

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION No. 502/2023

In the matter of:

Society for Protection of Environment
and Biodiversity (SPENBIO)

Versus

Applicant

Union of India & Ors.

Respondent(s)

Index

| Sr. No. | Particulars | Page No. |
|---------|--|----------|
| 1. | Reply in compliance to Hon'ble NGT (PB) order dated 10.04.2024 in O. A No. 502/2023, titled as Society for Protection of Environment and Biodiversity (SPENMIO) vs Union of India & Ors. | |
| 2. | Annexure – I A copy of Minutes of meeting dated 13.05.2024 to review status and discuss issues on implementation of CPCB's "Framework on Identification of Materials Generated from Industrial Processes as Wastes or By – Products". | |
| 3. | Annexure – II A copy of Hon'ble NGT order dated 10.04.2024. | |


(B. Vinod Babu)
Scientist 'F'

Central Pollution Control Board

Date: 16.07.2024

Place: Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH

ORIGINAL APPLICATION NO. 502 OF 2023

Society for Protection of Environment
And Biodiversity (SPENBIO)
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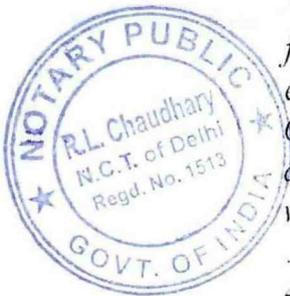
Affidavit on behalf of Respondent No. 02, Central Pollution Control Board
(CPCB)

I, B. Vinod Babu S/o late Shri B. Kameswara Rao working as Scientist 'F' in Central Pollution Control Board, Delhi, do hereby solemnly affirm and state on oath as under:

1. That I am fully conversant with the facts and circumstances of the present case and I am duly authorized to affirm and swear this affidavit on behalf of the Central Pollution Control Board, Delhi (hereinafter referred to as CPCB) before this Hon'ble Tribunal.
2. The Hon'ble NGT in the aforesaid matter while hearing the matter on 10/04/2024 noted the following:

"3. So far as the issue of implementation of the framework is concerned, we find that along with the action taken report dated 22.11.2023, CPCB has enclosed minutes of the consultative meeting with the officials of SPCB, CPCB, MoEF&CC on implementation of the framework in terms of the direction of the Tribunal and in that meeting after deliberation, the following was decided:-

4. The minutes reflect that in that meeting it was decided to convene another meeting in the following week to review the progress made in the



implementation of the framework, but in the report no subsequent development in respect of the implementation of the framework has been disclosed.”

3. That, the Hon’ble NGT vide its aforesaid orders dated 10/04/2024 has directed that:

“5. Learned Counsel for the CPCB seeks four weeks’ time to place on record the steps which will be taken for implementation of the above framework.”

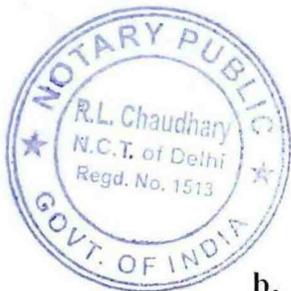
4. That with regard to conducting a review meeting within a week after the consultative meeting held on 09/11/2023 with MoEF&CC and SPCBs/PCCs, it is humbly submitted that, during the said meeting SPCBs/PCCs were requested to provide the status of implementation of the CPCB’s “Framework on Identification of Materials Generated from Industrial Process as Wastes or By-Products” by 14/11/2023. Subsequent to the meeting, CPCB followed up with SPCBs who not submitted the response. However, based on the information received from SPCBs/PCCs in the following week, it was observed that most of the SPCBs/PCCs were in the process of taking the steps. Hence, due to limited progress, the review meeting could not be conducted in the following week.

Further, CPCB actively followed up the matter for implementation of the aforesaid framework with SPCBs/PCCs and issued multiple communications to SPCBs/PCCs vide letters dated 10/11/2023, 17/11/2023, 02/04/2024, 22/05/2024 and 12/06/2024.

5. That, the steps taken by CPCB and status of implementation as received from SPCB/PCCs are as under:

a. Upon receipt of progress from SPCBs/PCCS, CPCB convened a review meeting on 13/05/2024 to further discuss the status of implementation of the framework for identification of Industrial material as "Waste" or "By-product" and issues being faced by SPCBs/PCCs in effective implementation of the said framework.

b. In the said meeting, SPCBs/PCCs were requested to expeditiously constitute the Technical Expert Committee as per the said framework, if not constituted, and adopt the common application form circulated by CPCB for



identification of Industrial material as “Waste” or “By-product” vide letter dated 02/04/2024.

- c. Further, SPCB/PCCs were also requested to sensitize its Regional Officers/field officials about the CPCB’s said framework to ensure cross checking the classification of materials during their routine inspections and if any material is found to be claimed as "by-product" by the industrial unit, the said unit be directed to apply for classification of material under the framework. The copy of the letter communicating the minutes of the meeting dated 13/05/2024 is attached as **Annexure-I**

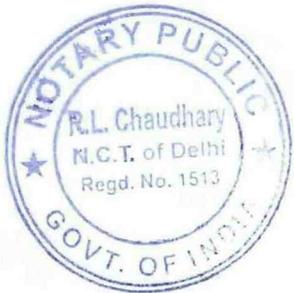
6. That, the updated status on the implementation of the CPCB’s Framework as received from SPCBs/PCCs is as under:

- i. 23 SPCB/PCCs (namely Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, DDDNH, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh, Maharashtra, Odisha, Puducherry, Punjab, Rajasthan, Tamil Nadu, Telangana, Tripura, Uttar Pradesh and West Bengal) have constituted TEC as prescribed under the “Framework on Identification of Materials Generated from Industrial Process as Wastes or By-Products”
- ii. 05 SPCBs/PCCs (namely Chandigarh, Delhi, Jharkhand, Karnataka and Uttarakhand) are under process of constitution of TEC.
- iii. 04 SPCBs/PCCs (namely Andaman & Nicobar Island, Lakshadweep, Mizoram and Nagaland) have informed that there are no industry producing hazardous waste in their State/UT
- iv. No information received from 03 SPCBs/PCCs namely Manipur; Meghalaya and Sikkim
- v. 14 SPCBs/PCCs (namely Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Kerala, Nagaland, Odisha, Puducherry, Telangana, Tamil



Nadu, Uttarakhand and West Bengal) have taken steps for effective implementation of the framework by uploading the common application format on their website and/or directing the Regional Officers/Field Officials to ensure identification of materials as "by-product", if any during their routine inspections.

7. CPCB has requested all the SPCBs/PCCs to submit the information related to implementation of the framework annually along with the Annual report on Hazardous Waste Management vide its letter dated 02/04/2024. Based on the information received from the SPCBs/PCCs, CPCB may compile such information in its Annual Inventory report 2024 on Hazardous Waste Management. A specific format for providing annual status on implementation of the framework was also circulated to SPCBs/PCCs vide letter dated 12/07/2024.
8. That in light of the above submissions, it is respectfully prayed that this Answering Respondent No. 2 i.e CPCB shall abide by any order or directions passes by this Hon'ble Tribunal.




DEPONENT

VERIFICATION

It is verified that the content of this reply statement which is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

18 JUL 2024

Signed and verified on thisth day of July, 2024 at Delhi.

ATTESTED

NOTARY PUBLIC
GOVT. OF INDIA
18 JUL 2024


DEPONENT



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

To,

Member Secretary,
All SPCBs/PCCs

Sub: Minutes of Meeting to review status and discuss issues on implementation of CPCB's "Framework on Identification of Materials Generated from Industrial Processes as Wastes or By-Products"

Ref: (i) Hon'ble NGT orders dated 18/08/2023 in the matter of O.A No. 502/2023
(ii) CPCB letter F. No. CM-13011/125/Æ023-LAW-HO-CPCB-HO/ dated 10/11/2023
(iii) CPCB Letter F. No. CM-13011/125/2023-LAW-HO-CPCB-HO/ dated 17/11/2023
(iv) CPCB Letter F. No. CM-13011/125/2023-LAW-HO-CPCB-HO/ dated 02/04/2024
(v) Meeting with SPCBs/PCCS held on 13/05/2024

Sir/Madam,

This has reference to the meeting held on 13/05/2024 to review the status of implementation of CPCB's "Framework on Identification of Materials Generated from Industrial Processes as Wastes or By-Products" and discuss the issues in effective implementation of the same for submission of the same before Hon'ble NGT in the matter of O.A No. 502/2023. The Minutes of the said meeting are enclosed herewith for your kind reference.

During the aforesaid meeting, the following decisions have been made:

1. SPCB/PCCs may direct their field inspecting teams, during their routine inspections to examine whether any industrial process material are being utilised as by-products, if so whether the same is classified as per CPCB's framework.
2. SPCB/PCCs to submit its status of implementation of the CPCB's "Framework on Identification of Materials Generated from Industrial Processes as Wastes or By-Products" on the following points within 07 days:
 - a. Constitution of TEC as per the said framework (by SPCBs/PCCs of Andhra Pradesh; Arunachal Pradesh; Bihar; Chandigarh; DDDNH; Jammu & Kashmir; Jharkhand; Karnataka; Lakshadweep Manipur; Meghalaya; Puducherry, Tamil Nadu, Sikkim, Uttarakhand and West Bengal)
 - b. Use of Common Application format for seeking information from industries for identification of industrial process material as a by-product.
 - c. Steps taken to ensure effective implementation of the said framework.

In view of above, it is requested to kindly provide the information mentioned at Point No.2 above by 29/05/2024 positively through email on hwmd.cpcb@nic.in for preparation of compliance report and submission of same before the Hon'ble NGT.

Yours faithfully,

(B. Vinod Babu)
Scientist 'F' & Head
Waste Management-II Division

Encl: As Above

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

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

List of all the State Pollution Control Boards (SPCBs) & Pollution Control Committees (PCCs)

| | | | |
|-----|--|-----|---|
| 1. | The Member Secretary Andhra Pradesh Pollution Control Board D.No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamvari Street, Kasturibaipet, Vijayawada – 520 010 | 11. | The Member Secretary Jharkhand State Pollution Control Board T.A. Building, HEC, P.O. Dhurwa, Ranchi-834 004 |
| 2. | The Member Secretary Arunachal Pradesh Pollution Control Board Department of Environment & Forests, Paryavaran Bhawan, Yupia Road, Papu Nalah, Naharlagun- 791110 | 12. | The Member Secretary Karnataka State Pollution Control Board, Parisara Bhavana, 1 st to 5 th Floor 49, Church Street, Bengaluru – 560 001 |
| 3. | The Member Secretary Assam Pollution Control Board Bamunimaiden, Guwahati – 781021 | 13. | The Member Secretary Kerala Pollution Control Board Pattom Palace, P.O. Thiruvananthapuram – 695 004 |
| 4. | The Member Secretary Bihar Pollution Control Board Parivesh Bhawan, Plot No. NS-B/2 Patliputra Industrial Area, Patliputra, Patna (Bihar)-800023 | 14. | The Member Secretary Maharashtra Pollution Control Board Kalptaru Point, 2 nd - 4 th floor, Opp. Cine Planet, Sion Circle, Sion (E), Mumbai – 400 022 |
| 5. | The Member Secretary Chhattisgarh Environment Conservation Board Paryavas Bhawan, North Block Sector-19, Naya Raipur (C.G.)- 490099 | 15. | The Member Secretary Madhya Pradesh Pollution Control Board Paryavaran Parisar, Sector E-5, Arera Colony, Bhopal – 462 016 |
| 6. | The Member Secretary Goa Pollution Control Board Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao-Bardez Goa-403511 | 16. | The Member Secretary Manipur Pollution Control Board Near Imphal West D.C. Office Complex, Lamphelpat, Imphal – 795 004. |
| 7. | The Member Secretary Gujarat Pollution Control Board Paryavaran Bhawan, Sector 10-A, Gandhi Nagar - 382010 | 17. | The Member Secretary Meghalaya Pollution Control Board Arden, Lumpyngngad, Shillong – 793 014 |
| 8. | The Member Secretary Haryana Pollution Control Board C-11, Sector-6 Panchkula Haryana-134 109 Chandigarh | 18. | The Member Secretary Mizoram Pollution Control Board New Secretariat Complex, Khatla, Thlanmual Peng, Aizawl, Mizoram - 796001 |
| 9. | The Member Secretary Himachal Pradesh Pollution Control Board Paryavaran Bhawan, Phase-III, Below BCS, New Shimla – 171 009. | 19. | The Member Secretary Nagaland Pollution Control Board Signal Point, Dimapur, Nagaland - 797112 |
| 10. | The Member Secretary Jammu & Kashmir Pollution Control Committee Parivesh Bhawan Forest Complex, Gladni, Narwal, Transport Nagar, Jammu & Kashmir-180004 | 20. | The Member Secretary State Pollution Control Board, Odisha Paribesh Bhawan, A-118, Nilakantha Nagar, Unit-VIII, Bhubaneswar – 751 012. |
| | | 21. | The Member Secretary Punjab Pollution Control Board Vatavaran Bhawan, Nabha Road Patiala – 147 001 |
| | | 22. | The Member Secretary Rajasthan Pollution Control Board 4, Institutional Area, Jhalana Doongri Jaipur – 302 004, Rajasthan. |

| | | | |
|-----|---|-----|---|
| 23. | The Member Secretary Sikkim Pollution Control Board Forest, Environment Wildlife Management Department, Government of Sikkim, Forest Secretariat Annex I, Ground Floor, Deorali, Gangtok -737102 East Sikkim | 35. | The Member Secretary Puducherry Pollution Control Committee Department of Science, Technology and Environment III rd floor, PHB Building, 5, Anna Nagar, Puducherry – 605005 |
| 24. | The Member Secretary Tamil Nadu Pollution Control Board No. 76, Mount Salai Guindy, Chennai – 600 032 | 36. | The Member Secretary Ladakh Pollution Control Committee, Skara yokma, near KBR Airport, UT of Ladakh |
| 25. | The Member Secretary Telangana Pollution Control Board Paryavaran Bhawan, A-III Institutional Estate, Sanathnagar Hyderabad – 500018. | | |
| 26. | The Member Secretary Tripura Pollution Control Board, Parivesh Bhawan, Pandit Nehru Complex, Gorkhabasti P.O. Kunjaban, Agartala Tripura – 799 006, | | |
| 27. | The Member Secretary Uttar Pradesh Pollution Control Board Building No TC-12V Vibhuti Khand, Gomti Nagar Lucknow – 226 010 | | |
| 28. | The Member Secretary Uttarakhand Environment Protection & Pollution Control Board 46B, IT Park, Sahastradhara Road, Dehradun-248001 Uttarakhand. | | |
| 29. | The Member Secretary West Bengal Pollution Control Board Paribesh Bhawan, 10A, Block- LA, Sector III, Salt Lake City, Kolkata- 700106 | | |
| 30. | The Member Secretary Chandigarh Pollution Control Committee Paryavaran Bhawan, Ground Floor Madhya Marg, Sector C19-B, Chandigarh – 160 019 | | |
| 31. | The Member Secretary Delhi Pollution Control Committee 4th Floor, ISBT Building, Kashmere Gate, Delhi - 110006. | | |
| 32. | The Member Secretary Daman, Diu & Dadra & Nagar Haveli Pollution Control Committee Fort Area, Court Compound, Moti Daman- 396220 | | |
| 33. | The Member Secretary Lakshadweep Pollution Control Committee Lakshadweep Administration, Dept. Of Sc. and Technology & Environment Kavaratti Island-682 555 | | |
| 34. | The Member Secretary Andaman & Nicobar Pollution Control Committee Dept. Of Sc. and Technology Dollygunj Van Sadan, Haddo P.O. Port Blair – 744 102 | | |

Minutes of Meeting to review the status and discuss issues in implementation of the CPCB's "Framework on Identification of Materials Generated from Industrial Processes as Wastes or By-Products"

In pursuant to the meeting held on 09/11/2023 to review the status of implementation of CPCB's "Framework on Identification of Materials Generated from Industrial Processes as Wastes or By-Products" a review meeting was held with SPCBs/PCCs on 13/05/2024 to assess the progress on implementation of said framework. The list of participants is placed at **Annexure-I**.

Ms. Deepti Kapil, Sc. 'E', Waste Management-II Division welcomed the participants and briefed about the background of the matter. She informed that status on implementation has only been received from 24 States/UTs, of which 13 SPCBs/PCCs have confirmed constitution of Technical Expert Committee (TEC) to evaluate the proposals, 04 have SPCBs/PCCs informed that no HW generating units are there in State/UT, while the remaining 07 States/UTs (namely Chandigarh; Goa; Jammu & Kashmir; Jharkhand; Karnataka; Puducherry & Tamil Nadu) have informed that the constitution of TEC as per the said Framework is in process by the Boards.

Further, 11 SPCBs/PCCs (namely Andhra Pradesh; Arunachal Pradesh; Bihar; Chhattisgarh; DDDNH; Lakshadweep Manipur; Meghalaya; Sikkim, Uttarakhand and West Bengal) have not provided any response.

SPCBs/PCCs were informed that the action taken report as per the status reviewed in earlier meeting dated 09/11/2023 was filed before Hon'ble NGT. It was also informed that common format for the receiving application for identification of the material as 'by-product' or 'wastes' was also circulated to all SPCBs vide letter dated 02/04/2024.

The Scientist 'F' and Divisional Head, Waste Management-II Division emphasized the importance of identifying a material as 'By product' since there is a possibility of a hazardous waste material getting mis-declared as "by-product" thereby creating a potential risk to human health and environment. It was also informed that declaration of industrial material as by-product by one State/UT does not imply to other States/UTs, and is to be done on case to case basis depending upon the quantity of by-product material generated and demand for utilization of the same. The SPCBs/PCCs may sensitize their regional officers and field inspection teams about the CPCB's Framework on Identification of Materials Generated from Industrial Processes as Wastes or By-Products.

Thereafter, the SPCBs were requested to provide updated status regarding constitution of TEC. SPCBs of Goa and Chhattisgarh informed that they have constituted TEC, while the SPCBs/PCCs of Andhra Pradesh; Arunachal Pradesh; Bihar; Chandigarh; Daman, Diu & Dadar & Nagar Haveli; Puducherry and West Bengal informed that TEC are yet to be constitution.

After detailed deliberations, it was decided that:

1. SPCB/PCCs may direct their field inspecting teams, during their routine inspections to examine whether any industrial process material are being utilised as by-products, if so whether the same is classified as per CPCB's framework.
2. SPCB/PCCs to submit its status of implementation of the CPCB's "Framework on Identification of Materials Generated from Industrial Processes as Wastes or By-Products" on the following points within 07 days:
 - a. Constitution of TEC as per the said framework (by SPCBs/PCCs of Andhra Pradesh; Arunachal Pradesh; Bihar; Chandigarh; DDDNH; Jammu & Kashmir; Jharkhand; Karnataka; Lakshadweep Manipur; Meghalaya; Puducherry, Tamil Nadu, Sikkim, Uttarakhand and West Bengal)
 - b. Use of Common Application format for seeking information from industries for identification of industrial process material as a by-product.
 - c. Steps taken to ensure effective implementation of the said framework.



List of Participants**Officials of SPCBs/PCCs of:**

1. Assam
2. Arunachal Pradesh
3. Andhra Pradesh
4. Bihar
5. Chandigarh
6. Chhattisgarh
7. Daman, Diu and Dadar & Nagar Haveli
8. Goa
9. Gujarat
10. Haryana
11. Himachal Pradesh
12. Jammu & Kashmir
13. Jharkhand
14. Madhya Pradesh
15. Maharashtra
16. Nagaland
17. Odisha
18. Puducherry
19. Punjab
20. Rajasthan
21. Uttar Pradesh
22. West Bengal

Officials of CPCB:

1. Sh. B. Vinod Babu, Sc. 'F' & Head, Waste Management-II Division
2. Ms. Deepti Kapil, Sc. 'E', Waste Management-II Division
3. Sh. Sahil Patel, Sc. 'C', Waste Management-II Division
4. Sh. Mohd. Salik, SRF, Waste Management-II Division

Item No.12

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 502/2023

Society for Protection of Environment and Biodiversity
(SPENBIO)

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 10.04.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Sanjay Upadhyay, Senior Advocate with Ms. Eisha Krishn, Ms. Gitanjali Sanyal & Mr. Surya Gupta, Advs. for Applicant

Respondent: Mr. Balendu Shekhar, Adv. for CPCB (Through VC)
Ms. Sakshi Popli, Adv. for MoEF & CC (Through VC)

ORDER

1. In this Original Application, applicant has raised the issue of non-implementation of 'Framework on Identification of Materials Generated from Industrial Process as Wastes or By-Products' issued by the Central Pollution Control Board in 2019 to ensure that no hazardous waste get categorized as by-product thereby escaping the strict scrutiny of the Hazardous and Other Waste Management Rules, 2016.

2. In terms of the direction of the Tribunal, affidavit on behalf of the CPCB dated 08.04.2024 has been filed stating that CPCB has prepared a common form for receiving proposals for identification of industrial material as by-product and that the form has been circulated. A copy of the said form has been placed on record at Page 223 along with the report. One of the prayer made in the OA is to direct the CPCB to take measures for proper implementation of the framework and provide a

prescribed form for application of identification of alleged by-product as required under the framework. The prayer, so far as it relates to the prescription of common application form is concerned, has become infructuous on account of preparation of the common application.

3. So far as the issue of implementation of the framework is concerned, we find that along with the action taken report dated 22.11.2023, CPCB has enclosed minutes of the consultative meeting with the officials of SPCB, CPCB, MoEF&CC on implementation of the framework in terms of the direction of the Tribunal and in that meeting after deliberation, the following was decided:-

- “1. All the SPCBs/PCCs should submit the details of TEC constituted.
2. In Case SPCBs have not constituted the TEC, the timeline for constitution of same shall be submitted.
3. GPCB may share a copy of application form being used by them for receiving application for classification of material as by-product to CPCB, so that the same may be reviewed and circulated to rest of the SPCBs for their use.
4. All SPCBs/PCCs shall provide the list of materials (i) for which application has been received for categorization as by-product and (ii) classified as by-product
5. The aforesaid information to be submitted by SPCBs/PCCs by 14.11.2023 to CPCB.”

4. The minutes reflect that in that meeting it was decided to convene another meeting in the following week to review the progress made in the implementation of the framework, but in the report no subsequent development in respect of the implementation of the framework has been disclosed.

5. Learned Counsel for the CPCB seeks four week's time to place on record the steps which will be taken for implementation of the above framework.

6. List on 19.07.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 10, 2024
Original Application No. 502/2023
SN