

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO.162/2024 (WZ)



Pramod Dhanraj Khursange

---Applicant

Vs

District Collector, Nagpur & Ors

---Respondents

Additional Affidavit on behalf of the Maharashtra Pollution Control Board i.e. Respondent No.4

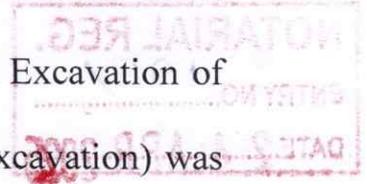
I, Dhanashree Patil, Aged-Adult, Occupation-Service , the Sub Regional Officer of the Maharashtra Pollution Control Board at Nagpur-I, having Office address at Udyog Bhavan, 5th Floor, Near Sales Tax Office, Civil Line, Nagpur-440 001, do hereby state on solemn affirmation as under:

- 1) I am filing this Additional Affidavit in compliance of the order dated 04/04/2025 issued by this Hon'ble Tribunal.
- 2) I say and submit that the Central Pollution Control Board had issued directions u/s 18(1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention &



Control of Pollution) Act,1981 on 07/03/2016 regarding Harmonization of classification of industrial sectors under Red/Orange/Green/White categories, wherein Excavation of sand from the river bed (excluding manual excavation) was not categorized with remarks as “Since such types of activities cause ecological disturbances, the instructions issued by the government from time to time be followed. To be categorized by MoEF&CC”. An abstract of the said categorization is annexed herewith as an **Exhibit-I**.

- 3) I say and submit that further Central Pollution Control Board vide letter dated 22/09/2023 regarding Harmonization of Classification of Industrial Sectors into Red, Orange, Green and White Categories had categorized ‘Sand /riverbed material mining from riverbed and its floodplains (excluding manual excavation)’. The categorization was made by considering the ecological damages and not based on pollution potential / index. The classification of sand mines (excluding manual excavation) is as follows:



- i) Mining lease area more than 5 hectares or Mining lease area upto 5 hectares which is part of cluster mining are categorized under Red category.
- ii) (Standalone mining lease area upto five hectares in areas (not a part of any cluster mining) are categorized as Orange category. A copy of the CPCB letter dated 22/9/2023 is annexed herewith as an **Exhibit-II**.

Solemnly affirmed on this 24th day of April, 2025 at

Nagpur

For and on behalf of the
Maharashtra Pollution
Control Board

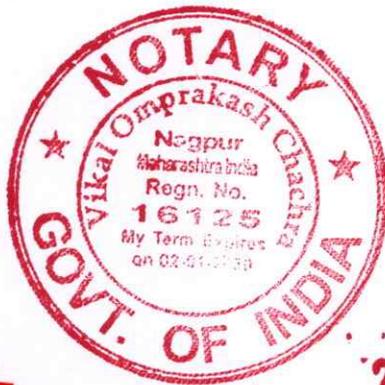
Patil

(Dhanashree Patil)
Sub-Regional Officer, Nagpur-I

Sworn before me on this 24th
day of April, 2025 at Nagpur by
Shri/Smt./Ku. D. Patil
R/o Nagpur who has been identified
by Shri/Smt. Self
Advocate, Nagpur.

24 APR 2025

Wany
NOTARY
GOVT. OF INDIA
NAGPUR (M.S.) INDIA





केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
(पर्यावरण एवं वन मंत्रालय, भारत सरकार)
(MINISTRY OF ENVIRONMENT & FORESTS, GOVT. OF INDIA)

No.B-29012/ESS(CPA)/2015-16/

March 07, 2016

To

The Chairman
All the State Pollution Control Boards / Pollution Control Committees
(List Attached)

SUB: MODIFIED DIRECTIONS UNDER SECTION 18(1)(b) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 and THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 REGARDING HARMONIZATION OF CLASSIFICATION OF INDUSTRIAL SECTORS UNDER RED / ORANGE / GREEN / WHITE CATEGORIES.

WHEREAS, under section 16 (2)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 (2)(c) of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under the Water (Prevention and Control of Pollution) Act, 1974, is to coordinate activities of the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs); and

WHEREAS, under section 16 (2)(c) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 (2)(d) of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the CPCB is to provide technical assistance and guidance to SPCBs and PCCs; and

WHEREAS, it was brought to the notice of CPCB, that different SPCBs /PCCs were following different criteria for classification of industrial sectors under Red/Orange/ Green category and that classification was being used by the SPCBs/PCCs for grant of consents to industries and for Inventorization / surveillance of industries.

WHEREAS, the issue regarding classification of industries was deliberated upon in the 56th Conference of Chairmen & Member Secretaries of CPCB & SPCBs/PCCs held on August 31, 2010 and a working group comprising of representatives from SPCBs & CPCB was constituted to prepare a consolidated list of industrial sectors falling under Red/Orange/Green category to bring uniformity in classification of industrial sectors across the country;

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'Parivesh Bhawan', East Arjun Nagar, Delhi - 110032

दूरभाष / Tel : 43102030, फैक्स / Fax : 22305793, 22307078, 22307079, 22301932, 22304948

ई-मेल / e-mail : cpcb@nic.in वेबसाइट / Website : www.cpcb.nic.in

WHEREAS, the report prepared by the Working Group was discussed in the 57th Conference of Chairmen & Member Secretaries of CPCB & SPCBs/PCCs held in Delhi on September 15, 2011, wherein some modifications were proposed;

WHEREAS, the final report of the working group was prepared, incorporating the suggestions/observations made in the 57th Conference of Chairmen and Member Secretaries of CPCB & SPCBs/PCCs and in exercise of the powers delegated to the Chairman, CPCB under Section 18(1)(b) of the Water Act, 1974, following directions were issued for compliance to all SPCBs/PCCs to maintain uniformity in categorization of industries as red, orange and green as per list finalized by CPCB, which identified 85 types of industrial sectors as 'Red', 73 industrial sectors as 'Orange' and 86 sectors as 'Green':

a). To maintain uniformity in categorization of industries under Red/Orange/Green category, the SPCBs /PCCs shall adopt the list as finalized by CPCB based on the recommendations of that Working Group for grant of Consent, inventorization of industries under Red, Orange and Green categories and other related activities.

(b). The SPCBs/PCCs shall revise the list of Red, Orange and Green categories of industries operating in their jurisdiction based on the criteria specified in the final report of that Working Group and submit the same to CPCB within 90 days in hard copy as well as soft copy;

WHEREAS, later-on, it was observed that the process of categorization thus far was primarily based on the size of the industries and consumption of resources and pollution due to discharge of emissions and effluents and its likely impact on health was not considered as primary criteria;

WHEREAS, there have been proposals from the SPCBs / PCCs and industrial associations for categorization of the industrial sectors in a more pragmatic manner. The issue was discussed during the national level conference of the Environment Ministers of the States, held in New Delhi during April 06-07, 2015 and also during the Conference of the Chairmen and Member Secretaries of CPCB and SPCBs/PCCs held in New Delhi on April 08, 2015. Accordingly, a 'Working Group' comprising of the Members from Central Pollution Control Board and State Pollution Control Boards representing the States of Andhra Pradesh, Punjab, Tamilnadu, West Bengal, Madhya Pradesh and Maharashtra, was constituted to revisit the criteria of categorization of industries and suggest rationale based on pollution potential for categorization of industrial sectors and adopting it for implementation of pollution control plan;

WHEREAS, the Working Group has developed the criteria of categorization of industrial sectors based on the concept of Pollution Index which is a function of the emissions (air pollutants), effluents (water pollutants), hazardous wastes generated and consumption of resources. For this purpose the references are taken from the the Water (Prevention and Control

of Pollution) Cess (Amendment) Act, 2003, Standards so far prescribed for various pollutants under Environment (Protection) Act, 1986 and Doon Valley Notification, 1989 issued by MoEFCC. The Pollution Index (PI) of any industrial sector is a number from 0 to 100 and the increasing value of PI denotes the increasing degree of pollution load from the industrial sector;

WHEREAS, based on the series of consultations with SPCBs, different Government / Non-government Institutions including industries and MoEFCC, the following criteria on 'Range of Pollution Index' for the purpose of categorization of industrial sectors has been finalized:

- o Industrial Sectors having Pollution Index score of 60 and above - Red category
- o Industrial Sectors having Pollution Index score of 41 to 59 -Orange category
- o Industrial Sectors having Pollution Index score of 21 to 40 -Green category
- o Industrial Sectors having Pollution Index score incl. & upto 20 -White category

WHEREAS, based on the revised criteria, the 'Final Report on Revised Categorization of Industrial Sectors under Red/Orange/Green/White' has been evolved. The 'Categorization' is based on the relative pollution potential of the industrial sectors and grouping of the industrial sectors based on the use of raw materials, manufacturing process adopted and pollutants likely to be generated;

WHEREAS, based on relative Pollution Index, the number of industries in various categories are as under :

- i. The Red category of industrial sectors: 60
- ii. The Orange category of industrial sectors: 83
- iii. The Green category of industrial sectors: 63 and
- iv. The Newly introduced White category: 36

WHEREAS, there shall be no necessity of obtaining the Consent to Operate" for White category of industries and an intimation to concerned SPCB / PCC shall suffice;

WHEREAS, the purpose of categorization is to ensure that the industry is established in a manner consistent with the environmental objectives and to prompt industrial sectors to adopt cleaner technologies, ultimately resulting in generation of no or minimum pollutants.

WHEREAS the new categorization system shall also facilitate in self-assessment by industries;

Now, therefore, in exercise of the powers delegated to the Chairman, CPCB under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 18(1)(b) of the Air (Prevention & Control of Pollution), Act, 1981 the earlier Directions issued in June 2012 in the context of categorisation of industries as Red, Orange & Green are withdrawn with immediate effect and following 'Directions' are hereby issued for compliance by all SPCBs and PCCs :

1. That the SPCBs and PCCs shall adopt the Revised Criteria of categorization of industrial sectors as detailed in table nos. F1, F2, F3 and F4 and Revised Lists of Red, Orange, Green and White categories of industrial sectors, presented at table no. G2, G3, G4 and G5 respectively, in the 'Final Report' as attached herewith immediately.
2. That all pending applications for consideration of 'Consent to Establish' and 'Consent to Operate' and future such applications shall be processed as per revised criteria.
3. That the SPCBs and PCCs will provide the list of industries identified in each category existing in the State which have been considered for grant of consents. SPCBs/PCCs will forward the list of such industries before 31.05.2016 and the same will be uploaded on the websites of respective SPCB/PCC.
4. That the 'Revised Lists of Red, Orange, Green and White category of industrial sectors' shall be used by the SPCBs and PCCs for Consent Management and inventorization of industries under Red, Orange, Green and White categories. Siting of industries shall be only in conforming areas. SPCBs / PCCs shall evolve sector specific plans for control of pollution and industrial surveillance for verifying compliance.
5. That the SPCBs and PCCs shall revise /prepare the inventory of Red, Orange, Green and White categories of industries operating in their jurisdiction based on the revised criteria specified in the Final Report and submit the same to CPCB within 90 days i.e., before 30.05.2016 in hard copy as well as soft copy.
6. That the listed category of industries or those identified later-on under different categories shall not be linked to sanction of loan /finance or bank proceedings.
7. That any further addition of any new or left-over industrial sector and their categorization which is not listed in the revised list of Red, Orange, Green and White industrial sectors, shall be done at the level of concerned SPCB /PCC following revised criteria & guidelines as detailed in the attached document and no concurrence of CPCB shall normally be required. It is further clarified that while categorizing the industries, fractional numbers shall be rounded off to nearest integer.

The SPCBs/PCCs shall acknowledge the receipt of directions and submit the 'Action Taken Report' in compliance with these directions to CPCB before 15.04.2016.

(Arun Kumar Mehta)
Chairman
7/3/16

Copy to:

1. The Chief Secretary of all the States and UTs
2. The Secretary ,
Ministry of Micro, Small and Medium Entrepreneurs
Udyog Bhawan, Rafi Marg, New Delhi - 110 011
3. The Secretary ,
Ministry of Heavy Industries
Udyog Bhawan, Rafi Marg, New Delhi - 110 011
4. The Secretary,
Ministry of New and Renewable Energy
Block-14, CGO Complex,
Lodhi Road, New Delhi-110 003,
5. The Advisor(CP Division)
Ministry of Environment ,Forests and Climate Change
Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi - 110 003
6. All Zonal Offices of CPCB

(A. B. Akolkar) 5.3.16
Member Secretary

3308

Final Document

on

Revised

Classification

of

Industrial Sectors

Under

Red, Orange, Green and White Categories

(February 29, 2016)



Central Pollution Control Board
Delhi

ii. There are specific remarks in respect of some of the industrial sectors. These sectors are either merged with other relevant sectors or deleted due to duplication / vague category. The overall details are as follows:

Sl No.	Original Sl No.	Industry Sector	Original Category	Remarks
1	24	Excavation of sand from the river bed (excluding manual excavation)	0	Since such types of activities cause ecological disturbances, the instructions issued by the government from time to time be followed. To be categorized by MoEF&CC.
2	39	Infrastructure Development Project	0	Vast variety of such projects come under such category. This is to be decided by the concerned SPCB in line of EIA Notification , 2006.
3	53	Power press	0	Very vague term hence deleted. Such types of general engineering units have already been covered.

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केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA

SPEED-POST

CPCB/IPC-IV/ROGW

22.09.2023

To,

The Member Secretary
SPCBs/PCCs
(as per the list)

Subject: Harmonization of Classification of Industrial Sectors into Red, Orange, Green and White Categories, regarding sand/river bed material mining activities.

Sir,

This has reference to the CPCB Directions issued u/s 18(1)(b) of the Air and Water Act on 07.03.2016, regarding 'Harmonization of classification of industrial sectors under Red/Orange/Green/White categories', wherein CPCB has categorized 242 industrial sectors into red, orange, green & white categories and directed all SPCBs/PCCs for its adoption and implementation.

Subsequently, CPCB has categorized the additional ten industrial sectors, namely, (i) Scrapping Centre (ii) Used Cooking Oil Collection Centre (iii) Compressed/Refined Biogas (iv) Railway Stations, (v) Dairy Farms & (vi) Gaushalas, (vii) Building and Construction Projects, having built-up area up to 20,000 m² and waste water generation \geq 50 KLD, (viii) Construction and Demolition (C&D) Waste Processing Plants, (ix) Gold Assaying & Hallmarking Centres, and (x) Semi-conductor manufacturing industries.

Now, CPCB has categorized 'Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation)', the details of which are given at **Annexure-I**.

All SPCBs/PCCs are directed to adopt and implement the categorization of Semiconductor Manufacturing Industries and submit the Action Taken Report (ATR), within 15 days.

Yours faithfully,

(Bharat Kumar Sharma)
Member Secretary

Encl.: as above.

'परिवेश भवन' पर्वी अर्जुन नगर, दिल्ली-110032

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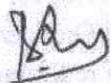
1 The Additional Secretary (CP Division)
Ministry of Environment, Forests
& Climate Change,
Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi -110 003

2 All Regional Directors,
CPCB
(as per list)

3 Div. Head, IPC-II,
CPCB, Delhi

4 Div. Head-IT,
CPCB, Delhi

: with a request to upload this letter on
CPCB website


(Bharat Kumar Sharma)

Subsequently, CPCB has categorized the additional ten industrial sector namely (i) Sampling Centre (ii) Used Cooling Oil Collection Centre (iii) Compressed Gases, Biogas, Sewage Treatment, (iv) Dairy Farms & (v) Gunhouses, (vi) Refining and Consumption of bulk up to 10,000 m³ and waste water generation > 50 KLD, (vii) Construction and Demolition (CD), Waste Processing Plants (WPP), Gold Refining & Refining Plants, and (viii) Semi-conductor manufacturing industries.

Now, CPCB has categorized 28 industrial sector from river and its tributaries (including major excavation), the details of which are given in Annexure-1.

All STC/BPCs are directed to adopt and implement the categorization of Semiconductor manufacturing industries and submit the Action Taken Report (ATR), within 15 days.

Your faithfully,

(Bharat Kumar Sharma)
Member Secretary

Back as above

Categorization of sand / riverbed material mining from riverbed and its floodplains (excluding manual excavation)

SI. No.	SI. No. (as per CPCB Document)	Non-industrial operations	Category	Remarks
1	63	Sand / riverbed material mining from riverbed and its floodplains (excluding manual excavation)		i. Sand / riverbed material mining from riverbed and its floodplains may cause ecological disturbances, erosion of riverbed, change in hydro-geological conditions & river ecosystem, etc.
		(i) Mining lease area more than 5 hectares or Mining lease area up to 5 hectares which is part of cluster mining	Red	ii. Cluster mining means that the distance of mining lease area is less than 500 m from periphery of another lease area.
		(ii) Standalone mining lease area up to five hectares in areas (not a part of any cluster mining)	Orange	iii. This categorization is made considering the ecological damages and not based on pollution potential/index.

Note: Cluster mining as defined in 'Enforcement & Monitoring Guidelines for Sand Mining, 2020', issued by MoEF&CC.