



West Bengal Pollution Control Board

Paribesh Bhawan,
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Kolkata – 700 106, INDIA
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Memo No. 02 /4A-10/2012

Dated : 30.01.2023

ORDER

WHEREAS the West Bengal Pollution Control Board, Department of Environment, Government of West Bengal is concerned about various complaints against the illegal mining of minor minerals such as river sand, black stone, China Clay etc., having mining lease area less than 5 hectare which are operating without proper statutory licenses and without adopting proper pollution control systems and measures and thereby creating environmental hazards and various other environmental problem.

AND WHEREAS the West Bengal Pollution Control Board (hereinafter will be referred to as the State Board) is executing the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986 and Rules framed thereunder for Prevention and Control of Pollution within the territorial jurisdiction of West Bengal.

AND WHEREAS the State Board by the order bearing No.3895/43L/WPB/2003 dated 09/12/2010 declared the Block Development Officer, Sub-Divisional Officer of all the Districts, West Bengal as Ex-Officio Environment Officers of the State Board. They were delegated powers to inspect and monitoring of the stone queries and stone crushing units and also to issue 'Consent to Establish' (NOC) and 'Consent to Operate' maintaining the norms and procedure as mentioned therein.

AND WHEREAS in the said Order of the State Board, the District Magistrates were declared as "Ex-Officio Senior Environmental Officer" of the State Board and powers were also delegated to the District Magistrates of all the Districts of West Bengal to issue regulatory order against the stone queries and stone crushing units in the form of closure, disconnection of, electricity, water line and also to exercise such powers as conferred under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and Environment (protection) Act, 1986 and Rules framed thereunder, for the purpose of abatement of pollution from the Stone quarries and stone crushing units.

AND WHEREAS the Ministry of Environment and Forest & Climatic Change, Govt. of India issued Notifications dated 15-01-2016 and 20-01-2016 in order to streamline process of issuance of Environmental Clearance (EC) for mining minerals units, as mentioned therein.

AND WHEREAS the District Level Environment Impact Assessment Authority (DEIAA) and District Expert Appraisal Committee (DEAC) have been constituted by the West Bengal Government at all the Districts towards issuance of EC for such units dealing with mining of minor

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minerals such as river sand, black stone, China Clay etc.

AND WHEREAS the State Board by the order bearing No.67/375L/WPB/2017 dated 24/01/2017 declared the Sub-Divisional Officers of all the District of West Bengal as Ex-Officio Environmental Officers of the State Board. They were delegated powers to inspect and monitoring of the units dealing with the mining of minor minerals, such as river sand, black stone, China Clay etc., having mining lease less than 5 hectare and also to issue 'Consent to Establish' (NOC) and 'Consent to Operate' maintaining the norms and procedure as mentioned therein.

AND WHEREAS in the said Order of the State Board, the District Magistrates were declared as "Ex-Officio Senior Environmental Officer" of the State Board and powers were also delegated to the District Magistrates of all the Districts of West Bengal to issue regulatory order against the units dealing with the minor minerals in the form of closure, disconnection of, electricity, water line and also to exercise such powers as conferred under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and Environment (protection) Act, 1986 and Rules framed thereunder for the purpose of abatement of pollution from the activities of mining of minor minerals units.

AND WHEREAS all these orders issued by the State Board with the condition "Rights is also reserved to the West Bengal Pollution Control Board for withdrawal of such delegation of powers at any point of time for public interest".

AND WHEREAS the Hon'ble National Green Tribunal, Principal Bench, in Original Application No. 479 of 2016, vide its order on 19/07/2017 directed that the Stone Crusher units to obtain the Environmental Clearance (EC) from the competent authority.

AND WHEREAS office Memorandum dated 12/12/2018 of the Ministry of Environment and Forest & Climate Change, Government of India in connection with Order dated 4th September, 2018 & 13th September, 2018 passed by the Hon'ble National Green Tribunal, New Delhi in O.A.No.173 of 2018 & O.A.No.186 of 2016 in the matters titles "Sundarsan Das Vs State of West Bengal & Ors" & "Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr.", directed that for areas 0 to 5 Hectres EC application of minor minerals to be evaluated by State Level Expert Appraisal Committee (SEAC) for recommendation of EC by State Environment Impact Assessment Authority (SEIAA) instead of DEAC / DEIAA.

AND WHEREAS the Department of Environment, GoWB has published the Gazette Notification on 08/06/2022 under West Bengal Right to Public Service Act 2013 (vide no 1770-EN/A-02/2013 (Pt. I) dated 05/10/2021) for the various services of the State Board.

AND WHEREAS in the said notification, the power to issue 'Consent to Establish' (NOC) and 'Consent to Operate' of all EC attracting units are delegated to the State Board.


AND WHEREAS the State Board, in compliance of the Ease of Doing Business Initiatives of GoWB, has introduced Online Consent Management Monitoring System (OCMMS) [<http://wbocmms.nic.in>] developed by NIC since 01/02/2020 for receiving & processing of Consent

Applications.

HENCE, after careful consideration of the above mentioned orders, Notification and National Green Tribunal Orders, West Bengal Pollution Control Board, in consultation with the Department of Environment, Government of West Bengal has decided to withdraw the delegation of Power given to District Magistrate, Sub-Divisional Officers & Block Development Officers vide no. 3895/43L/WPB/2003 dated 09/12/2010 and 67/375L/WPB/2017 dated 24/01/2017.

NOW THEREFORE to ensure uniformity in consent application, processing through OCMMS and in supersession of all previous orders in this regard, the State Board hereby orders that henceforth Consent to Establish (NOC) and Consent to Operate applications of stone crushers and units dealing with mining of all minor minerals such as river sand, black stone, China Clay etc., attracting Environmental Clearance (EC) provisions shall be dealt by the State Board.

This order will take immediate effect.


Kalyan Rudra
Chairman

Memo No. 02(1-53)/4A-10/2012

Dated : 30.01.2023

Copy forwarded to:-

- 1 **The Principal Secretary**, Department of Environment, GoWB
- 2 **The Principal Secretary**, Department of Micro, Small & Medium Enterprises and Textiles (MSME&T), GoWB
- 3 **The District Magistrate**, Alipurduar / Bankura / Birbhum / Cooch Behar / Dakshin Dinajpur / Darjeeling / Hooghly / Howrah / Jalpaiguri / Jhargram / Kalimpong / Kolkata / Malda / Murshidabad / Nadia / North 24 Parganas / Paschim Bardhaman / Paschim Medinipur / Purba Bardhaman / Purba Medinipur / Purulia / South 24 Parganas / Uttar Dinajpur
- 4 **Chief Engineer** (O&E / Planning & EIM), WBPCB
- 5 **Chief Technical Advisor**, WBPCB
- 6 **Chief Scientist**, WBPCB
- 7 **Senior Personnel Manager**, WBPCB
- 8 **OSD to Minister-in-Charge**, Department of Environment, GoWB
- 9 **Joint Director (Durgapur Zone)**, Micro, Small & Medium Enterprise (MSME), N.S.Building, Kolkata-700001
- 10 **Senior Environmental Engineer**, WBPCB – O&M Cell / Hooghly RO / Alipore RO / Kolkata RO / Salt Lake RO
- 11 **Environmental Engineer**, WBPCB – Asansol RO / Howrah RO / Durgapur RO / EIM Cell / Barrackpur RO / Siliguri RO
- 12 **Senior Scientist**, WBPCB - D. Gupta / Dr. D. Chakraborty
- 13 **Senior Law Officer**, WBPCB
- 14 **Law Officer**, WBPCB
- 15 **Finance & Accounts Manager**, WBPCB
- 16 **Assistant Environmental Engineer**, WBPCB – Haldia RO / Malda RO
- 17 **Environment Officer (Communication)** - for circulation in float file
- 18 **TA to Member Secretary**, WBPCB
- 19 **PA to Chairman**, WBPCB

Dm/Inw
30/01/2023

Chief Engineer (Planning)
West Bengal Pollution Control Board