;(g)'Member-Secretary' means the Member-Secretary appointed by Government under clause (f) of sub-section (2) of section 4 of the Water (Prevention and Control of Pollution) Act, 1974;(h)'premises' means any building, structure or property used for industrial or trade purposes where pollution occurs;(i)'recognised laboratory' means a laboratory established or recognised as such under sub-section (2) of section 17;(j)'section' means a section of the Act;(k)'State Air Laboratory' means a laboratory established or specified as such under sub-section (1) of section 28.(2)The words and expressions used in these rules but not defined shall have the same meanings respectively assigned to them in the Act.

Chapter II

Meetings of the State Board and its Committees

3. Notice of meetings of Board.

(1)Every ordinary meeting shall be called once in every three months so as to comply with the provisions of sub-section (1) of section 10.(2)The Chairman shall either on his own as provided under proviso of subsection (1) of section 10 or upon a written request of not less than seven members of the Board or upon a direction of the Government, issue or cause to be issued a notice calling a special meeting.(3)Seven clear days' notice from the date of despatch of an ordinary meeting and two clear days' notice of a special meeting shall be circulated to the members specifying the time and place at which such meeting is to be held and the business to be transacted thereat.(4)Notice may be given to the members by delivering the same by messenger or sending it by post to their last known place of residence or office.(5)No member shall be entitled to bring forward for consideration of the meeting any matter of which he has not given five clear days' notice to the Member-Secretary unless the Chairman, in his discretion, permits him to do so.(6)The Board may adjourn from day to day or any particular day, and no fresh notice shall be required for any adjourned meeting.(7)No proceeding shall be invalidated merely on the ground that the provision in this rule relating to the notice is not strictly complied with.

4. Presiding authority of meeting of Board.

- Every meeting shall be presided over by the Chairman, and in his absence, by a Chairman for the meeting to be elected by the members present from amongst themselves.

5. All questions to be decided by majority at Board meeting.

(1)All questions at a meeting shall be decided by a majority of votes of members present and voting. The voting shall be by raising of hands in favour of the proposal.(2)In case of an equality of votes,

the presiding authority shall have a second or casting vote.

6. Quorum at Board meeting.

(1)Seven members shall form the quorum for a meeting.(2)If at any time fixed for any meeting or during the course of any meeting a quorum is not present, the presiding authority shall adjourn the meeting and if a quorum is not present at the expiration of fifteen minutes from such adjournment the presiding authority shall adjourn the meeting to such hours on the following or on some future date as he may fix.(3)The business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting, and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there be quorum present or not.(4)No matter which had not been on the agenda of the original meeting shall be discussed at such adjourned meeting except with the permission of the presiding authority.(5)No fresh notice shall be required for the adjourned meeting.

7. Minutes of Board meeting.

(1)Record shall be kept of the names of members who attended the meeting of the Board and of the proceedings at meeting in a minute-book to be maintained by the Member-Secretary.(2)The minutes of the previous meeting shall be read at the beginning of every succeeding meeting, and shall be confirmed and signed by the presiding authority at such meeting.(3)The proceedings shall be open to inspection by any member at the office of the Board during office hours.

8. Maintaining order at Board meeting.

- The presiding authority shall preserve order at a meeting and shall have all powers necessary for the purpose of enforcing his decision.

9. Business to be transacted at Board meeting.

- Except with the express permission of the presiding authority, no matter which is not on the agenda, shall be transacted at any meeting.

10. Order of business in Board meeting.

- Except with the permission of the presiding authority, no business shall be transacted at any meeting otherwise than in the order in which it is entered in the order of the business for the day :Provided that, in granting permission for priority for transacting any business, the presiding authority shall be guided by the majority of votes for and against such motion.

11. Notice of meetings of Committees.

(1)The Member Secretary of the Committee in consultation with the Chairman of the Committee shall fix the time, date and place of the meeting of the Committees as well as the business to be transacted thereat.(2)Seven clear days' notice from the date of despatch of the meeting specifying the time, date and place of such meeting, and also the business to be transacted thereat, shall be circulated to the members of the Committee.(3)Such notice may be given to the members by delivering the same by messengers, or by sending it by post to their last known place of residence or office.

12. Presiding authority of meetings of Committee.

- Every meeting shall be presided over by the Chairman of the Committee and in his absence by a Chairman for the meeting to be elected by the members present from amongst themselves.

13. All questions to be decided by majority at Committee meeting.

(1)All questions at a meeting of the Committee shall be decided by majority of votes of members present and voting which shall be by raising of hands in favour of the proposal.(2)In case of an equality of votes, the presiding authority shall have and exercise a second or casting vote.

14. Quorum at Committee meeting.

(1)One half of the existing members of the Committee shall form the quorum for its meeting, fractions being ignored. However, the quorum shall not be less than three.(2)If at any time fixed for any meeting or during the course of any meeting a quorum is not present, the presiding authority shall adjourn the meeting of the Committee and if a quorum is not present at the expiration of fifteen minutes from such adjournment, the presiding authority shall adjourn the meeting, to such hours on the following or on some other future date as he may fix.(3)The business which would have been brought before its original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjourned meeting thereof, whether there be quorum present or not.(4)No matter which had not been on the agenda of the meeting shall be discussed at such adjourned meeting except with the permission of the presiding authority.(5)No fresh notice shall be required for the adjourned meeting.

15. Minutes of Committee meeting.

(1)Record shall be kept of the name of members of the Committee who attend the meeting of the Committee, and of the proceedings at such meeting in a minute book.(2)The minutes of the previous meeting shall be read at the beginning of its every succeeding meeting, and shall be confirmed and signed by the presiding authority at such meeting.(3)The proceedings shall be open to inspection by any member of the Committee at the office of the Board during office hours.

16. Maintaining order at meeting of the Committee.

- The presiding authority shall preserve order at a meeting and have all power necessary for the purpose of enforcing his decision.

17. Business to be transacted at meetings of Committee.

- Except with the express permission of the presiding authority, no matter which is not on the agenda, shall be transacted at any meeting of Committees.

18. Order of business in Committee meeting.

- Except with the permission of the presiding authority, no business shall be transacted at any meeting of the Committee otherwise than in the order in which it is entered in the order of the business for the day :Provided that, in granting permission for priority for transacting any business the presiding authority shall be guided by the majority of votes for and against such motion.

Chapter III

Powers and Duties of the Member-Secretary and Appointment of Officers and Employees

19. Powers and duties of the Member-Secretary.

- The Member-Secretary, who shall be the Chief Executive of the Board, shall exercise the powers and perform the duties as mentioned in Annexure-1.

20. Appointment of officers and employees by the Board.

- The Board may, with the previous approval of the Government create such posts of officers and employees as it considers necessary for the efficient performance of its functions and make appointment in accordance with regulations framed by it subject to the prior approval of Government and may also abolish any post so created.

Chapter IV

Powers and Functions of the Board

21. Manner of declaration of an area as air pollution control area.

- Any area or areas declared as air pollution control area or areas under section 19 shall be so declared by reference to a map or by reference to any district or partly by one method and partly by the other and shall be published in the Official Gazette and at least in two local newspapers for wide

publicity.

22. Application for consent under section 21.

(1)An application for obtaining the consent of the Board under section 21 shall be made to it in Form 'A':Provided that where any person, immediately before the declaration of any area as air pollution control area, operates in such area any industrial plant for the purpose of any industry specified in the Schedule I shall make the application for consent within a period of four months from the date of such declaration of the area.(2)The fees for such application shall be as prescribed in Schedule I.

23. Procedure for making inquiry into application for consent.

(1)On receipt of an application for consent under section 21, the Board may depute any of its officers, accompanied by as many assistants as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier to which such application relates, for the purpose of verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information as such officer may consider necessary. Such officer may, for that purpose, inspect any place or premises, and any process, plant or machinery where emission from the chimney or fugitive emission from any location within the premises of the industry occurs as also any control devices installed in the said premises. Such officer may, for the purpose, inspect any place or premises under the control of the applicant or occupier, and may require the applicant to furnish to him any plans, specifications or other data relating to control equipment of systems or any part thereof that he considers necessary.(2)Such officer shall, before visiting any premises of the applicant for the purpose in inspection under sub-rule (1) above, give notice to the applicant of his intention to do so in Form 'B'. The applicant shall furnish to such officer all information and provide all facilities to conduct the inspection.(3)An officer of the Board may, before or after carrying out an inspection under sub-rule (1) require the applicant to furnish to him orally or in writing such additional information or clarification, or to produce before him such documents as he may consider necessary for the purpose of inquiry into the application and may, for that purpose summon the applicant or his authorised agent to the office of the Board or to any of its regional or sub-regional offices.

24. Manner of taking samples of air or emission.

(1)The occupier of the premises shall provide portholes, platforms conveniently located for easy access to portholes and all other necessary facilities for taking samples of air or emission from any chimney, flue or duct, plant or vessel or any other sources and outlets, stationary or mobile.(2)(a)The samples of air for gaseous emissions shall be taken either into an absorbing solution and/or in suitable container.(b)The samples of air for particular matter shall be taken isokinetically.

25. Form of notice under section 26.

- The form of notice to be served under clause (a) of sub-section (3) of section 26 by the person taking the sample under subsection (1) of that section shall be in Form 'C'.

26. Form of report of Board Analyst.

- The report of the result of the analysis to be submitted by the Board Analyst under sub section (1) of section 27 shall be in Form 'D'.

27. Consent Register.

- The register to be maintained by the Board, under section 51 shall contain particulars as specified in Form 'E'.

Chapter V

State Air Laboratory

28. Functions of State Air Laboratory.

- The functions of the State Air Laboratory shall be .-(a)to analyse or test the sample of air or emission submitted to it under section 26 by the Board or any officer empowered by the Board in this behalf and to communicate to the Board or such officer as the case may be, result of such analysis or test;(b)to collect and analyse or test such samples of air or emission as it may consider necessary and to communicate the result to the Board;(c)to analyse or test any such samples delivered to it by any person other than the Board or any officers, if it considers such analysis or test necessary and to communicate the result of such analysis to such person and to the Board.

29. Procedure for submission of samples for report of State Air Laboratory and fees.

- The procedure for the submission of the samples of air or emission for analysis or test to the State Air Laboratory shall be in accordance with section 26 and the fees for every such report of the Government Analyst shall be as provided in Schedule II.

30. Form of report of Government Analyst.

- The report of the result of the analysis to be submitted by the Government Analyst under sub-section (3) of section 27 and sub-section (2) of section 28 shall be in Form 'F'.

31. Qualifications for the Government Analyst and the Board Analyst.

- The Government Analyst or the Board Analyst shall be a person, -(a) holding a post-graduate degree with atleast second class, of any University recognised by Government, in basic sciences including Chemistry, Physics, Biochemistry; or atleast a second class graduate in chemical or public health engineering; and (b) has practical experience of not less than three years in analysis of air pollutants.

Chapter VI

32. Memorandum of Appeal under sub-section (3) of section 31.

(1) Every appeal against an order passed by the State Board to be filled by the aggrieved party under sub-section (1) of section 31 shall be filed in Form 'G'. (2) Every aggrieved person preferring an appeal shall do so separately in his own name and no joint appeal made on behalf of more than one person shall be entertained by the appellate authority. (3) Every such appeal shall, -(a) (i) be in writing; (ii) specify the name and address of the appellant and the date of the order appealed against; (iii) specify the date on which the order appealed against was communicated to the appellant; (iv) contain a clear statement of facts of the case and grounds relied upon by the aggrieved person in support of the appeal; (v) state precisely the relief prayed for; and (vi) be signed and verified by the appellant or any agent duly authorised by the appellant in writing in this behalf. (b) The fee for filing an appeal shall be Rs. 100 and it shall be paid by every appellant in the office of the Board. (c) Every such appeal shall be accompanied by -(i) an authenticated copy of the order appealed against; (ii) a copy of the application made under sections 20, 21 and 22 as the case may be; (iii) any document relating to the appeal; and (iv) an authenticated copy of the receipt under which the prescribed fee has been paid by the appellant. (d) Every memorandum of appeal shall be submitted in quadruplicate and shall be presented to the appellate authority either by the appellant in person or by his authorised agent or sent to such authority by registered post. When the memorandum of appeal is presented by an agent duly authorised by the appellant, it shall be accompanied by a letter of authority written on a stamped paper of the value as required by law, appointing him as such agent. (e) On receipt of the memorandum of appeal, the appellate authority shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it, as the case may be.

33. Procedure to be followed by the appellate authority in dealing with and disposal of the appeal under sub-section (3) of section 31.

(1) The appellate authority shall, as soon as may be, after the memorandum of appeal is filed before it, fix a date for hearing of the appeal and give intimation of the same to the appellant and the Member-Secretary in Form 'H'. While giving such intimation to the Member-Secretary, a copy of the memorandum of appeal together with its enclosure shall also be sent to the Member-Secretary and he shall be called upon to send to the appellate authority, all the relevant records connected with the matter relating to the appeal. (2) Where the material on record is insufficient to enable the appellate authority to come to a definite decision, it may take additional evidence and call for such further

material from the appellant or the Member-Secretary as it may deem fit. Such material shall form part of the record only after the party other than from whom such record has been received has been given an opportunity to peruse the same.(3)Where on the date fixed for hearing or any date to which hearing of the appeal may be adjourned, the appellant or his duly authorised agent does not appear when the appeal is called on for hearing, the appeal shall be liable to be dismissed.(4)Where an appeal is dismissed under sub-rule (3), the appellant may, within 80 days from the dismissal of the appeal, apply to the appellate authority for the restoration of the appeal and if it is shown to the satisfaction of the appellate authority that the appellate had not received intimation of the date of hearing of the appeal or was prevented by any cause, sufficient in the opinion of the appellate authority from appearing when the appeal was called on for hearing the appellate authority may restore the appeal on such terms as it thinks fit.(5)(a)The order passed by the appellate authority on the appeal shall be in writing and shall state clearly the points before it for determination, the decision thereon, and the reasons for the decision.(b)A copy of the order passed in appeal shall be supplied by the appellate authority free of cost to the appellate and a copy thereof shall also be sent to the Member-Secretary.

Chapter VII

Budget, Annual Report and Annual Statement of Accounts

34. Form of the budget estimates.

- The budget in respect of the year next ensuing showing the estimated receipts and expenditure of the Board shall be prepared by the Board in Form T and submitted to the Government.

35. Submission of budget estimates.

(1)The Budget estimates as compiled in accordance with rule 34 shall be placed by the Member-Secretary before the Board by the 5th September each year for approval.(2)Four copies of the budget proposal, as finally approved by the Board, shall be submitted to Government by the 15th September each year.

36. Operation of the fund of the Board.

- The fund of the State Board shall be operated by the Member-Secretary or in his absence by any officer of the Board empowered by the Board with the approval of Government.

37. Annual report.

- The annual report for the outgoing financial year under section 35 shall be prepared of the Board by the first day of the month of July in Form 'J'.

38. Annual statements of accounts.

- The annual statement of accounts to be prepared by the Board under sub-section (1) of section 36 shall be in Form 'K-I', 'K-II', 'K-III', 'K-IV' and 'K-V'. [Note. - Schedule and forms are not reproduced here]. Notifications No. ENV. 1093/237/CR. 43/D.1, dated 6th November, 1995. - Whereas the Government of Maharashtra in exercise of its power conferred under sub-section (1) of section 19 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) had declared vide Government Notifications, Environment Department, (i) No. POA 1082/119/CR 32/UD.18, dated the 2nd May, 1983, (ii) No. POA. 1086/ 750/CR. 169/Desk-I dated 11th November, 1986 and (iii) No. POA. 1185/518/CR. 53, dated 14th August, 1985, the areas specified in the map appended thereto, as the air pollution control area for the purpose of the said Act; And whereas it appears to the State Government that in the remaining area in the State of Maharashtra described in the map hereto appended (hereinafter referred to as "the said area") the development of various industries may cause or is likely to cause air pollution as a result of emissions of air pollutants from the industries, situated in the said area so as to pose hazards to the population residing in the said area; And whereas, it appears expedient to the Government of Maharashtra that the said area should be declared as air pollution control area under the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981); Now therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 19 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), read with rule 21 of the Maharashtra Air (Prevention and Control of Pollution) Rules, 1983, the Government of Maharashtra, after consultation with the Maharashtra Pollution Control Board, hereby declares the said areas in the State of Maharashtra, as Air Pollution Control Areas for the purposes of the Air (Prevention and Control of Pollution) Act, 1981. A copy of the map of the said area proposed to be defined as air pollution control area has been kept open for the inspection of the members of the general public during office hours, at the office of the Member-Secretary, Maharashtra Pollution Control Board, Shri Chhatrapati Shivaji Maharaj Municipal Market Building, 4th floor, Mata Ramabai Ambedkar Marg, Mumbai - 400001. Published in M.G.G. Part IV-A, dated 6.11.1995, pp. 225-226. [No. MPC72004/708/CR. 88/D-3, dated 31st December, 2004.] [Published in M.G.G., Part IV-A, pp 592-595.] - In exercise of the powers conferred by sub-sections (1) and (2) of section 54 read with sub-section (1) of section 26 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and of all other powers enabling it in that behalf, the Government of Maharashtra, after consultation with the State Board as required under sub-section (3) of the said section 54, hereby makes the following Rules, to amend the Maharashtra Air (Prevention and Control of Pollution) Rules, 1983 namely :-

1. These Rules may be called the Maharashtra Air (Prevention and Control of Pollution) (Amendment) Rules, 2004.

2. In the Maharashtra Air (Prevention and Control of Pollution) (Amendment) Rules, 1983, for the Schedule-2, the following Schedule shall be substituted, namely:-

"Schedule II (See rule 29)

of Sampling and Analysis Charges Made Applicable to the State of Maharashtra for Samples

A. Sampling Charges(1)Sampling charges for Ambient Air or Fugitive Emission Samples -

Sr. No.	Type of Sampling	Charges in Rs.
(1)	(2)	(3)
1.	Air Monitoring	
	(a) Sampling (upto each 8 hrs.) for Suspended Particulate matter and Gaseous pollutants	700
	(b) Sampling (24 hrs.) for Suspended Particulate Matter and Gaseous Pollutants	2100700

Notes. - (i) Transportation charges will be separate on actuals.(ii) Sample analysis charges of respective parameters will be extra per list.

2. Source Emissions Monitoring/Sampling Charges -

Sr. No.	Type of Sampling	Charges in Rs.
(1)	(2)	(3)
1.	Sampling/Measurement of velocity, flow rate, temperature and molecular weight of Flue Gas (each specific location/each sample in duplicate for the mentioned parameter)	700

Notes. - (i) Transportation charges will be separate on actuals.(ii) Sample analysis charges of respective parameters will be extra per list.

3. Noise Monitoring

Sr. No.	Type of Sampling	Charges in Rs.
(1)	(2)	(3)
1.	First Monitoring Each subsequent Monitoring within premises	1400280

Notes. - (i) Transportation charges will be extra on actuals.B. Analysis Charges

1. Analysis Charges of Ambient Air or Fugitive Emission Samples -

Sr. No.	Parameters (Air)	Charges in Rs.
(1)	(2)	(3)
1.	Acid Mist	140
2.	Acid Mist (additional)	140
3.	Ammonia	140

4.	Ammonia (additional)	140
5.	Analysis using dragger (per tube)	140
6.	Carbon Monoxide	140
7.	Chlorine	140
8.	Chlorine (additional)	140
9.	Cyanide (additional)	140
10.	Fluoride (gaseous)	140
11.	Fluoride (particulate)	140
12.	Hydrogen Chloride	140
13.	Hydrogen Sulphate	140
14.	Hydrogen Sulphide	140
15.	Lead and other Metals (per metal)	140
16.	Mercaptan (additional)	140
17.	PaH (each compound)	140
18.	Particulate Matter	140
19.	Respirable Suspended Particulate Matter (PM10)	140
20.	Sulphur Dioxide	140
21.	NO ₂	140
22.	Oxides of Nitrogen	140

(2) Analysis Charges for Source Emission Parameters -

Sr. No.	Parameters (Air)	Charges in Rs.
(1)	(2)	(3)
1.	Particulate Matter	350
2.	Sulphur Dioxide	350
3.	Oxides of Nitrogen	350
4.	Acid Mist	350
5.	Ammonia	350
6.	Carbon Monoxide	350
7.	Chlorine	350
8.	Fluoride (gaseous)	350
9.	Fluoride (particulate)	350
10.	Hydrogen Sulphate	350
11.	Hydrogen Sulphide	350
12.	Hydrogen Chloride	350
13.	PaH (each compound)	350

(3) Ambient Air Quality using online monitoring instruments by mobile van -

Sr. No.	Parameters (Air)	Charges in Rs.
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(1)	(2)	(3)
1.	SO ₂ , NO _x , SPM, CO alongwith Meteorological data viz. Temperature, humidity, wind speed, wind direction	350/hr + Rs. 14/km.
(4) Auto Exhaust Monitoring One time checking of vehicular exhaust -		
Sr. No.	Parameters (Air)	Charges in Rs.
(1)	(2)	(3)
1.	Carbon Monoxide%	70
2.	Hydrocarbon, PPM	70
3.	Smoke Density, HSU	70