NOTIFICATION

WHEREAS the Department of Environment, Government of West Bengal, is entrusted to maintain the air quality as prescribed under Air (Prevention & Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 and Rules made thereunder, within the territorial jurisdiction of West Bengal, for prevention and control of air pollution;

AND WHEREAS in consultation with the West Bengal Pollution Control Board, Department of Environment has already declared the entire State of West Bengal, as an air pollution control area under the provision of section 19 of the Air (Prevention & Control of Pollution) Act, 1981.

AND WHEREAS Department of Environment in consultation with the West Bengal Pollution Control Board has already issued an order on 17-07-2008 under Memo No. S/EN/1517/611/08 for the prevention and control of pollution generated from the vehicles in the State of West Bengal and such order was duly approved by the Hon’ble High Court, Calcutta, in connection with W.P. No.6377 (W) of 2007.

AND WHEREAS in the aforementioned order old vehicles had been phased out replacing new vehicles, which are technically more efficient regarding use of oil and control of pollution.

AND WHEREAS, West Bengal Pollution Control Board has already identified another source of air pollution generated from the diesel generators and also made a recommendation that the old diesel generators need to be phased out taking into consideration of the notification vide G.S.R. 371(E) dated 17-05-2002 issued by the Ministry of Environment & Forests in respect of prohibition
of manufacture, sale and use of diesel generator of capacity 5 to 1000 KVA capacity.

**AND WHEREAS** it is observed that Department of Environment and West Bengal Pollution Control Board are receiving number of public complaints against the diesel generator sets and after technical examination it is observed that the old diesel generator sets which do not conform the standards as laid down under aforementioned notification dated 17-05-2002 of the Ministry of Environment & Forests are contributing to noise and air pollution in the atmosphere and also causing health hazards to the people at large.

**HENCE**, in exercise of the power conferred under Section 19(4) of Air (Prevention & Control of Pollution) Act, 1981, it is directed that henceforth West Bengal Pollution Control Board should not allow to use any diesel generator within the territorial jurisdiction of West Bengal unless such diesel generators conform to the standards as laid down under the aforementioned notification dated 17-05-2002 issued by the Ministry of Environment & Forests, Govt. of India.

It is further clarified that in the aforementioned notification the Government of India very specifically mentioned about the pollution control system need to be established for the diesel generators during manufacturing stage and such diesel generators will be scientifically and technically more efficient to control pollution both in respect of air and noise pollution.

In exercise of the power conferred under Section 18(b) of the Air (Prevention & Control of Pollution) Act, 1981 West Bengal Pollution Control Board at the time of issuing 'Consent to Establish' to any entrepreneurs regarding use of diesel generator the guidelines fixed up by the Government of India should be followed strictly and all entrepreneurs should also be kept informed that who have already installed old diesel generator without conforming to the standards
laid down under the aforementioned notification dated 17-05-2002 issued by the Ministry of Environment & Forests, need to be phased out completely by February, 2011, or same should be converted as per the specification mentioned in the said notification by exploring the feasibility to use bio-diesel of 30% (thirty percent) of the required fossil fuel for running the generator.

West Bengal Pollution Control Board should also give a paper notification in this matter informing the general public about the aforementioned decision of the Government of West Bengal and West Bengal Pollution Control Board by which no one can take the plea of ignorance about the phasing out of the old diesel generator sets as mentioned in the said notification and also introduction of the new eco-friendly generators.

Police Authority, Local Bodies and all concerned Government Department should extend all necessary help to the West Bengal Pollution Control Board for the implementation of the aforementioned notification for controlling the noise and sound pollution generated from the diesel generator and it is further clarified that local authority or any Government Department should not issue any permission to use diesel generator unless such entrepreneurs submit `Consent to Establish’ from the West Bengal Pollution Control Board.

In case of non-compliance of the aforementioned direction, West Bengal Pollution Control Board is at liberty to issue regulatory order against the violators and also confiscate the diesel generators in accordance with law.

This order will take immediate effect.

By Order,

Sd/-

( M. L. Meena )
Principal Secretary to the Govt. of West Bengal.
Department of Environment.