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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 327/2022 and 878/2022

IN THE MATTER OF:-

**AMARAVATI FLY ASH BRICKS MANUFACTURERS ASSOCIATION
APPLICANT**

VERSUS

UNION OF INDIA & OTHERS

RESPONDENTS

With

Original Application No. 878/2022

**TAMILNADU FLY ASH BRICK AND BLOCKS
MANUFACTURERS ASSOCIATION**

APPLICANT

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RESPONDENTS

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2.	Annexure - I A copy of direction dated 14.10.2024 issued by CPCB to all SPCBs/ PCCs	



**Filed by Adv. Rajkumar
(On behalf on Central Pollution Control Board)**

**Place: Delhi
Dated: 20.03.2025**

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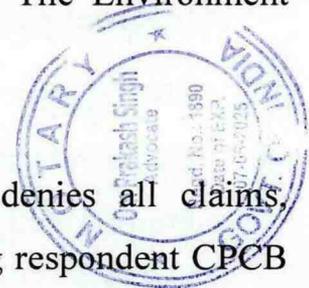
VERSUS

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**RESPONSE ON BEHALF OF RESPONDENT NO. 7 (O.A. NO. 327/2022) and
RESPONDENT NO. 3 (O.A. NO. 878/2022), CENTRAL POLLUTION
CONTROL BOARD**

1. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, and The Environment (Protection) Act, 1986.
2. That at the very outset, the answering Respondent denies all claims, contentions, allegations and averments against answering respondent CPCB



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in the above Original Application (OA) contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial, save and except any averment which has been expressly admitted hereinafter.

3. That, the present Original Applications have been filed by the applicants against the Ministry of Power's advisory/guidelines dated 22.02.2022 to thermal power plants and concerned authorities regarding the supply of ash by the thermal power plants to the user industries and other disposal avenues, which has subsequently been revised by Ministry of Power vide dated 15.03.2024 in compliance with the amendment notification dated 01.01.2024 issued by MoEF&CC.
4. That, being a respondent in the present matters, CPCB has filed responses in the Original Application (O.A.) Nos. 878 of 2022 and 327 of 2022 on 02.12.2024 and 19.02.2025, respectively, in reference to the contents and grievances in the applications preferred by the applicants along with a brief status of ash utilization by coal or lignite based thermal power plants in the country during the FYs 2022-23 and 2023-24.
5. That, in view of the further information desired by the Hon'ble Tribunal in its order dated 20.02.2025, further submissions are made by this respondent in subsequent paras.
6. That, in reference to the Para 22 of the aforesaid order, it is respectfully submitted that the Ash Notification, 2021 prescribes every coal or lignite based thermal power plants to ensure 100% utilization of ash generated by it

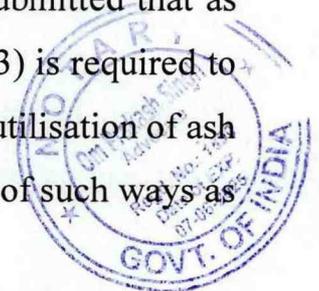


in the prescribed eco-friendly purposes in a 3-year compliance cycle with minimum 80% annual ash utilization target in any year of the 3-year compliance cycle (first compliance cycle of four/five year is prescribed for specific cases with exemption from minimum 80% annual ash utilization target for initial 1/2 years).

7. That, in reference to the Paras 23 and 24 of the aforesaid order, it is respectfully submitted that CPCB has constituted the following three committees vide Office Orders dated 25.05.2022 as per the provisions of the Ash Notification, 2021:-

- a. Committee to examine, and review and recommend new eco-friendly ways of utilisation of ash, as per Notification No. 5481(E) dated 31.12.2021 regarding ash utilisation from coal or lignite based thermal power plants. [Para A(3)]
- b. Committee for identification of mines for backfilling of mine voids with ash or mixing of ash with overburden dump, as per Notification No. 5481(E) dated 31.12.2021 regarding ash utilisation from coal or lignite based thermal power plants. [Para B(5)(i)]
- c. Committee for monitoring the implementation of the provisions of Notification No. 5481(E) dated 31.12.2021 regarding ash utilisation from coal or lignite based thermal power plants. [Para E(3)]

8. That four meetings have been held of each of the Committees constituted as per the Para B(5)(i) and Para E(3) of the Ash Notification, 2021 and the last meeting of these committee was held on 11.10.2024. It is submitted that as per the Ash Notification 2021 the constituted as per Para A(3) is required to examine and review and recommend the eco-friendly way of utilisation of ash and to make inclusion or exclusion or modification in the list of such ways as



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mentioned in sub paragraph A(2) based on technological development and requests received from stakeholders. No such request has been received so far. The meeting of the Committee constituted as per Para A(3) of the Ash Notification, 2021 shall be convened on receiving proposal regarding notifying new eco-friendly purposes of ash utilization.

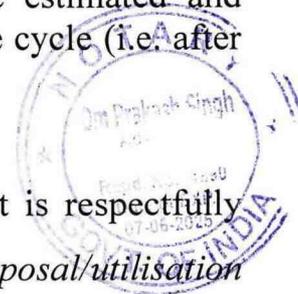
9. That, in reference to the Para 25 of the aforesaid order, it is respectfully submitted that the Ash Notification, 2021 prescribes for imposition of environmental compensation on non-compliant thermal power plants based on the polluter pays principle. The relevant para i.e. Para C(1) of the Ash Notification, 2021 is produced as below:

“In the first two years of a three years cycle, if the coal or lignite based thermal power plant (including captive or co-generating stations or both) has not achieved at least 80 per cent ash (fly ash and bottom ash) utilisation, then such non-compliant thermal power plants shall be imposed with an environmental compensation of Rs. 1000 per ton on unutilised ash during the end of financial year based on the annual reports submitted and if it is unable to utilise 100 per cent of ash in the third year of the three years cycle, it shall be liable to pay an environmental compensation of Rs. 1000 per ton on the unutilised quantity on which environmental compensation has not been imposed earlier:

Provided that the environmental compensation shall be estimated and imposed at the end of last year of the first compliance cycle as per the various utilisation categories as mentioned in sub-paragraph (4) of Para A.”

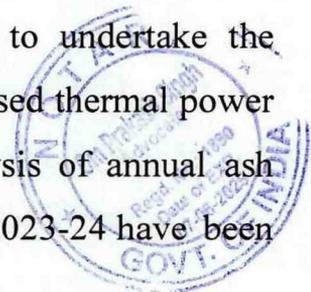
Therefore the environmental compensation shall be estimated and imposed at the end of last year of the first compliance cycle (i.e. after 2024-25 in case of first compliance cycle of 3 years).

10. That, in reference to the Para 26 of the aforesaid order, it is respectfully submitted that the CPCB has laid down “*Guidelines for disposal/utilisation*



of Fly Ash for reclamation of Low Lying Areas and in stowing of Abandoned mines/Quarries, 2019” which were issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India vide O.M. dated 28.08.2019.

11. That, in reference to the Para 27 of the aforesaid order, it is respectfully submitted that status and analysis of annual ash compliance reports for the FYs 2022-23 and 2023-24 have been provided by CPCB to concerned SPCBs under intimation to MoEF&CC. A brief status of ash utilization by coal or lignite based thermal power plants in the country during the FYs 2022-23 and 2023-24 has also been submitted before the Hon'ble Tribunal in the CPCB's reply dated 19.02.2025 based on the Annual Compliance Reports submitted by the coal or lignite based thermal power plants to CPCB.
12. That, in reference to the Para 28 of the aforesaid order, it is respectfully submitted that Central Pollution Control Board (CPCB) and Central Electricity Authority (CEA) have issued “*Guidelines on Design, Construction, O&M and Annual Certification of Coal Ash Ponds, June 2023*” for coal or lignite based thermal power plants as per the Para A(6) of the Ash Notification, 2021.
13. That, in reference to the Paras 29, 34, and 36 of the aforesaid order, it is respectfully submitted that, as per Para E(5) of the Ash Notification, 2021, CPCB vide O.M. dated 09.09.2024 (earlier O.M. dated 06.03.2023 and 17.07.2023) has issued the list of authorized auditors to undertake the compliance audit for ash disposal by the coal or lignite based thermal power plants. It is respectfully submitted that status and analysis of annual ash compliance and audit reports for the FYs 2022-23 and 2023-24 have been



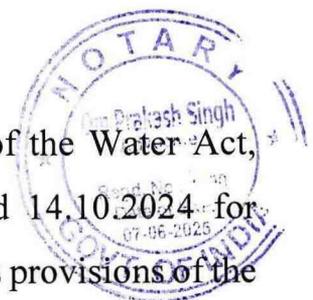
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provided by CPCB to concerned SPCBs for appropriate action, under intimation to MoEF&CC. Moreover, as per Para C(1) of the Ash Notification, 2021, *the environmental compensation shall be estimated and imposed at the end of last year of the first compliance cycle as per the various utilisation categories as mentioned in sub-paragraph (4) of Para A.*

14.That, in reference to the Para 37 of the aforesaid order, it is respectfully submitted in accordance with the amendment notification dated 01.01.2024 issued by MoEF&CC, the Ministry of Power has issued guidelines/advisory dated 15.03.2024 to thermal power plants and concerned authorities regarding the supply of ash by the thermal power plants to user industries and other disposal avenues. The Annual Compliance Report for the succeeding year FY 2024-25 is required to be submitted by thermal power plants by 30th April 2025. The status of ash supply to user industries by thermal power plants as per guidelines/advisory dated 15.03.2024 of Ministry of Power during the FY 2024-25 will be provided by thermal power plants in the Annual Compliance Report for the FY 2024-25.

15.That, as per the Para E(1) of the Ash Notification, 2021, concerned State Pollution Control Boards (SPCBs) are the concerned enforcing and monitoring authority in their States for ensuring compliance of various provisions of the Ash Notification. Further, the concerned District Magistrates also have concurrent jurisdiction for enforcement and monitoring of the provisions of this notification.

16.That, CPCB has issued directions under section 18(1)(b) of the Water Act, 1974 and Air Act, 1981 to concerned SPCBs vide dated 14.10.2024 for ensuring effective implementation and monitoring of various provisions of the



Ash Notification No. S.O. 5481 (E) dated 31.12.2021 by the coal or lignite-based thermal power plants. The copy of directions under section 18(1)(b) of the Water Act, 1974 and Air Act, 1981 to concerned SPCBs vide dated 14.10.2024 is enclosed herewith as **ANNEXURE-I**.

17. That as per Para E(4) of the Ash Notification, 2021, for the purpose of resolving disputes between thermal power plants and users of ash or manufacturer of ash based products, the State Governments or Union territory administration shall constitute a Committee within three months from the date of publication of this notification under the Chairman, State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) with representatives from Department of Power, and one representative from the Department which deals with the subject of concerned agency with which dispute is made.

18. That the Answering Respondent No.7 (O.A. No. 327/2022) and Respondent No. 3 (O.A. No. 878/2022) craves leave of this Hon'ble Tribunal for filing additional reply, if required, in future.

19. That, in light of the above submission, it is respectfully submitted that this Answering Respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant O.As. and render justice.

hazim

(Nazimuddin)
Scientist 'F'

Central Pollution Control Board



20 MAR 2025

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AFFIDAVIT

I, **Nazimuddin**, working as Scientist 'F' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent in the above matter, do hereby solemnly affirm, declare on oath and state as under:-

1. That I, the deponent herein is well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.



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3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the records maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



DEPONENT

नाज़िमउद्दीन / Nazimuddin
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Ministry of Environment, Forest And Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

Verified at Delhi on this day of 20 MAR 2025 2025 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.



ATTESTED

NOTARY PUBLIC DELHI
20 MAR 2025



DEPONENT

नाज़िमउद्दीन / Nazimuddin
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
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Parivesh Bhawan, East Arjun Nagar, Delhi-110032



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

EMAIL & SPEED POST

IPC-II/TPP/CP-11/76/2022/ 5520-5550

October 14, 2024

To,
The Member Secretary
State Pollution Control Board
(As per the list enclosed)

Sub: Directions under Section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 for ensuring effective implementation and monitoring of the Ash Notification No. S.O. 5481 (E) dated 31.12.2021 by the coal or lignite-based thermal power plants (including captive or co-generating stations or both).

WHEREAS, amongst others, under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs), constituted under the Water (Prevention and Control of Pollution) Act, 1974, is to plan a comprehensive program for prevention, control and abatement of pollution of streams and wells located in the State/U.T. and to secure the execution thereof; and

WHEREAS, amongst others, under Section 17 of the Air (Prevention and Control of Pollution) Act, 1981, one of the functions of the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs), constituted under Water (Prevention and Control of Pollution) Act, 1974, is to plan a comprehensive program for prevention, control and abatement of air pollution in the State/U.T. and to secure the execution thereof; and

WHEREAS, by notification of the Government of India in the erstwhile Ministry of Environment and Forests vide S.O.763 (E), dated the 14.09.1999, as amended from time to time, the Central Government, issued directions for promoting the utilisation of fly ash in the manufacturing of building materials and in construction activity within a specified radius of three hundred kilometres from the coal or lignite based thermal power plants; and

WHEREAS, in super-session of the aforesaid notification the Central Government has issued Notification No. S.O. 5481 (E) dated 31.12.2021, which has been subsequently amended on 30.12.2022 and 01.01.2024, to ensure more effective implementation of 100 percent fly ash utilisation/disposal by the coal or lignite-based thermal power plants in various permitted avenues/uses. In this regard, Central Pollution Control Board (CPCB) vide **letter dated 09.11.2022** requested all SPCBs to take necessary action for enforcement of the provisions of the Ash Notification by the coal or lignite based thermal power plants and monitoring of compliance by the SPCBs (**copy enclosed** for ready reference); and

WHEREAS, as per Para A(1) of the Ash Notification dated 31.12.2021, "Every coal or lignite based thermal power plant (including captive or co-generating stations or both) shall be primarily responsible to ensure 100 per cent utilisation of ash (fly ash, and bottom ash) generated by it in an eco-friendly manner as given in sub-paragraph (2)"; and

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाईट/Website : www.cpcb.nic.in

WHEREAS, as per Para A(2) of the Ash Notification dated 31.12.2021, the ash generated from coal or lignite based thermal power plants shall be utilised only for the eco-friendly purposes prescribed at A(2) (i) to (xi) (it doesn't include "ash dyke raising" or "disposal of ash into the operational ash ponds/dykes"). Further, the utilization avenue mentioned under Para A(2)(xi) of the notification i.e. "Any other eco-friendly purpose as notified from time to time" is not applicable as of now, as any additional avenue has not been notified by the Central Government; and

WHEREAS, as per Para A(4) of the Ash Notification dated 31.12.2021, "Every coal or lignite based thermal power plant shall be responsible to utilise 100 per cent ash (fly ash and bottom ash) generated during that year, however, in no case shall utilisation fall below 80 per cent in any year, and the thermal power plant shall achieve average ash utilisation of 100 per cent in a three years cycle (first compliance cycle of four/five year is prescribed for specific cases with exemption from minimum 80 per cent annual ash utilization target for initial 1/2 years). In this regard, CPCB vide **letter dated 20.02.2024** circulated the status of compliance of the Ash Notification dated 31.12.2021 by the independent thermal power plants across the country during the first compliance cycle i.e. FY 2022-23 to the concerned SPCBs requesting to take appropriate action in the matter (**copy enclosed** for ready reference); and

WHEREAS, as per Para A(5) of the Ash Notification dated 31.12.2021, ".... Provided further that the legacy ash utilisation shall not be required where ash pond or dyke has stabilised and the reclamation has taken place with greenbelt or plantation or solar power plant or wind power plant as per the guidelines issued by the Central Pollution Control Board (CPCB) as specified in sub-para (6) and the concerned State Pollution Control Board shall certify in this regard. Stabilisation and reclamation of an ash pond or dyke including certification by the State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall be carried out within three years from 1st April, 2022 (i.e. by 31st March 2025). The ash remaining in all other ash ponds or dykes shall be utilised in progressive manner as per the above mentioned timelines. Provided that ash stored in all ash ponds or dykes other than operational ash pond or dyke designated for temporary storage of ash as specified in sub-para (6) shall constitute the legacy ash and either to be reclaimed or stabilised or utilised"; and

WHEREAS, as per Para A(6) of the Ash Notification dated 31.12.2021, ".... Provided that up to two operational ash ponds or dykes for thermal power plants commissioned before 31st December, 2021, having installed capacity less than or equal to 1600 MW, and up to four operational ash ponds or dykes for thermal power plants having installed capacity more than 1600 MW, having multiple lagoons, within the specified area from the existing ash ponds or dykes, may be designated with clear demarcation along with coordinates, and shall inform to Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) by 31st March, 2023". In this regard, Central Pollution Control Board (CPCB) and Central Electricity Authority (CEA) have issued "**Guidelines on Design, Construction, O&M and Annual Certification of Coal Ash Ponds, June 2023**" for coal or lignite based thermal power plant (**copy enclosed** for reference); and

WHEREAS, as per Para A(7) of the Ash Notification dated 31.12.2021, "Every coal or lignite based thermal power plant shall ensure that loading, unloading, transport, storage

and disposal of ash is done in an environmentally sound manner and that all precautions to prevent air and water pollution are taken and status in this regard shall be reported to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) in Annexure attached to this notification"; and

WHEREAS, as per Para A(8) of the Ash Notification dated 31.12.2021, "Every coal or lignite based thermal power plant shall install dedicated silos for storage of dry fly ash silos for at least sixteen hours of ash based on installed capacity and it shall be reported upon to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) in the Annexure and shall be inspected by Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) from time to time". In this regard, the aforesaid CPCB's letter dated 20.02.2024 to the concerned SPCBs also highlighted the non-compliance of the said provision of the Ash Notification dated 31.12.2021 by a large number of thermal power plants; and

WHEREAS, as per Paras A(9) and E(2) of the Ash Notification dated 31.12.2021, all coal or lignite-based thermal power plants shall upload monthly information regarding ash generation and utilisation by 5th of the next month and ash pond details on yearly basis on the web portal developed by the CPCB for the benefit of actual user(s). In this regard, CPCB in association with NTPC and CEA, has developed Ash Portal (<https://coalash.cpcb.gov.in/>) for this purpose; and

WHEREAS, CPCB vide letters dated 18.07.2023, 02.08.2023 and 25.08.2023 requested all concerned SPCBs to obtain the SPCB's login credentials for the Ash Portal and to issue necessary directions/instructions to all Captive Power Plants (CPPs) in the State to ensure immediate registration and regular uploading of ash data on the Ash Portal, along with ensuring regular uploading of ash data on the Ash Portal by all coal or lignite-based thermal power plants (including captive or co-generating plants or both) in the State; and

WHEREAS, CPCB issued directions under Section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, to all concerned SPCBs vide dated 13.09.2023 a) To issue necessary directions/instructions to coal or lignite-based CPPs (including co-generating plants) in the State to ensure registration on the Ash Portal developed by CPCB (<https://coalash.cpcb.gov.in/>) immediately and uploading monthly information regarding ash generation and utilisation by 5th of the next month, and ash pond details on yearly basis, and b) To ensure regular uploading of ash data on the Ash Portal by all coal or lignite-based thermal power plants (including captive or co-generating stations or both) in the State; and

WHEREAS, CPCB vide letters dated 19.01.2024 and 29.08.2024 circulated to all concerned SPCBs the status of registration of the coal or lignite-based CPPs on the Ash Portal along with the state-wise lists with further instructions to SPCBs to ensure compliance of the directions dated 13.09.2023 (copies enclosed for ready reference); and

WHEREAS, as per Para B(5)(ii) of the Ash Notification dated 31.12.2021, "Thermal power plants or mines shall not wait for disposal of ash till the identification is done by the above mentioned committee [under Para B(5)(i)], to meet the utilisation targets mandated as above [under Para A(4) and A(5)]". In this regard, as per the decisions of the committee constituted under Para B(5)(i) taken during 1st and 3rd meeting held on 01.08.2022 and 06.10.2023, CPCB vide letter dated 08.09.2022 (and 20.10.2023) and has requested all

SPCBs/PCCs to constitute District Level Working Groups for deciding allocation of non-coal mines (major and minor minerals) for ash disposal to the coal or lignite based power plants, with Regional Officers, SPCB as the nodal agency (**copies enclosed** for ready reference); and

WHEREAS, as per Para B(6) of the Ash Notification dated 31.12.2021, "*Filling of low lying areas with ash shall be carried out with prior permission of the State Pollution Control Board or Pollution Control Committee for approved projects, and in accordance with guidelines laid down by Central Pollution Control Board (CPCB) and the State Pollution Control Board or Pollution Control Committee (PCC) shall publish approved sites, location, area and permitted quantity annually on its website*". In this regard, CPCB has laid down "**Guidelines for disposal/utilisation of Fly Ash for reclamation of Low Lying Areas and in stowing of Abandoned mines/Quarries, 2019**" which were issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India vide **O.M. dated 28.08.2019**; and

WHEREAS, as per Para C(4) of the Ash Notification dated 31.12.2021, "*It shall be the responsibility of the transporters or vehicle owner to deliver ash to authorised purchaser or user agency and if it is not complied, then an environmental compensation of Rs. 1500 per ton on such quantity as mis-delivered to unauthorised users or non-delivered to authorised users will be imposed besides prosecution of such non-compliant transporters by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC)*"; and.

WHEREAS, as per Para C(5) of the Ash Notification dated 31.12.2021, "*It is the responsibility of the purchasers or user agencies to utilise ash in an eco-friendly manner as laid down at para B of this notification and if it is not complied, then an environmental compensation of Rs. 1500 or per ton shall be imposed by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC)*"; and

WHEREAS, as per Para D(4) of the Ash Notification dated 31.12.2021, "*The coal or lignite based thermal power plants, while utilising ash under this notification shall reserve certain percentage of ash for supply to all micro and small enterprises engaged in ash-based product manufacturing namely, bricks, blocks, tiles, sintered or cold bonded ash aggregates, fibre cement sheets, pipes, boards, panels for sale at concessional price or through limited auction in accordance with the guidelines issued by the Central Government in the Ministry of Power*". In this regard, the Ministry of Power, Government of India has issued **guidelines** on the aforesaid subject vide **dated 15.03.2024** to all coal or lignite based thermal power plants and concerned State Governments (**copy enclosed** for reference); and

WHEREAS, as per Para E(4) of the Ash Notification dated 31.12.2021, "*For the purpose of resolving disputes between thermal power plants and users of ash or manufacturer of ash based products, the State Governments or Union territory administration constitute a Committee within three months from the date of publication of this notification under the Chairman, State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) with representatives from Department of Power, and one representative from the Department which deals with the subject of concerned agency with which dispute is made*"; and

WHEREAS, as per Para E(5) of the Ash Notification dated 31.12.2021, "*The compliance audit for ash disposal by the thermal power plants and the user agency shall be conducted by auditors, authorised by Central Pollution Control Board (CPCB) and audit*

report shall be submitted to Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) by 30th November every year. Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall initiate action against non-compliant thermal power plants within fifteen days of receipt of audit report". In this regard, CPCB vide O.M. dated 09.09.2024 (earlier O.M. dated 06.03.2023 and 17.07.2023) has issued the list of authorized auditors to undertake the compliance audit for ash disposal by the coal or lignite based thermal power plants and the users as per Ash Notification No. 5481(E) dated 31.12.2021 (copy enclosed for ready reference); and

WHEREAS, the Ash Notification dated 31.12.2021 designates SPCBs as the enforcing and monitoring authority in their States for ensuring compliance of various provisions of the Ash Notification on quarterly basis [Para E(1)];

NOW, THEREFORE, in exercise of the powers under Section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, and with the approval of the Chairman, Central Pollution Control Board (CPCB), the (as per list enclosed) State Pollution Control Board is hereby directed as follows:

- a) To ensure effective enforcement and monitoring of compliance of the various provisions of the Ash Notification by all coal or lignite-based thermal power plants (including captive or co-generating stations or both) in the State on quarterly basis,
- b) To ensure immediate registration and regular uploading of monthly ash generation and utilisation data by 5th of the next month, and ash pond details on yearly basis on the Ash Portal by all coal or lignite-based thermal power plants (including captive or co-generating stations or both) in the State,
- c) To ensure that the ash generated from coal or lignite based thermal power plants (including captive or co-generating stations or both) shall be utilised only for the eco-friendly purposes prescribed at A(2) (i) to (x) of the Ash Notification,
- d) To ensure stabilisation, reclamation and certification of un-operational ash ponds/dykes and operational ash ponds/dykes beyond the permitted numbers (two for plants with installed capacity up to 1600 MW and four for plants with installed capacity above 1600 MW) by 31.03.2025 if the plant has not decided to utilise ash from such ash ponds/dykes in a progressive manner within 10 years as per the Ash Notification,
- e) To ensure and periodically monitor the compliance of the "Guidelines on Design, Construction, O&M and Annual Certification of Coal Ash Ponds, June 2023" (issued by CPCB and CEA) by the coal or lignite-based thermal power plants (including captive or co-generating stations or both) in the State,
- f) To ensure that the loading, unloading, transport, storage and disposal of ash is done in an environmentally sound manner and that all precautions to prevent air and water pollution are taken by all coal or lignite-based thermal power plants (including captive or co-generating stations or both) in the State,
- g) To ensure the installation of dedicated dry fly ash silos for storage of at least 16 hours of ash based on installed capacity by all coal or lignite-based thermal power plants (including captive or co-generating stations or both) in the State and periodic inspection of the same,

- h) To ensure that the filling of low lying areas with ash shall be carried out only with prior permission of the SPCB and for approved projects complying with the CPCB's guidelines and the SPCB shall publish approved sites, location, area and permitted quantity annually on its website,
- i) To ensure that the transporters or vehicle owner deliver ash to authorised purchaser or user agency only, and take appropriate action for the non-compliant cases as per the provisions of the Ash Notification, which include imposition of environmental compensation and prosecution of such non-compliant transporters by SPCB,
- j) To ensure compliance of the guidelines dated 15.03.2024 issued by the Ministry of Power, Government of India regarding reserving certain percentage of ash for supply to all micro and small enterprises engaged in ash-based product manufacturing namely, bricks, blocks, tiles, sintered or cold bonded ash aggregates, fibre cement sheets, pipes, boards, panels for sale at concessional price or through limited auction,
- k) To ensure effective mechanism for resolving disputes between thermal power plants and users of ash or manufacturer of ash based products, through the State Level Committee under the Chairman, SPCB, and
- l) To ensure submission of the annual implementation report and annual compliance audit report by 30th April and 30th November every year, respectively, by the coal or lignite based thermal power plants in the State to the concerned authorities and take appropriate action against the non-compliant thermal power plants as per the provisions of the Ash Notification dated 31.12.2021.

The SPCB shall submit the latest status/action taken report on the above mentioned directions within one month from the receipt of these directions, and ensure regular compliance of the above mentioned directions and submission of annual status report by 31st December every year from December 2024 onward.


(Bharat Kumar Sharma)
Member Secretary



Copy to:

1. Additional Secretary (HSM Division)
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan, Aliganj,
Jor Bagh Road, New Delhi – 110 003
2. The Joint Secretary (Thermal)
Ministry of Power,
Shram Shakti Bhawan, Rafi Marg,
New Delhi
3. The Regional Directors : For follow-up with the concerned SPCBs.
Central Pollution Control Board,
(As per the list enclosed)
4. The Divisional Head - IT, CPCB, Delhi : For uploading the directions on the website.


(Bharat Kumar Sharma)
Member Secretary



* Enclosures sent via email.

List of State Pollution Control Boards

1. The Member Secretary,
Andhra Pradesh Pollution Control Board
D. No. 33-26-14 D/2, Near Sunrise Hospital,
Pushpa Hotel Centre, Chalamalavari Street,
Kasturibaipet, **Vijayawada – 520 010**
2. The Member Secretary,
Pollution Control Board- Assam,
Bamunimaidam, **Guwahati – 781 021**, Assam
3. The Member Secretary,
Bihar State Pollution Control Board
Parivesh Bhawan, Plot No. NS-B/2,
Paliputra Industrial Area, Patliputra,
Patna – 800 023, Bihar
4. The Member Secretary,
Chhattisgarh Environment Conservation Board,
Paryavas Bhavan, North Block Sector-19,
Atal Nagar, **Raipur – 492 002**, Chhattisgarh
5. The Member Secretary,
Gujarat Pollution Control Board
Paryavaran Bhavan, Sector 10-A,
Gandhi Nagar - 382 010, Gujarat
6. The Member Secretary,
Goa State Pollution Control Board
Nr. Pilerne Industrial Estate, Opp. Saligao
Seminary, Saligao – Bardez, **Goa – 403 511**
7. The Member Secretary,
Haryana State Pollution Control Board
C-11, Sector-6, **Panchkula- 134109**, Haryana
8. The Member Secretary,
Jharkhand State Pollution Control Board,
T.A. Bldg., HEC, P. O. Dhurwa,
Ranchi – 834 004, Jharkhand
9. The Member Secretary,
Karnataka State Pollution Control Board
“Parisara Bhavan”, #49,4th & 5th Floor,
Church Street, **Bangalore 560 001**
10. The Member Secretary,
Madhya Pradesh Pollution Control Board,
Paryavaran Parisar, E-5, Arera Colony,
Bhopal – 462 016, Madhya Pradesh

11. The Member Secretary,
Maharashtra Pollution Control Board,
Kalpataru Points, 3rd & 4th Floor,
Road No. 8, Sion Circle, Opp. PVR Theatre,
Mumbai – 400 022, Maharashtra
12. The Member Secretary,
Meghalaya State Pollution Control Board,
“ARDEN”, Lumpynggad,
Shillong – 793 014, Meghalaya
13. The Member Secretary,
Odisha State Pollution Control Board,
Paribesh Bhawan, A-118, Nilakantha Nagar,
Unit - VIII, **Bhubaneswar – 751 012, Odisha**
14. The Member Secretary,
Punjab Pollution Control Board
Vatavaran Bhawan, Nabha Road
Patiala 147 001, Punjab
15. The Member Secretary,
Rajasthan Pollution Control Board,
A-4, Institutional Area, Jalana Dungri,
Jaipur 302 004, Rajasthan
16. The Member Secretary,
Tamil Nadu Pollution Control Board
76, Anna Salai, Guindy Industrial Estate,
Race View Colony, Guindy,
Chennai – 600 032, Tamil Nadu
17. The Member Secretary,
Telangana State Pollution Control Board,
Paryavaran Bhawan, A-III, Industrial Estate,
Sanathnagar, **Hyderabad – 500 018**
18. The Member Secretary,
Uttar Pradesh Pollution Control Board,
H. No. TC-12 V, Vibhuti Khand, Gomti Nagar,
Lucknow - 226 010, Uttar Pradesh
19. The Member Secretary,
Uttarakhand Pollution Control Board,
Gaura Devi Bhawan, 46 B, IT Park,
Sahastradhara, **Dehradun – 248 001, Uttarakhand**
20. The Member Secretary,
West Bengal Pollution Control Board,
Paribesh Bhawan, 10A, Block-LA, Sector-III,
Bidhannagar, **Kolkata-700 106, West Bengal**

List of CPCB Regional Directorates

1. The Regional Director,
Central Pollution Control Board,
1st & 2nd Floors, Nisarga Bhawan, A-Block,
Thimmaiah Main Road, 7th D Cross,
Shivanagar, **Bengaluru -560 079**
2. The Regional Director,
Central Pollution Control Board,
Parivesh Bhawan, Paryavaran Parisar,
E-5, Arera Colony, **Bhopal - 462 016**,
Madhya Pradesh
3. The Regional Director,
Central Pollution Control Board,
BSNL Telephone Exchange, 2nd Floor,
Sector -49 C, **Chandigarh - 160 059**
4. The Regional Director,
Central Pollution Control Board,
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate,
Chennai - 600 058, Tamil Nadu
5. The Regional Director,
Central Pollution Control Board,
South End Conclave, Block 502, 5th & 6th Floor
1582, Rajdanga Main Road, **Kolkata - 700 107**
6. The Regional Director,
Central Pollution Control Board,
Survey No. 110, Dhankude Multi-Purpose Hall,
Baner Road, Baner, **Pune - 411 045**, Maharashtra
7. The Regional Director,
Central Pollution Control Board,
Parivesh Bhawan, Opp. VMC Ward No. 10 Office
Subhanpura, **Vadodara - 390 023**
8. The Regional Director,
Central Pollution Control Board,
PICUP Bhawan, Ground Floor,
Vibhuti Khand, Gomti Nagar,
Lucknow - 226 010
9. The Regional Director,
Central Pollution Control Board,
Opp. Government Press, BSNL NE-I,
Ground Floor, CTO Building,
Shillong - 793 001