

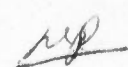
**MINUTES OF THE 151st MEETING OF THE
GOA STATE POLLUTION CONTROL BOARD
HELD ON 25th FEBRUARY, 2022 AT 3.00 PM,
IN THE CONFERENCE HALL OF THE BOARD**

The 151st meeting of the Goa State Pollution Control Board was held on 25th February, 2022 at 3.30 pm in the Conference hall of the Board.

The following members attended the meeting:

1.	Mr. Mahesh K. Patil, Chairman
2.	Director, Dte. of Industries, Trade & Commerce, was represented by Shri Rohan Kaskar, Assistant Director
3.	Smt. Jyoti Sardessai, Director, Dte. of Food and Drugs Administration,
4.	Shri Vivek Marathe, Chief Inspector, Inspectorate of Factories and Boilers,
5.	Dr. Ira Almeida, Director, Directorate of Health Services
6.	Shri Shawn Brian Martins, Panch Member, Village Panchayat Calangute,.
7.	Shri Shubham Chodankar, Councillor, Corporation of the City of Panaji,
8.	Smt. Unnati Sahastrabhudhe, Panch Member, Village Panchayat Velguem,
9.	Shri Ashirwad T. Khorjuvenkar, Councillor, Mapusa Municipal Council,
10.	Shri Pradip K. Naik, Councillor, Curchorem – Cacora Municipal Council,.
11.	Shri Atul Jadhav, President, Confederation of Indian Industries (Goa Chapter),.
12.	Shri Ralph De Souza, President, Goa Chamber of Commerce & Industries
13.	Shri Nilesh Shah, President, Travel and Tourism Association of Goa
14.	Managing Director, Goa Waste Management Corporation, was represented by Shri Digvijay Dessai, presently holding the charge of Managing Director
15.	Dr. Shamila Monteiro, Member Secretary

At the outset the Member Secretary welcomed the Chairman and Members for the 151st meeting of the re-constituted Board. With the permission of the Chair, took up the Agenda items for discussion and deliberation.



Agenda item no. 1

Confirmation of the minutes of the 150th meeting of the Goa State Pollution Control Board held on 30/12/2021

The Member Secretary informed that the minutes of the 150th meeting of the Board held on 30/12/2021 were forwarded to all the members vide office letter 4/150/21-PCB/Admn./17902 dated 11/01/2022. As no comments were received from any members, the minutes of the meeting were confirmed, so as to enter the same in the Minutes Book.

Agenda item no. 02

Follow up action on the decision taken by the Board at its 150th meeting held on 30/12/2021.

Agenda item no. 2- Member Secretary informed that as per decision taken in the last Board meeting, the application of M/s South West Port Ltd. and Mormugao Port Trust (Mooring Dolphin 1, 2 and 3) was placed before the Technical Advisory Committee of the Board and the recommendations in the matter are in process.

Agenda item no.3

Revision of the Delegation of powers

Member Secretary informed the members that the Board had earlier delegated powers to its officer for issue of Consent to the units, category wise in terms of the provisions of section 15 of the Air (Prevention and Control of Pollution) Act, 1981 and section 12 (3-B) of the Water (Prevention and Control of Pollution) Act, 1974, however it was now felt that all Consents etc. needs to be issued by Member Secretary on approval of the Chairman so that the Head of the Board is aware of all the matters pertaining to the Board, and in this regards, the Chairman, vide office order no. 1/5/22/Vol.XXIX/Admn/19012 dated 01/02/2022 has suspended the earlier order delegating powers and directed that all correspondence issued by the Board including Consent orders, directions, notices etc. shall henceforth be issued only by the Member Secretary of the Board and in absence by the concerned authorized Link Officer.

Members noted and accorded ex post facto approval.

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Agenda item no.4

Financial position of the Board

Member Secretary explained the members the receipts and expenditure of the Board for the last three years.

Chairman informed the members that it was proposed to appoint a Chartered Accountant for preparing of the finalization of the Accounts. Further he also informed that the Board accounts have not been audited for the last three years.

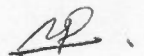
Member of the Board also desired to know about the office premises in Panaji, to which the Member Secretary informed the members that the area on the 1st floor on the Dempo Towers building has been rented to the Dept. of Urban Development and the 4th floor to the State Environment Impact Assessment Authority, for which both the depts. are making payments, however, payment for the last few months is pending, for which the departments have requested to forward to them the pre-receipts.

Agenda item no. 5

Environmental Guidelines on Poultry farms

Member Secretary informed the members that the Board had earlier received guidelines from Central Pollution Control Board (CPCB) on Poultry farms where in 1,00,000 and more birds required Consent of the Board, the said guidelines were placed before the Board in its 125th Board meeting held on 28/07/2017 and 139th Board meeting 8th May 2019.

Further, the Board received order of Hon'ble National Green Tribunal order dated 16/09/2020 in OA No 681/2017 " Gauri Maulekhi Vs Union of India & Ors." wherein the CPCB was directed to revisit the guidelines for categorizing the poultry farms as Green category and exempting their regulation under the Air Act, Water Act and the Environment (Protection) Act. As per the said orders, CPCB was directed to issue fresh appropriate orders within three months and if no further orders are issued all States PCBs/PCCs will require enforcement of Consent mechanism under the above Acts after 01/01/2021 for all poultry farms above 5000 birds in the same manner as is being done for farms having more than one lakh



birds. Till then, even without such Consent mechanism, the State PCBs/PCCs may strictly enforce the environmental norms and take appropriate remedial action against any violation of water, air and soil standards statutorily laid down.

Member Secretary further informed the members that the said directions of the Hon. Court were placed before the Board in its 147th Board meeting and it was approved that birds above 5000 require Consent to Operate under Water and Air act and are categorized under Green category. Further, Board received guidelines from CPCB vide letter dated 17th August 2021, where in poultries having birds above 25000 require to obtain Consent under Water and Air Acts and are categorized under Green category along with various other conditions such as siting guidelines, water, air and soil pollution etc and the same were approved at the 148th Board meeting.

She further informed that since the Board is now in receipt of revised guidelines in view of the order dated 10/12/2021, the revised categorization of poultry farms handling 5000 birds and above require to obtain Consent to Establish and Consent to Operate of the Board with effect from 01/01/2023.

Members noted the same and approved for its implementation..

Agenda item no. 6

Noise Action Plan

Member Secretary informed the members that the State Govt. vide Notification No. 7/4/98/STE/DIR/Part-IV/412 dated 31/07/2020 published in Official Gazette Series II No.19 dated 06/08/2020, has directed "Authority" to ensure that no audio system or public address system shall be let out / installed without being fitted with sound limiter in any Government or non-Government function in the whole of the State of Goa for outdoor functions.

The Ambient Air Quality Standards in respect of Noise as per the Notification are as follows:

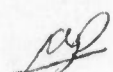
Area Code	Category of Area/ Zone	Limits in dB(A) Leq*	
		Day Time	Night Time
A.	Industrial Area	75	70
B.	Commercial Area	65	55
C.	Residential Area	55	45
D.	Silence Zone	50	40

She further informed that vide Notification No. 7/4/98/STE/DIR/Part-IV/753 dated 14/10/2020, the State government has mentioned categorization of the areas as per the Outline Development Plans., the role of the Board is as follows:

a.	in case of events/ functions/ programmes involving more than 50 participants, the application shall be forwarded by the Authority to the Goa State Pollution Control board (GSPCB). The Applicant shall deposit a fee of Rs. 3000/- /event programme / functions with the GSPCB.
b.	The GSPCB will forward the report to the Department of Environment and the Department will than after assessment issue recommendation to the Authority i.e. Collector/Deputy Collector.
c.	In case of Open air venues for marriages /weddings/ functions/ parties etc. each such venue shall install online noise level monitoring system and shall also provide a display board along the periphery of the venue so as to display the noise levels recorded at the venue for the benefit of the public. Such online system shall be also connected to the GSPCB server as well as the office of the Sub-Divisional Magistrate and Office of the Deputy Superintendent of Police for the purpose of monitoring the noise levels and ensuring compliance to the Rules. The open air venue Operator will submit details of the equipment installed at the venue to the concerned Sub-Divisional Magistrate in Form 'E' and the said details will be forwarded to the GSPCB for its inspection and comments. The Applicant shall deposit and amount of Rs. 5000/- as fees to the GSPCB. The GSPCB will forward the inspection report with recommendations to the Department of Environment. The Department of Environment will thereafter forward the report to then SDM/DM with its recommendations. Every Open Air Venue shall be assessed by the Authority annually through GSPCB and Department of Environment.
d.	Only those Diesel Generator Sets which comply with the provision of the Environment (Protection) Rules, as notified by the MoEF&CC from time to time in respect of acoustic enclosure, noise level, certification, insertion loss and exhaust muffler shall be sold purchased, supplied/ used by any manufacture/dealer/shopkeeper. The Diesel Generator Set operation shall be monitored by Authority prescribed under these Rules. Noise Levels and penalties in case of DG sets other equipments are as recommended by the CPCB in their report submitted to the Hon'ble NGT in O.A. No. 05/09/2016 in October, 2019.

Further, Rule (8) stipulates as follows:

a.	Required equipment for measuring intensity of sound shall be made available to the "Authority" by the Department of Environment
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b.	<p>The Goa State Pollution Control Board shall carry out Noise level mapping along with the Police Officials on regular basis as per Notification No.7/4/98/STE/DIR/Part-IV/753 dated 14/10/2020. The Protocol for Ambient Level Noise Monitoring, July, 2015 issued by the Central Pollution Control Board (CPCB)</p> <p>i) The Noise Level Mapping shall be extended to other areas if required on the recommendations of the District Magistrate.</p> <p>ii) The Goa State Pollution Control Board shall carry out the Noise level mapping with assistance of MoEF&CC approved Laboratories whenever required and the expenditure incurred for the same will be reimbursed by the Department of Environment. The Mapping shall be initiated at Verna Industrial Estate, for Industrial area, Panaji and Margao City for commercial area and residential area and Goa Medical College and Cujira School Complex, Bambolim for silence zones.</p> <p>iii) The Goa State Pollution Control Board (GSPCB) shall organize capacity building and necessary technical guidance to the officials from the Revenue Department and the Police Department. The Board will also carry out Noise Level Monitoring whenever required on the instructions of the Revenue Authorities.</p>
c.	The Department of Environment will also provide vide publicity in print and electronic media about the provision of these Rules
d.	The Education / Higher Education Department will carry out awareness amongst students in respect of provision of these Rules with Assistance of the Goa State Pollution Control Board.

Member Secretary informed that certain amendments were required to be made as no annexures were attached to the Notification as stated. Further, it was also informed that in case the Board is required to conduct the monitoring than the fees needs to be as per the guidelines of Central Pollution Control Board and the same has been brought to the notice of the Dept. of Environment and Climate Change for suitable amendment.

On perusal of the Noise Rules, the members stated that this will cause hindrance to the tourism industry, which is still to recover post covid. Further, there will be lot of delay in processing the applications as it will have to be routed to the Collector and to Goa State Pollution Control Board and to Dept. of Env. & Climate Change etc.

Chairman informed the members that Confederation of Indian Industries / Goa Chamber of Commerce and Industries / Travel and Tourism Association of Goa make representation to the Govt.

Agenda item no. 7

Application for Consent to Establish under the Air Act and Water Act from National Institute of Technology, Cuncolim Goa for Administration cum residential complex of NIT and Installation of Sewage Treatment Plant for the complex of 210KLD and 130KLD capacity.

Member Secretary informed the members that the Board is in receipt of an application from National Institute of Technology, Cuncolim Goa for Consent to Establish under the Air Act and Water Act, for installation of Sewage Treatment Plant for the Complex of 210 KLD and 130 KLD. She further informed the members that following specific conditions have been incorporated in the Consent.

1. Unit will have to install tertiary ultra filtration system for the STP
2. Unit has to provide separate pipeline for Grey wand dark water. Also unit has to install oil and grease trap for the STP and electronic flow meters at inlet and outlet of the STP
3. Unit has to install organic waste composting unit to treat the wet waste

Members noted and accorded ex post facto approval.

Agenda item no. 8

Application for Consent to Operate (Expansion) from M/s MRF Ltd. (Unit II)

Member Secretary informed the members that the Board is in receipt of an application for Consent to Operate (expansion) under the Air Act and the Water Act from M/s. MRF (unit II) located at Plot no. Survey no. 254/0, P.B. no 1, Tisk, Usgao, Goa for increase in production of tubes by installing additional 5 nos. of tube curing presses.

She further informed that the application was placed before Technical Advisory Committee and the Committee has recommended for CTO (expansion) with a condition to obtain Environmental Clearance if applicable prior to actual operations.

Members agreed to grant of Consent after ensuring that Environmental Clearance is obtained if applicable.

III. With the permission of the Chair, Member Secretary took up the following Table items for discussions.

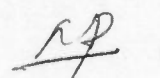


Table item no. 1

Appointment of Advocates for defending the interest of the Board in the Courts of Law

Member Secretary informed the members that Goa State Pollution Control Board is a party respondent in a number of matters before the Hon Supreme Court of India, the High Court of Bombay at Goa, the National Green Tribunal (Principal Bench-New Delhi and Western Zone Bench-Pune) the Administrative Tribunal-Panaji, District and Trial Courts including JMFCs, the Human Rights Commission, Goa Lokayukta, State Information Commissioner etc and other Judicial Forums/Tribunals., which pertain to Public Interest Petitions, Writ Petitions, Original Applications; challenging action/inaction by the Board in various matters; Appeals against orders/directions issued by the Board and criminal complaints filed by the Board.

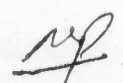
She further informed that in terms of the provisions of Rule 16(xv) of the Goa Water and Air Rules 2021; the Member Secretary of the GSPCB has power to engage Legal Advisors, Advocates, Attorneys on terms and conditions to be approved by the Board. Earlier, the Board at its 148th Meeting held on 07/09/2021 has nominated a number of Advocates on a Panel of Advocates to represent it before various Courts of Law, Tribunals and Judicial Forums.

Member Secretary further informed the members that the Board is now in receipt of C.V's from two Advocates with regard to nomination on the Boards Panel of Advocates, accordingly it was proposed to re-constitute the GSPCBs Panel of Advocates as follow with the following terms and conditions of appointment:

1.	Advocate General of the State of Goa.
2.	All Government and Additional Government Advocates of the State of Goa before various Courts
3.	State of Goa, Standing Counsel at New Delhi before the Supreme Court of India and the NGT.
4.	Advocate Joaquim Godinho, Panaji
5.	Advocate Pavithran A.V., Panaji
6.	Advocate Manish Salkar, Panaji
7.	Advocate S.N. Joshi, Panaji
8.	Advocate Ruchira Gupta, New Delhi
9.	Advocate Fawia Mesquita, Pune
10.	Advocate Wilbur Menezes, Panaji
11.	Advocate Bhupesh Prabhudessai, Panaji

II. The Terms and Conditions of appointment of the aforesaid Panel of Advocates shall be as follows:

a.	All cases filed against the Board before all Courts/Judicial Forums in Goa, New Delhi, Pune, Mumbai etc shall be allotted to any one of the above Advocates by the Member Secretary of the Board with the approval of the Chairman. Letter of allotment in this regard shall also be issued to the concerned Advocate by the Board. In cases of urgent nature where appearance is made without a letter of allotment, an ex post facto letter of allotment may be issued by the Member Secretary.
b.	All bills towards the Professional fees shall be submitted by the concerned Advocate within one month of the hearing in question and shall be accompanied by a Certificate of Appearance issued by the concerned Court in respect of the appearance/Order of the Court indicating the appearance of the Advocate on behalf of the Board.
c.	All bills towards the Professional fees shall be submitted by the concerned Advocate shall be accompanied by a Pre receipt and Revenue Stamp.
d.	Matters that are being heard together/tagged together for hearing shall be considered as a single hearing and Bill for such hearings may be submitted accordingly.
e.	The Board will not pay professional fees for appearances made by any other Advocates who appear in any of the Boards matters on behalf of the Boards Advocate. The Board will also not pay costs towards transportation incurred by the Advocates for travelling to the Courts etc.
f.	All Board Advocates shall submit a quarterly statement with regard to the status of cases that are handled by them on behalf of the Board along with their specific comments/opinions on the steps required to be taken for their speedy disposal.
g.	In the event a case handled by a Board Advocate is decided against the Board; the concerned Board Advocate will be required to immediately submit the Judgment of the Court along with his opinion regarding advisability of filing an appeal/Revision etc. from such decision.
h.	The concerned Board Advocate will also be required to inform the Board on disposal of all Board matters handled by him along with copy of the final order Judgment passed by the Court and detailed opinion/instructions on further steps to be taken by the Board.
i.	In the event a Court of Law issues any directions for time bound compliance by the Board in a matter concerning it, the Board Advocate is required to immediately send an email message to the Board regarding the same along with a copy of the order passed by the Court as and when obtained.



j.	The Board may seek a Professional Opinion from the Advocates on its Panel in respect of Legal matters as and when the need arises; the Board shall pay a professional fee of Rs. 8000/- towards such opinion rendered by its Advocates.
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III. The Advocates as above shall be paid a professional fee of Rs. 5,500/-per hearing attended on behalf of the Board before the Supreme Court of India, High Court of Bombay at Goa, National Green Tribunal at New Delhi and Pune. However in the event an Advocate appears on behalf of the Board before the Administrative Tribunal at Panaji, District and Sessions Court and its subordinate Courts including Judicial Magistrate First Class as well as before Judicial Forums such as Human Rights Commission, Lokayukta, State Information Commission etc; he shall be paid a professional fee of Rs. 3,000/- per hearing.

Member Secretary further proposed that the Board with the approval of the Chairman be authorized to appoint any Advocate of his / her choice (other than the Advocates in the Board Panel) including Senior Counsels to appear on behalf of the GSPCB and defend its interests; as per the individual requirements of the Board in matters as so deemed fit by the Member Secretary and Chairman; in order to ensure that the Boards interests are effectively upheld and defended, the terms and conditions of such appointment as well as Professional Fees to be paid to such Advocates so appointed may be determined by the Member Secretary and the Chairman of the Board and can thereafter be placed before the Board for ratification/approval.

Members perused and approved the list of Advocates to be appointed on the Panel of the Board and also the terms and conditions and fees structure as enclosed. Further, the members also empowered the Chairman and Member Secretary to appoint any Advocate of his / her choice (other than the Advocates in the Board Panel) including Senior Counsels to appear on behalf of the GSPCB and defend its interests; as per the individual requirements, the terms and conditions of such appointment as well as Professional Fees to be paid to such Advocates so appointed to be determined by the Member Secretary and the Chairman of the Board and thereafter be placed before the Board for ratification/approval.

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Table item no. 2

Amendments to be made in the notified Goa Water (Prevention and Control of Pollution), Rules 2021 and Goa Air (Prevention and Control of Pollution) Rules, 2021

Member Secretary informed the members that the State Government had initially framed the Goa Water (Prevention and Control of Pollution) Rules 1989 and Goa Air (Prevention and Control of Pollution) Rules, 1989, that were thereafter amended in 1998, the new Rules were notified in 2011 but were thereafter withdrawn by the Government.

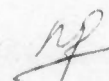
She further informed the members that the State Government has now repealed the Goa Water (Prevention and Control of Pollution) Rules 1989 and Goa Air (Prevention and Control of Pollution) Rules, 1989, and have notified the Goa Water (Prevention and Control of Pollution), Rules 2021 and Goa Air (Prevention and Control of Pollution) Rules, 2021

Member Secretary further informed the members that Section 64 of the Water Act and Section 54 of the Air Act confers powers on the State Government to make Rules to carry out the purposes of the said Acts. Rules in this regard relate to the following matters amongst others, namely; Board Meetings, constitution of committees, powers and duties of the Member Secretary and Chairman, Forms of Notices and Reports, Forms for applications for Consent, including consent fees, forms for Budget and Accounts etc. These Rules are to be made, varied, amended or repealed only after consultation with the GSPCB.

She further informed the members that the Board had earlier submitted its say on the proposed draft rules to the State Government.

However, she informed that on receipt of the final Goa Water (Prevention and Control of Pollution), Rules 2021 and Goa Air (Prevention and Control of Pollution) Rules, 2021, as notified by the State Government it is seen that certain recommendations as submitted by the GSPCB to the State Government through the Department of Environment, vide its letter dated 29/07/2021 in terms of Section 64 of the Water Act and Section 54 of the Air Act have not been considered by the State Government while notifying the said Rules. It is further observed that certain Rules have been added/amended/varied/repealed etc. and that this will result in hampering of smooth administrative functioning of the GSPCB.

She informed that in view of the same, a detailed proposal to be submitted to the State Government seeking various amendments to the notified Goa Water



(Prevention and Control of Pollution), Rules 2021 and Goa Air (Prevention and Control of Pollution) Rules, 2021, has been prepared which also contains justification for the proposed amendments.

Members perused in details the proposed amendments / additions / deletions to be incorporated in the Goa Water (Prevention and Control of Pollution), Rules 2021 and Goa Air (Prevention and Control of Pollution) Rules, and unanimously decided to sent the amendments/ additions / deletions to the Rules to the State Govt. for immediate amendments in the Rules.

Members also took a serious note that inspite of the objections raised in the draft Rules, the same were not incorporated. Further it was decided to convey to the Department of Environment and Climate Change, any amendments to be done in the Rules be brought to the notice of the Board, and the same shall be notified in consultations with the Board, as mandated in the Rules.

Table item no. 3

Application of M/s Deccan Fine Chemicals (I) Pvt. Ltd – Survey no. 28/1-A, Santa Monica Works, Corlim, Ilhas Goa for Consent to Operate under Water and Air Act – change in product mix

Member Secretary informed the members that the Board is in receipt of an application for Consent to Operate under Water and Air Act from M/s Deccan Fine Chemicals (I) Pvt. Ltd – Survey no. 28/1-A, Santa Monica Works, Corlim, Ilhas Goa for change in the product mix – to utilize the consented MAT – 26/ Thiomethoxam (TMX) / Metabromuron (MTB) manufacturing capacity of 1600 TPA for the manufacture of 1600 TPA of MAT – 26 / Thimethoxam (TMX) / Metabronuron (MTB) and DCP Ketone (additional product)

She further informed that the application for Consent to Operate for the change in product mix was placed before Technical Advisory Committee on 17/02/2022 and the Committee has recommended for grant of Consent to Operate.

She further informed that M/s Deccan Fine Chemicals (I) Pvt. Ltd has submitted No Increase in Pollution Load (NIPL) certificate from the BITS Pilani, Goa Campus. As per the findings of the study, the proposed manufacture of DCP Ketone has lower pollution potential than that of Metabromuron (MTB) and the pollution load in the proposed scenario is also within the existing GSPCB consented limits. Based on the study it was concluded that there will be no increase in pollution load if 1600 TPA of MAT-26 / Thiomethoxam (TMX)/ Metabromuron (MTB) and DCP Ketone is manufactured in totality.

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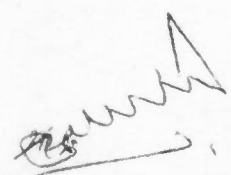
Members perused and approved for Consent to Operate under Water and Acts to the unit.

Further the members noted that such applications for change in product being a regular upgradation process of the industry, which does not involve additional machinery, water / waste water load could be decided by the Member Secretary and Chairman

IV. Member Secretary informed the Members that the members could propose to visit any industrial unit to study its processes and the same be conveyed to her, so as to make necessary arrangements.

V. The meeting ended with thanks to the Chair.

(Dr. Shamila Monteiro)
Member Secretary



(Mr. Mahesh K. Patil)
Chairman