

No. 4/PPCC/HWM/OM/AEE/2023/1068
GOVERNMENT OF PUDUCHERRY
DEPARTMENT OF SCIENCE, TECHNOLOGY AND ENVIRONMENT
PUDUCHERRY POLLUTION CONTROL COMMITTEE
III FLOOR, PHB BUILDING, ANNA NAGAR, PUDUCHERRY – 605 005
PH: 2201256 / 2203494; FAX: (0413) 2203494

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Puducherry, the 15 NOV 2023

CIRCULAR

Sub: PPCC- Implementation of Framework on Identification of Materials Generated from Industrial Processes as Wastes or by- products- reg.

Ref: - (i) Hon'ble NGT order dated O.A. No. 502/2023 dated 18.08.2023

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The Hon'ble NGT order in the matter of Society for Protection of Environment and Biodiversity Vs Union of India & Ors vide reference (i) cited above that the issue is raised in the application with respect to the non-implementation of the 'Framework on Identification of materials generated from Industrial process as Wastes or by-products'.

Industrial process may also generate waste(s) and by-product(s) besides products(s). The distinction between when a material generated from a production process should be considered as a "by-product" and when it should be considered as a "waste" is required to be discern critically. In case a "waste" escapes as "by-product", it may get out of ambit of the aforesaid regulations of HOWM Rules and carry the risk of adverse impacts on human health and environment. On the other hand, if a "byproduct" gets categorized as "waste", its generator will have the compulsion of complying with all requisite requirements prescribed under the said HOWM Rules by such generator. This, therefore, requires criteria for identification of materials as "wastes" or "by-products". The criteria and the procedure may be referred in the following weblink https://cpcb.nic.in/uploads/hwmd/Guidelines_HW_2.pdf.

In this regard, all technical staff shall ensure the compliance of the following:

1. Any material which is not intended to be produced but gets produced in any of the process of production of the intended products will remain as Hazardous and Other Wastes in the HOWM Rules, 2016 unless it is identified as a by-product following the criteria given in these guidelines to confirm that the material's use "as such" is feasible in the country, does not involve any

adverse impact on the environmental and risk of hazards and its safety data sheet is prepared and submitted by the generator of the material.

2. The by-product identified through the process elaborated in the present document will be applicable and enforceable only after suitable grant/ amendment in EC if applicable and also the grant/ amendment in consent under water and air acts for the industry/ activity/ project. Till such time the material or by-product shall be categorized as waste and managed accordingly. Further, quantity and end use of such by-product shall be specified in the amended EC/ Consent.

Therefore, all the technical officials are instructed to follow the above guidelines for identification of material as by-product and wastes while scrutinizing the consent application if any materials is left out and being sold unauthorizedly and claimed as by-product.

N. Ramesh

(Dr. N. RAMESH)

MEMBER SECRETARY

Puducherry Pollution Control Committee

O/C S. DEVA
14/11/2023

To

- 12/11/23*
1) Environmental Engineer
2) Scientific Officer
3) Scientist, PPCC *OR*
4) Junior Engineer-1 *AD*
5) Junior Engineer-2 *15/11/2023*
6) Junior Laboratory Assistant, PPCC *S. DEVA*
7) Assistant Environmental Engineer, PPCC *15/11/2023*

For information

For necessary compliance

Copy to: Guard file

S. Babu
15/11/23
DESPATCHED