Bihar State Pollution Control Board

Parivesh Bhawan, Patliputra Industrial Area,
Patna – 800010

Ref. no.- 01 Patna, dated: 5th January, 2021

NOTIFICATION

GUIDELINES UNDER THE PROVISIONS OF SECTION 17 & 25/26 OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND SECTIONS 17 & 21 OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

In pursuance of the implementation of the provisions under sections 17 & 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and sections 17 & 21 of the Air (Prevention and Control of Pollution) Act, 1981 AND in compliance with the direction of the Hon'ble National Green Tribunal, Principal Bench, New Delhi in O.A. No. 01/2020(EZ) – Abhijit Sinha Vs. Ministry of Communications, Department of Telecommunications and others vide order dated 21.09.2020, Bihar State Pollution Control Board hereby frames guidelines with regard to installation of Mobile Towers as well as the Location-Criteria in the manner as indicated hereunder:-

REFERENCES:

1. Resolutions no.-DIT065/CR-1/2018, dated 17.02.2018 by Govt. of Maharashtra
2. Memorandum no.-66 WC/ 1M-53/14 dated 02.02.2017 by Govt. of West Bengal
3. Policy of Govt. of Himachal Pradesh no.-DIT-Dev-(IT)-2005(misc)- 96, Shimla, dated 21.06.2017 for sitting up mobile tower
4. Govt. order no. 1 dated 21.2.2018 issued by Govt. of Tamil Nadu
5. Advisory issued by Deptt. of Telecommunications, Govt. of India effective from 01.08.2013
6. Circular no. PCB/09/2019 dated 10.11.2020 issued by Kerala State Pollution Control Board

7. Awareness note on mobile tower radiation issued by Central Pollution Control Board, Delhi vide ref. no.-B01311/1/UP CD/MT/2008/2015-16/5806 dated 06.08.2015
8. Bihar Mobile Tower, Optical Fiber Cables (OFC) and related Telecommunication Infrastructures Rules, 2020 issued by Govt. of Bihar.

The impact of Mobile Tower Base Stations (MTBS) antenna radiations on environment has been drawing constant attention due to increasing public concern on radiation from MTBS installations particularly in urban areas, which are subjected to various environmental impacts due to varying lifestyles influenced by noise from TV, music system, etc. Several media reports, public complaints, besides RTI applications and court cases are also being received by the Board on the installation of mobile towers.

The provision under the Water (Prevention and Control of Pollution) Act, 1974; Air (Prevention and Control of Pollution) Act, 1981; and the Environment (Protection) Act, 1986 don't provide for the standards and, therefore, management of radiation, if any, from Mobile Tower. However, the issue directly/ indirectly impacts environment.

Mobile Tower (MT) Radiation testing and monitoring is regulated by Telecom Enforcement Resource & Monitoring (TERM) cell of the Department of Telecommunications (DOT), Ministry of Communications & Information Technology, Govt. of India. An advisory guideline has been issued by the DOT, GoI for state Governments for issue of clearance for installation of mobile towers, which is effective from 01.08.2013. The State of Bihar has also notified "Bihar Mobile Towers, Optical Fiber Cables (OFC) and related Telecommunication Infrastructures Rules, 2020" vide notification no- 05 na.vi./vivid-66/2020/ 2897, dated 19.08.2020, which is in compliance with the DOT's advisory. The Government of Bihar, however, Communication Towers and Related Structures Rules, 2012 by the said Rules, 2020.

Emission of gaseous pollutants and noise emanating from Diesel generator sets, attached with the MTBS are governed by the Air (Prevention and Control of Pollution) Act, 1981 and the Noise Pollution (Regulation and Control) Rules, 2000 made under the Environment (Protection) Act, 1986. The DG set(s) has been classified under different categories for the purpose of consent management under the Air (Prevention & Control of Pollution) Act, 1981.

The categorization is as follows-

	Capacity of DG set(s)	Category
1.	5MVA and above	RED
2.	1MVA – 5MVA	ORANGE
3.	20KVA-1MVA	GREEN
4.	Less than 20KVA	WHITE

Location Criteria for installation of Mobile Tower Base Station is, therefore, specified as follows-

1. Installation of mobile tower(s) shall be in accordance with Bihar Mobile Tower, Optical Fiber Cables (OFC) and Related Telecommunication Infrastructures Rules, 2020, issued by Govt. of Bihar.
2. DG set(s), if any, shall be installed with the Mobile Tower Base Station(s) only after having prior Consent – to- Establish and Consent- to- Operate from Bihar State Pollution Control Board following the above categorization criteria.

This circular shall come into effect from the date of issue of this notification.

05/01/21

(Ashok Kumar Ghosh)
Chairman