AMENDMENT

MoEFCC amends the 2021 ash notification for building projects within 300 kms of thermal power plants

S.O. 5(E) has building projects within 300 kms of coal or lignite power plants use ash-based products at Schedule of Rates prices, and reserves ash for small units.

S.O. 5(E), PRINTED 'S.O. 05(E)', A notification of the Ministry of Environment, Forest and Climate Change dated January 1, 2024, amends the 'ash utilisation notification', S.O. 5481(E) of December 31, 2021. It recites that requests were received from the Ministry of Power and other stakeholders on implementing that notification, and that it is expedient to amend it 'to promote use of ash for eco-friendly purposes, including use of ash in ash-based products manufactured by micro and small enterprises engaged in ash-based product manufacturing'. It is made under section 3 of the Environment (Protection) Act, 1986 read with sub-rules (1), (2) and (4) of rule 5 of the Environment (Protection) Rules, 1986, and refers to no draft.

THE CHANGE

Amends paragraphs B and D of the 'ash utilisation notification', S.O. 5481(E) of December 31, 2021: ash-based products for building projects within 300 kms of a coal or lignite based thermal power plant at Schedule of Rates prices, provisions in local building bye-laws, notices offering ash and ash-based products, and a share of ash reserved for micro and small enterprises.

KEY FACTS

TYPE

Amendment

S.O. NUMBER

S.O. 5(E)

DATED

January 1, 2024

APPLIES FROM

No date printed: the notification does not say when the amendments come into force. The Gazette is dated January 1, 2024

REFERENCES

S.O. 5(E)

CG-DL-E-01012024-251028

MoEFCC amends the 2021 ash notification for building projects within 300 kms of thermal power plants

S.O. 5(E) · January 1, 2024

S.O. 5(E), printed 'S.O. 05(E)', a notification of the Ministry of Environment, Forest and Climate Change dated January 1, 2024, amends the 'ash utilisation notification', S.O. 5481(E) of December 31, 2021. It recites that requests were received from the Ministry of Power and other stakeholders on implementing that notification, and that it is expedient to amend it 'to promote use of ash for eco-friendly purposes, including use of ash in ash-based products manufactured by micro and small enterprises engaged in ash-based product manufacturing'. It is made under section 3 of the Environment (Protection) Act, 1986 read with sub-rules (1), (2) and (4) of rule 5 of the Environment (Protection) Rules, 1986, and refers to no draft.

In paragraph B, the two provisos to sub-paragraph (1) become one: a coal or lignite based thermal power plant that has given notice to agencies for making ash available bears the cost of ash and transportation. Sub-paragraph (8) now requires all building construction projects of Central, State and local authorities, Government undertakings, other Government agencies and all private agencies located within a radius of 300 kms from a coal or lignite based thermal power plant to use ash bricks, tiles, sintered ash aggregate or other ash based products, provided these are available at prices not more than the price in the Schedule of Rates of the Central Public Works Department or the State Public Works Department, or the price of alternative products if not in the Schedule of Rates. Those departments are to publish the Schedule of Rates within six months from January 1, 2024.

A new sub-paragraph (10) requires all local authorities to provide in their building bye-laws and other relevant regulations for the use of ash and ash-based products in the construction of buildings, roads, embankments and related construction.

In paragraph D, the thermal power plant's written notice to those who must use ash under sub-paragraphs (1) and (3) of paragraph B offers the supply of ash free of cost and bearing the cost of transportation, with a copy to the State Pollution Control Board, and manufacturers of ash-based products give a written notice offering them for sale to those who must use them under sub-paragraph (8). A new sub-paragraph (4) requires coal or lignite based thermal power plants to reserve 'certain percentage of ash' for supply to micro and small enterprises making ash-based products, at concessional price or through limited auction under guidelines of the Ministry of Power. The notification states no date from which the amendments apply.

The notification (F. No. 09/01/2019-HSMD) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 05, dated January 1, 2024. Its Note records that the principal notification was published by S.O. 5481(E), dated December 31, 2021, and last amended by S.O. 6169(E), dated December 30, 2022.

S.O. number	S.O. 5(E)
Dated	January 1, 2024
Gazette ID	CG-DL-E-01012024-251028
Rule	Other waste rules
Type	Amendment
Amends	"ash utilisation notification"
Products	Ash, Ash-based products
What it does	Amends paragraphs B and D of the 'ash utilisation notification', S.O. 5481(E) of December 31, 2021: ash-based products for building projects within 300 kms of a coal or lignite based thermal power plant at Schedule of Rates prices, provisions in local building bye-laws, notices offering ash and ash-based products, and a share of ash reserved for micro and small enterprises.
Applies from	No date printed: the notification does not say when the amendments come into force. The Gazette is dated January 1, 2024
Conditions	• Building construction projects within a radius of 300 kms from a coal or lignite based thermal power plant are to use ash-based products where these are made available at prices not more than the price in the Schedule of Rates of the Central Public Works Department or the State Public Works Department, or the price of alternative products if not in the Schedule of Rates (paragraph B(8)). • The Central Public Works Department and the State Public Works Departments are to publish the Schedule of Rates 'within six months from the 1st January, 2024' (paragraph B(8)). • The thermal power plant bears the cost of ash and transportation where it has given notice to agencies for making ash available (proviso to paragraph B(1)); its written notice offers the supply of ash free of cost and bearing cost of transportation, with a copy to the State Pollution Control Board (paragraph D(1)). • Coal or lignite based thermal power plants reserve 'certain percentage of ash' for micro and small enterprises making ash-based products, for sale at concessional price or through limited auction under guidelines of the Ministry of Power (paragraph D(4)).
Applies to	Coal or lignite based thermal power plants; building construction projects of Central, State and local authorities, Government undertakings, other Government agencies and all private agencies within 300 kms of such a plant; manufacturers of ash-based

	products; local authorities; and micro and small enterprises making ash-based products.
Issued under	Sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) 'read with of sub-rule (1), (2) and (4) of rule (5)' of the Environment (Protection) Rules, 1986
Signed by	NARESH PAL GANGWAR, Addl. Secy.

The notification, entry by entry

Entry	Text
Paragraph B, sub-paragraph (1): both provisos (substituted by one)	Provided that the coal or lignite based thermal power plant has given a notice to such agencies for making available ash to such agencies for which cost of ash and transportation shall be borne by the coal or lignite based thermal power plant.
Paragraph B, sub-paragraph (8) (substituted)	All building construction projects (Central, State and Local authorities, Govt. undertakings, other Govt. agencies and all private agencies) located within a radius of 300 kms from a coal or lignite based thermal power plant shall use ash bricks, tiles, sintered ash aggregate or other ash based products, provided these are made available at prices not more than the price mentioned in the Schedule of Rates as specified by the Central Public Works Department (CPWD) or Public Works Department (PWD) of the State concerned or price of alternative products, if not mentioned in the Schedule of Rates. That the Central Public Works Department and Public Works Department of the State concerned shall publish the Schedule of Rates specified within six months from the 1st January, 2024.
Paragraph B, sub-paragraph (10) (inserted)	All local authorities shall make provisions in their respective building bye-laws and other relevant regulations for the use of ash and ash-based products, such as bricks, blocks, tiles, sintered or cold bonded ash aggregates, fibre cement sheets, pipes, boards, panels in construction of buildings, roads, embankments or for any other related construction activity.
Paragraph D, sub-paragraph (1) (substituted by (1) and (1A))	(1) The owner of thermal power plants shall give a written notice to persons or agencies who are required to utilise ash under sub-paragraph (1) & (3) of paragraph B for offering the supply of ash free of cost and bearing cost of transportation, with a copy to concerned State Pollution Control Board. (1A) The manufacturers of ash bricks or tiles or sintered ash aggregate or other ash-based products shall give a written notice to persons or agencies who are required to utilise ash-based products under sub-paragraph (8) of paragraph B for offering for sale of such products with a copy to concerned State Pollution Control Board.
Paragraph D, sub-paragraph (4) (inserted)	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.

The notification (PDF, 1.1 MB)

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