

Environment Law Monthly Updates - July 2024

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The month of July 2024 witnessed various developments indicating a focus on balancing environmental protection with streamlining compliance procedures for businesses. The Supreme Court's emphasis on strengthening environmental protection by halting the construction of a bridge underscores the importance of robust environmental impact assessments and adherence to regulations for businesses involved in infrastructure projects.

July 2024 saw significant changes in India's environmental law regime, including stricter enforcement and procedural reforms.

The Ministry of Environment, Forests, and Climate Change (MoEF & CC) made significant efforts towards streamlining environmental compliance across states and industries by releasing draft amendments and guidelines for consent granting processes, establishing clear penalty structures, and reducing regulatory burdens and compliance costs. The Central Pollution Control Board (CPCB) also aided these measures by extending compliance deadlines and issuing standard operating procedures (SoP) for waste management.

The key developments are discussed in detail below.

1 Judgments

1.1 Supreme Court

- a. **Supreme Court halts construction of the Tiracol bridge on Querim beach in Goa due to potential environmental damage**

The Supreme Court has stayed the construction of the Tiracol bridge on Querim beach in Goa, setting aside previous orders of the National Green Tribunal (NGT), and remanded the matter back to the NGT to be considered afresh. The Court's order reiterates its recent emphasis on ensuring fair procedure, including the right of all parties to present their case and challenge expert reports.¹

After initially halting the construction of the bridge in 2015, the NGT had permitted it as a public utility in January 2020. It relied on a report of the National Institute of Ocean Technology, Chennai (NIOT) dated 8 February 2016 to conclude that the bridge could be built without causing environmental damage and no environmental clearance was required for the project.²

This decision was subsequently upheld by the NGT when dealing with an application by the Goa Foundation requesting a recall of the order permitting construction. These orders of the NGT permitting construction and refusing recall of the order permitting construction have been set aside by the Supreme Court. Accordingly, the Supreme Court has ordered all parties to appear before the NGT and present their case for final determination.

¹ Order dated 23 July 2024 in Civil Appeal No. 4384-4385 of 2023

² O.A. No. 33 of 2015 passed by National Green Tribunal

2 Legislative Updates

2.1 Amendments proposed to various environment-related rules to align them with the Jan Vishwas (Amendment of Provisions) Act, 2023

On 19 July 2024, the MoEF & CC released the following draft rules for stakeholder consultation:

- a. Draft Air (Prevention and Control of Pollution) (Amendment) Rules, 2024,
- b. Draft Public Liability Insurance (Amendment) Rules, 2024,
- c. Draft Environment Protection (Amendment) Rules, 2024, and
- d. Draft Water (Prevention and Control of Pollution) (Amendment) Rules, 2024.

By way of these draft amendments, the procedure and process for the functioning of an adjudicating officer, an authority introduced by the Jan Vishwas (Amendment of Provisions) Act, 2023, have been prescribed. Accordingly, the proposed amendments streamline the process of inquiry by including:

- a. specific definition for the presenting officer who is responsible for initiating and presenting a matter before an adjudicating officer (appointed under the respective governing legislation); and
- b. method for taking cognizance, processing matters and conducting enquiry by an adjudicating officer.

The amendments also clearly set out the factors to be considered while determining the quantum of penalty, taking into account the scale of pollution and its impact.

Moreover, the Environment Protection (Amendment) Rules, 2024 propose that consent granted under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, can be revoked in case of grave injury to the environment.

2.2 Draft guidelines relating to the uniform consent fee and grant, refusal or cancellation of consent to establish or consent to operate for industries

The MoEF & CC released draft guidelines on 19 July 2024 to streamline and clarify the process of obtaining consent from state pollution control boards (SPCB) and pollution control committees (PCC) for operating industrial plants. These guidelines provide a uniform consent fee to be charged by the various SPCBs and PCCs and a transparent process of granting, refusing, or canceling the consent to establish (CTE) or consent to operate (CTO) such plants.

The draft guidelines also provide specific timelines for processing consent applications for red, orange and green industries as below:³

Timeline for issue of Consent

S. No.	Application	Time Line (Days)*		
		Red [#]	Orange [#]	Green [#]
1.	Grant / Refusal of Consent to Establish	60	45	30
2.	Grant / Refusal of 1 st Consent to Operate	90	60	30
3.	Grant / Refusal of Renewal of Consent / Expansion / Amendment	120	60	30

* From the date of receipt of the application complete in all respects.

As categorized by CPCB from time to time.

³ [Notification No G.S.R. 423\(E\)](#)

2.3 MoEF & CC proposes to exempt certain industries and activities from obtaining mandatory prior consent

On 19 July 2024, the MoEF & CC issued a draft notification for public consultation, which looks to exempt certain categories of industries and activities from obtaining prior consent of the SPCB or PCC. Specifically, industries classified as 'white' by the CPCB are proposed to be exempted from the mandatory requirement of obtaining CTE and CTO under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974. Instead, these industrial units will have to submit a self-declaration to the concerned SPCB or PCC confirming compliance with all applicable rules and regulations, without having to pay any consent fee. The concerned SPCB or PCC will, in turn, have to maintain and update a separate list of these exempted industries and ensure their operations strictly adhere to the declared activities.

Separately, as per the proposed draft, the projects requiring prior Environmental Clearance (EC) under the Environmental Impact Assessment Notification, 2006, would be exempted from separately obtaining CTE, provided they have obtained EC from the competent authority, with CTE deemed integrated with EC. This move could reduce the regulatory and monetary burden of obtaining dual consent that the projects are currently facing.

3 Other relevant developments

3.1 Timelines for filing of quarterly and annual returns under e-waste rules and hazardous and other wastes management rules extended till 31 August 2024

On 1 July 2024, the CPCB extended the timeline for filing of quarterly and annual returns by registered producers and recyclers under the E-waste (Management) Rules, 2022 and registered recyclers and producers on the waste tyre Extended Producer Responsibility (EPR) portal under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 till 31 August 2024.⁴

This reflects the CPCB's attempt to ensure the implementation of EPR obligations under various waste management rules while considering the hurdles faced by the stakeholders.

3.2 Standard operating procedures for registration of producers at the EPR portal for used oil management

The CPCB has issued SoP for the registration of producers on the EPR Portal for Used Oil Management in terms of the Hazardous Waste (Management and Transboundary Movement) Rules, 2016 (HWM Rules). The SoP applies to manufacturers and importers of various oils derived from base oil, who are categorised as 'producers' in the HWM Rules.

The producers of virgin base oil, white oil, hydraulic oil, transformer oil, cutting oil, rubber processing oil, thermal fluids, anti-rust oil, general purpose lubrication oil, engine oil, brake oil, grease, re-refined/recycled base oil, gear oil, turbine oil, and compressor oil are covered under the HWM Rules. These producers are

⁴ <https://cpcb.nic.in/openpdffile.php?id=UmVwb3J0RmlsZXMvMTY1NV8xNzE5ODk1MTE2X21lZGlhcGhvdG8xNTI1NS5wZGY=>,
<https://cpcb.nic.in/openpdffile.php?id=TGF0ZXN0RmlsZS80MTZfMTcxOTg5NDU1NF9tZWVpYXBob3RvNDcyNi5wZGY=>

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required to submit an online application along with necessary information, documents, and registration fees, as specified, for obtaining necessary registration.⁵

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⁵ [Standard Operating Procedures for Registration of Producer at EPR Portal for Used Oil Management](#)