

Speed Post

F.No.: CM-13011/125/2023-LAW-HO-CPCB-HO

November 25, 2024

To:

**The Chairman**

SPCBs/PCBs as per the list attached

**Sub: Direction under Section 5 of the Environment (Protection) Act, 1986 regarding implementation of the CPCB's "Framework on Identification of Materials Generated from Industrial Processes as Wastes or By-products"**

WHEREAS, the Ministry of Environment Forest & Climate change (MoEF&CC) in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986, and in supersession of the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 has notified Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and amendments thereof (herein referred as HOWM Rules, 2016); and

WHEREAS, Rule 3(17) of the HOWM Rules, 2016 stipulates that "hazardouswaste" means any waste which by reason of characteristics such as physical, chemical, biological, reactive, toxic, flammable, explosive or corrosive, causes danger or is likely to cause danger to health or environment, whether alone or in contact with other wastes or substances, and shall include -

- i. waste specified under column (3) of Schedule I;
- ii. waste having equal to or more than the concentration limits specified for the constituents in class A and class B of Schedule II or any of the characteristics as specified in class C of Schedule II; and
- iii. wastes specified in Part A of Schedule III in respect of import or export of such wastes or the wastes not specified in Part A but exhibit hazardous characteristics specified in Part C of Schedule III;

AND WHEREAS, Rule 3(38) of the HOWM Rules, 2016 stipulates that "waste" means materials that are not products or by-products, for which the generator has no further use for the purposes of production, transformation or consumption.

Explanation.- for the purposes of this clause,

- i. waste includes the materials that may be generated during, the extraction of raw materials, the processing of raw materials into intermediates and final products, the consumption of final products, and through other human activities and excludes residuals recycled or reused at the place of generation; and
- ii. by-product means a material that is not intended to be produced but gets produced in the production process of intended product and is used as such;

AND WHEREAS, Rule 6(1) of the HOWM Rules every occupier of the facility whois engaged in handling, generation, collection, storage, packaging, transportation, use, treatment, processing, recycling, recovery, pre-processing, co-processing, utilization, offering for sale, transfer or disposal of the hazardous and other wastes shall obtain an authorization from the State Pollution Control Board/Pollution Control Committee ; and

WHEREAS, Rule 6(2) of the stipulates that the State Pollution Control Board/Pollution Control Committee may after such inquiry as it considers necessary, and on being satisfied that the applicant possesses appropriate facilities for collection, storage, packaging, transportation, treatment, processing, use, destruction, recycling, recovery, pre- processing, co-processing, utilization, offering for sale, transfer or disposal of the hazardous and other waste, as the case may be, and after ensuring technical capabilities and equipment complying with the standard operating procedure or other guidelines specified by the Central Pollution Control Board from time to time and through site inspection, may grant Authorization to occupier; and

WHEREAS, Rule 21 of the HOWM Rules, 2016 stipulates that authorities shall perform the duties as specified in the Schedule VII of the said Rules subject to provision of these rules; and

WHEREAS, as per Schedule VII of the HOWM Rules, 2016, the State Pollution Control Boards or Pollution Control Committees are entrusted the duties of grant & renewal of Authorization, Inventorisation of hazardous and other wastes; Monitoring of compliance of various provisions of these rules; Any other function under these Rules assigned by Ministry of Environment, Forest and Climate Change from time to time; and

WHEREAS, the Monitoring Committee constituted by Hon'ble National Green Tribunal the matter of Original Application No. 804/2017: Rajiv Narayan & Anr. Vs Union of India & Ors submitted its observations on 'Hazardous waste identification:- Uniformity in assessment, By products and solvents' and recommended that "There is a need to urgently prepare a guidelines or protocol on how to decide the by-product on specific criteria. This can be done based on chemical process involved in order to bring consistency in approach." The said recommendations was accepted by the Hon'ble NGT vide its orders dated 12/09/2019; and

WHEREAS, CPCB in compliance of the said Hon'ble NGT orders has prepared "Framework on Identification of Materials Generated from Industrial Processes as Wastes or By-products" for identification of material generated from industrial processes as "wastes" and "by-products" thereby resulting into effective enforcement of the HOWM Rules, 2016. The said Framework was circulated by CPCB vide letter dated 23/09/2019 to all SPCBs/PCCs for identification and declaration of any material (generated from the industrial process) as a "waste" or "by-product" as per the criteria and guiding factor laid down under the aforesaid framework; and

WHEREAS, the matter related to non-implementation of the aforesaid framework has been raised before the Hon'ble NGT in the matter of Original Application 502/2023; Society For Protection Of Environment And Biodiversity (SPENBIO) Vs Union of India; and

WHEREAS, CPCB conducted meetings on 09/11/2023 and 13/05/2024 to review the status on implementation of the aforesaid framework wherein it was decided that SPCBs/PCCs will provide various information's related to implementation of the said framework; and

WHEREAS, CPCB vide its various letters has sought status of implementation of the said framework. However, information in this regard have not been provided by SPCB/PCC; and

WHEREAS, CPCB vide its letter dated 02/04/2024 has communicated common application format for receiving any application for identification of industrial material as a by-product as per the "Framework on Identification of Materials Generated from Industrial Processes as Wastes or By-Products" and requested to provide information related to implementation of said framework alongwith annual report; and

WHEREAS, CPCB vide its letter dated 12/07/2024 has also communicated the format for submission of information related to implementation of the said Framework and requested to submit the same alongwith Annual Inventory report; and

WHEREAS, the Hon'ble NGT in its orders dated 09/09/2024 has recorded that the consequences of environmental damage could be huge on account of the non- implementation of the framework of 2019; and

WHEREAS, as on 20/11/2024, CPCB has received limited information related to effective implementation of the "Framework on Identification of Materials Generated from Industrial Processes as Wastes or By-Products"; and

WHEREAS, the Central Government vide Notifications No. S.O. 157(E) of February 27, 1996 and S.O. 730 (E) dated July 10, 2002, has delegated the powers under Section 5 of the Environment (Protection) Act, 1986 (29 Of 1986) to the Chairman, CPCB, to issue directions to any industry or any local or any other authority for the violation of the standards and rules, notified

under the Environment (Protection) Act, 1986 and amendments thereof; and  
NOW, THEREFORE, in exercise of the powers vested under the Section 5 of the Environment(Protection) Act, 1986, State Pollution Control Board/Pollution Control Committee is directed to comply with the following:

1. Ensure that identification and declaration of any material (generated from the industrial process) as "by-product" shall be carried out as per the criteria and guiding factor laid down under the CPCB's "Framework on Identification of Materials Generated from Industrial Processes as Wastes or By-products".
2. Constitution of the Technical Expert Committee for processing of applications received for identification of Materials Generated from Industrial Processes as Wastes or By-Products as per the CPCB's Framework. (For 11 SPCBs/PCCs)
3. Application for proposals for identification of Materials Generated from Industrial Processes as By-product, be made by the applicant to the SPCB/PCC only in the Common Application form as communicated by CPCB vide its letter dated 02/04/2024. Weblink of the application form in this regard be made available in public domain.
4. Issue necessary directions to the field inspecting teams of the Board/Committee to examine (during routine inspection) that any industrial process material being utilized as by-products, is classified as per the CPCB's framework and stipulated in the authorisation granted by SPCB/PCC.
5. Submit status on the implementation of the CPCB's framework as communicated vide letter dated 12/07/2024. The same be also placed in public domain by providing a weblink. The details of the link be also provided to CPCB.
6. Provide the list of Hazardous Waste (listed in Schedule -I, II, III of HOWM Rules, 2016) classified as "By-product" along with their annual generation quantity.

The receipt of this direction shall be acknowledged within 07 days of issuance of the directions and submit the compliance status to this office by 05/12/2024.

  
(Tanmay Kumar)  
Chairman

**Copy to:**

1. The Joint Secretary  
Hazardous Substance Management Division  
Ministry of Environment, Forest and Climate Change  
Indira Parvayaran Bhawan,  
Jor Bagh, New Delhi-110003
- ✓ 2. DH, IT Division

  
(Bharat Kumar Sharma)  
Member Secretary



**List of 11 State Pollution Control Boards (SPCBs) & Pollution Control Committees (PCCs) (Yet to constitute TEC)**

1.	The Chairman Karnataka State Pollution Control Board Parisara Bhavana, 1 <sup>st</sup> to 5 <sup>th</sup> Floor 49, Church Street, Bengaluru – 560 001
2.	The Chairman Manipur Pollution Control Board Near Imphal West D.C. Office Complex, Lamphepat, Imphal – 795 004.
3.	The Chairman Meghalaya Pollution Control Board Arden, Lumpynggad, Shillong – 793 014
4.	The Chairman Mizoram Pollution Control Board New Secretariat Complex, Khatla, Thlanmual Peng, Aizawl, Mizoram - 796001
5.	The Chairman Nagaland Pollution Control Board Signal Point, Dimapur, Nagaland - 797112
6.	The Chairman Sikkim Pollution Control Board Forest, Environment Wildlife Management Department, Government of Sikkim, Forest Secretariat Annex I, Ground Floor, Deorali, Gangtok -737102 East Sikkim
7.	The Chairman Uttarakhand Pollution Control Board 46B, IT Park, Sahastradhara Road, Dehradun–248001 Uttarakhand.
8.	The Chairman Chandigarh Pollution Control Committee Paryavaran Bhawan, Ground Floor Madhya Marg, Sector C19-B, Chandigarh – 160 019
9.	The Chairman Lakshadweep Pollution Control Committee Lakshadweep Administration, Dept. Of Sc. and Technology & Environment Kavaratti Island-682 555
10.	The Chairman Andaman & Nicobar Pollution Control Committee Dept. Of Sc. and Technology Dollygunj Van Sadan, Haddo P.O. Port Blair – 744 102
11.	The Chairman Ladakh Pollution Control Committee Wildlife office building, Near Council Secretariat, Opposite Police Station Housing Colony, UT Leh Ladakh- 194101.



**List of 25 State Pollution Control Boards (SPCBs) & Pollution Control Committees (PCCs) who have Constituted TEC**

1.	The Chairman Andhra Pradesh Pollution Control Board, Dr. Y.S.R. Paryavaran Bhavan, APIIC Colony Road, Gurunanak Colony, Autonagar, Vijayawada- 520007.	11.	The Chairman Jharkhand State Pollution Control Board T.A. Building, HEC, P.O. Dhurwa, Ranchi-834 004
2.	The Chairman Arunachal Pradesh Pollution Control Board Department of Environment & Forests, Paryavaran Bhawan, Yupia Road, Papu Nalah, Naharlagun- 791110	12.	The Chairman Kerala Pollution Control Board Pattom Palace, P.O. Thiruvananthapuram – 695 004
3.	The Member Secretary Assam Pollution Control Board Bamunimaiden, Guwahati – 781021	13.	The Chairman Maharashtra Pollution Control Board Kalptaru Point, 2 <sup>nd</sup> - 4 <sup>th</sup> floor, Opp. Cine Planet, Sion Circle, Sion (E), Mumbai – 400 022
4.	The Chairman Bihar Pollution Control Board Parivesh Bhawan, Plot No. NS-B/2 Patliputra Industrial Area, Patliputra, Patna (Bihar)-800023	14.	The Chairman Madhya Pradesh Pollution Control Board Paryavaran Parisar, Sector E-5, Arera Colony, Bhopal – 462 016
5.	The Chairman Chhattisgarh Environment Conservation Board Paryavas Bhawan, North Block Sector-19, Naya Raipur (C.G.)- 490099	15.	The Chairman State Pollution Control Board, Odisha Paribesh Bhawan, A-118, Nilakantha Nagar, Unit-VIII, Bhubaneswar – 751 012.
6.	The Chairman Goa Pollution Control Board Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao-Bardez Goa-403511	16.	The Chairman Punjab Pollution Control Board Vatavaran Bhawan, Nabha Road Patiala – 147 001
7.	The Chairman Gujarat Pollution Control Board Paryavaran Bhawan, Sector 10-A, Gandhi Nagar - 382010	17.	The Chairman Rajasthan Pollution Control Board 4, Institutional Area, Jhalana Doongri Jaipur – 302 004, Rajasthan.
8.	The Chairman Haryana Pollution Control Board C-11, Sector-6 Panchkula Haryana-134 109 Chandigarh	18.	The Chairman Tamil Nadu Pollution Control Board No. 76, Mount Salai Guindy, Chennai – 600 032
9.	The Chairman Himachal Pradesh Pollution Control Board Paryavaran Bhawan, Phase-III, Below BCS, New Shimla – 171 009.	19.	The Chairman Telangana Pollution Control Board Paryavaran Bhawan, A-III Institutional Estate, Sanathnagar Hyderabad – 500018
10.	The Chairman Jammu & Kashmir Pollution Control Committee Parivesh Bhawan Forest Complex, Gladni, Narwal, Transport Nagar, Jammu & Kashmir-180004	20.	The Chairman Tripura Pollution Control Board, Parivesh Bhawan, Pandit Nehru Complex, Gorkhabasti P.O. Kunjaban, Agartala Tripura – 799 006

21.	The Chairman Uttar Pradesh Pollution Control Board Building No TC-12V Vibhuti Khand, Gomti Nagar Lucknow – 226 010
22.	The Chairman West Bengal Pollution Control Board Paribesh Bhawan, 10A, Block- LA, Sector III, Salt Lake City, Kolkata- 700106
23.	The Chairman Delhi Pollution Control Committee 4th Floor, ISBT Building, Kashmere Gate, Delhi - 110006.
24.	The Chairman Daman, Diu & Dadra & Nagar Haveli Pollution Control Committee Fort Area, Court Compound, Moti Daman- 396220
25.	The Chairman Puducherry Pollution Control Committee Department of Science, Technology and Environment III <sup>rd</sup> floor, PHB Building, 5, Anna Nagar, Puducherry – 605005