AMENDMENT

MoEFCC amends the ash utilization notification on compliance cycles, legacy ash and ash ponds

S.O. 6169(E) amends the ash utilization notification: targets from April 1, 2022, limits on operational ash ponds, and a CPWD or PWD price test.

S.O. 6169(E), DATED December 30, 2022, amends the notification on ash utilization from coal or lignite thermal power plants, S.O. 5481(E) of December 31, 2021, which it calls "the ash utilisation notification". Its preamble says requests were received from the Ministry of Power, thermal power plants and various stakeholders about implementing that notification, and that the amendments are to have smooth transitioning in its implementation. It is made read with sub-rule (1), (2) and (4) of rule 5 of the Environment (Protection) Rules, 1986, cites no draft, and came into force on the date of its publication.

THE CHANGE

Amends S.O. 5481(E): utilization targets and the legacy ash period run from April 1, 2022, new plants follow the first compliance cycle set for plants below 60 percent utilization, ash ponds are limited to designated operational ponds, and building projects compare the price of ash based products with the CPWD or PWD Schedule of Rates.

KEY FACTS

TYPE
Amendment

S.O. NUMBER
S.O. 6169(E)

DATED
December 30, 2022

APPLIES FROM
On the date of its publication in the Official Gazette (paragraph 2). The Gazette is dated December 30, 2022, and the e-Gazette lists it as published that day.

REFERENCES

S.O. 6169(E)

CG-DL-E-30122022-241524

MoEFCC amends the ash utilization notification on compliance cycles, legacy ash and ash ponds

S.O. 6169(E) · December 30, 2022

S.O. 6169(E), dated December 30, 2022, amends the notification on ash utilization from coal or lignite thermal power plants, S.O. 5481(E) of December 31, 2021, which it calls “the ash utilisation notification”. Its preamble says requests were received from the Ministry of Power, thermal power plants and various stakeholders about implementing that notification, and that the amendments are to have smooth transitioning in its implementation. It is made read with sub-rule (1), (2) and (4) of rule 5 of the Environment (Protection) Rules, 1986, cites no draft, and came into force on the date of its publication.

New thermal power plants commissioned on or after its publication follow the first compliance cycle set for plants with utilization below 60 percent, and utilization targets under each compliance cycle commence from April 1, 2022. The ten years for using up legacy ash now run from April 1, 2022, and ash in every pond or dyke other than the operational pond designated for temporary storage is legacy ash. Where a pond has stabilized and been reclaimed, now also with a solar or wind power plant under CPCB guidelines, no legacy ash utilization is required; stabilization and reclamation, with certification by the State Pollution Control Board or Pollution Control Committee, is to be completed within three years from April 1, 2022, in place of a year from publication.

Each new or operational plant may keep an operational ash pond or dyke for temporary storage within 0.1 hectare per MW. Plants commissioned before December 31, 2021 with installed capacity up to 1600 MW may designate up to two such ponds or dykes, and plants above 1600 MW up to four (“having multiple lagoons, within the specified area from the existing ash ponds or dykes”), and must inform CPCB and the State Pollution Control Board or Pollution Control Committee by March 31, 2023; new plants or expansions commissioned on or after December 31, 2021 get one. No new operational ash pond or dyke may be established, and the 0.1 hectare per MW limit does not apply to plants commissioned before November 3, 2009.

Paragraph B(1)'s “within 300 kms” becomes “within a radius of 300 kms”, and building construction projects must use ash based products priced no more than the Schedule of Rates of the Central Public Works Department or the concerned Public Works Department, or the price of alternative products where the Schedule of Rates does not mention them. User agencies served notice by manufacturers of ash bricks, tiles, sintered ash aggregate or other ash based products, as well as by thermal power plants, must inform them if they have tied up with other agencies and cannot use the material or may use a reduced quantity.

The notification (F. No. HSM-9/1/2019-HSM) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 5926, dated December 30, 2022, and the e-Gazette put it online the same day.

S.O. number	S.O. 6169(E)
Dated	December 30, 2022
Gazette ID	CG-DL-E-30122022-241524
Rule	Other waste rules
Type	Amendment
Amends	"ash utilisation notification"
Products	Fly ash, Bottom ash, Ash based products
What it does	Amends S.O. 5481(E): utilization targets and the legacy ash period run from April 1, 2022, new plants follow the first compliance cycle set for plants below 60 percent utilization, ash ponds are limited to designated operational ponds, and building projects compare the price of ash based products with the CPWD or PWD Schedule of Rates.
Applies from	On the date of its publication in the Official Gazette (paragraph 2). The Gazette is dated December 30, 2022, and the e-Gazette lists it as published that day.
Conditions	• New thermal power plants commissioned on or after the date of publication of S.O. 6169(E) follow the first compliance cycle specified for plants with utilization below 60 percent, and utilization targets under the applicable compliance cycle commence from April 1, 2022 (paragraph A(4)). • Legacy ash is to be used up within ten years from April 1, 2022; ash in all ash ponds or dykes other than the operational pond or dyke designated for temporary storage is legacy ash, to be reclaimed, stabilized or utilized (paragraph A(5)). • No legacy ash utilization is required where a pond has stabilized and been reclaimed with green belt or plantation or a solar or wind power plant under CPCB guidelines; stabilization and reclamation, including certification by the State Pollution Control Board or Pollution Control Committee, is to be carried out within three years from April 1, 2022 (paragraph A(5)). • Plants commissioned before December 31, 2021 with installed capacity up to 1600 MW may designate up to two operational ash ponds or dykes, and plants with installed capacity above 1600 MW up to four (“having multiple lagoons, within the specified area from the existing ash ponds or dykes”), and must inform CPCB and the State Pollution Control Board or Pollution Control Committee by

March 31, 2023; no plant may establish or designate any new operational ash pond or dyke (paragraph A(6)).
- Building construction projects use ash based products priced no more than the Schedule of Rates of the Central Public Works Department or the concerned Public Works Department, or the price of alternative products where the Schedule of Rates does not mention them (paragraph B(8)).
- User agencies served notice by a thermal power plant or by a manufacturer of ash based products, and already tied up with other agencies, inform it if they cannot use the ash or ash based products or may use a reduced quantity (paragraph D(2) and (3)).

Applies to	Coal and lignite based thermal power plants, building construction projects and other user agencies of ash, and manufacturers of ash bricks, tiles, sintered ash aggregate and other 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 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	Before	After
Paragraph A(4): proviso inserted after the third proviso		Provided also that new thermal power plants commissioned on or after the date of publication of this notification shall follow the first compliance cycle similar to the compliance cycle specified for thermal power plants having utilisation per cent. less than 60 per cent. as specified in the table. Note: The utilisation targets as per the applicable compliance cycle shall commence from 1st April, 2022.
Paragraph A(5): opening paragraph	the date of publication of this notification	1st April, 2022
Paragraph A(5), second proviso: after “green belt 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)
Paragraph A(5), second proviso: words deleted	Central Pollution Control Board (CPCB) or	Deleted

Paragraph A(5), second proviso: period	a year	three years
Paragraph A(5), second proviso: start	the date of publication of this notification	1st April, 2022
Paragraph A(5): proviso inserted after the second proviso		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.
Paragraph A(6), substituted	Any new as well as operational thermal power plant may be permitted an emergency or temporary ash pond with an area of 0.1 hectare per Mega Watt (MW); CPCB guidelines on ash ponds or dykes within three months.	Any new as well as operational thermal power plant may be permitted operational ash pond or dyke for temporary storage of ash within an area of 0.1 hectare per Mega Watt (MW); up to two such ponds or dykes for plants commissioned before December 31, 2021 with installed capacity less than or equal to 1600 MW and up to four for plants with installed capacity more than 1600 MW ("having multiple lagoons, within the specified area from the existing ash ponds or dykes"), to be informed to CPCB and the SPCB or PCC by March 31, 2023; one for new plants or expansions commissioned on or after December 31, 2021; no new operational ash pond or dyke; 0.1 hectare per MW not applicable to plants commissioned before November 3, 2009.
Paragraph B(1)	within 300 kms	within a radius of 300 kms
Paragraph B(8)	higher than the price of alternative products	more than the price mentioned in the Schedule of Rates as specified by Central Public Works Department (CPWD) or concerned Public Works Department (PWD) or price of alternative products, if not mentioned in the Schedule of Rates.
Paragraph D(2), substituted	Persons or user agencies who have been served notices by owner of thermal power plants or manufacturers of ash bricks or tiles or sintered ash aggregate, if they have already tied up with other agencies for the purpose of utilisation of ash or ash products, shall inform the thermal power plant accordingly, if they cannot use any ash or ash products or use reduced quantity.	Persons or user agencies who have been served notice by owner of thermal power plants, if they have already tied up with other agencies for the purpose of utilisation of ash, shall inform the thermal power plant accordingly, and if they cannot use any ash or may use reduced quantity.

Paragraph D(3), inserted	Persons or user agencies who have been served notice by manufacturers of ash bricks or tiles or sintered ash aggregate or other ash based products, if they have already tied up with other agencies for the purpose of utilisation of ash based products, shall inform the manufacturer of ash bricks or tiles or sintered ash aggregate or other ash based products, accordingly, and if they cannot use ash based products, or may use reduced quantity.

The notification (PDF, 996 KB)

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Read online: indusdesk.com/moefcc/tracker/amends-ash-utilization-notification-on-compliance-cycles-legacy-241524/