





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

File No.: CP-22/31/2024-WM-III-HO-CPCB-HO

September 3, 2024

Waste Management-III Division

NOTICE

Kind Attention: Producers, Recyclers and Retreaders under Hazardous and Other

Wastes (Management and Transboundary Movement) Amendment

Rules, 2022

Subject: Environmental Compensation (EC) Guidelines under Hazardous and Other

Waste (Management & Transboundary Movement) Amendment Rules, 2022

(Waste Tyre EPR Regime)

The Central Pollution Control Board has prepared Environmental Compensation (EC) Guidelines, after several rounds of consultations with Producer's Associations namely ATMA (Automotive Tyre Manufacturer Association) and Recycler's Associations namely MRAI (Material Recycling Association of India), AIRTRA (All India Rubber and Tyre Recyclers Association) and TRRAI (Tyre & Rubber Recyclers Association of India).

As required under paragraph 10(1) of Schedule-IX of HOW (M&TM) Amendments Rules, 2022, the Environmental Compensation (EC) Guidelines were presented in the 3rd Steering Committee meeting held on 08.08.2024. The Steering Committee has approved the Environmental Compensation (EC) Guidelines. The Environmental Compensation (EC) Guidelines were further submitted to the Ministry of Environment, Forest and Climate Change (MoEF&CC) vide letter F. No.: CP-22/31/2024-WM-III-HO-CPCB-HO/364 dated 19.08.2024 for approval.

Accordingly, MoEF&CC vide Office Memorandum F. No.: 09/6/2021-HSMD dated 02.09.2024 (copy enclosed) has approved the Environmental Compensation (EC) Guidelines. The approved Environmental Compensation (EC) Guidelines are enclosed herewith for ready reference.

Anand Kumar)

Director & Divisional Head WM-III Division

F. No. 09/6/2021-HSMD Government of India Ministry of Environment, Forest and Climate Change (HSM Division)

Level II, Jal Block, Indira Paryavaran Bhawan, Jor Bagh Road, Ali Ganj, New Delhi-110003

Dated: 02nd September, 2024

OFFICE MEMORANDUM

Sub: Draft Environmental Compensation (EC) guidelines prepared by CPCB and approved by Steering Committee under the provisions of Hazardous and Other Waste (Management and Transboundary Movement) Amendment Rules, 2022 (Waste Tyre EPR Rules) – reg.

The undersigned is directed to refer to communication *vide* No. CP-22/31/2024-WM-III-HO-CPCB-HO/364 dated 19th August, 2024 of Central Pollution Control Board on the above mentioned subject matter and to convey the approval of Ministry of Environment, Forest and Climate Change on the said guidelines.

This issue with the approval of the competent authority.

(Ved Prakash Mishra) Director

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To,

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Guidelines for Environment Compensation (EC) under

Waste Tyre EPR Regime

Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022 and amendments thereof



Central Pollution Control Board Parivesh Bhawan, East Arjun Nagar, Delhi - 110032

July, 2024

Anard Kumar

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1.0 Background

MoEF&CC has notified 'Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022 and amendments thereof', for management of Waste Tyre. The management is based on the principal of Extended Producer Responsibility (EPR) where the Producers of the Waste Tyres have been assigned EPR targets on the basis of quantity of tyre sold or imported by it. Recyclers and Retreaders under the rules are mandated to generate and issue EPR Certificates and Retreading Certificate based on quantity of waste tyre recycled or retreaded by them. Further, for fulfilment of EPR targets Producers are required to purchase EPR Certificate from registered Recyclers. The quantity of EPR certificates purchased will be adjusted against EPR targets. A Producer may also buy Retreading certificate for deferment of its EPR obligations, however, the obligations will only be considered fulfilled once the Recycling certificates are purchased.

As per paragraph 10 of Schedule-IX of HOW (M & TM) Amendments Rules, 2022 and amendments thereof "The Central Pollution Control Board shall lay down guidelines for imposition and collection of environmental compensation on the producers in case of non-fulfilment of obligations set out in this Schedule and use of false extended producer responsibility certificate and the said guidelines shall be in accordance with the provisions of this Schedule and shall require to be approved by the Steering Committee constituted under paragraph 13 and Central Government before implementation."

As per paragraph 6 (8) of Schedule IX of the above said Rules, "The Central Pollution Control Board shall fix the highest and lowest price for exchange of extended producer responsibility certificates which shall be equal to hundred per cent and thirty per cent, respectively of the environmental compensation for non-fulfilment of extended producer responsibility obligation under paragraph 10 of the Schedule IX".

This EC Regime has been framed in accordance with the Hazardous and Other Waste (Management & Transboundary Movement) Amendments Rules, 2022 and amendments thereof. The document details the EC regime to be levied on the violators in accordance with provisions of the above said Rules

2.0 Introduction

Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022 and amendments thereof stipulates that CPCB shall impose Environmental Compensation (EC) in case of non-compliance of these rules by the registered Producers / Recyclers / Retreaders. This Environmental Compensation will help in implementation of the waste tyre EPR regime by the Producers / Recyclers / Retreaders. Environmental Compensation shall be levied for non-compliances of provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022 and amendments thereof. The Environmental Compensation has been derived based on the cost incurred for recycling of Waste Tyre.

Under the Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022, five end products of recycling have been recognized, which are Reclaimed Rubber, Crumb Rubber, Crumb Rubber Modified Bitumen (CRMB), Recovered Carbon Black and Pyrolysis Oil or Char. For environmentally sound recycling of waste tyre significant investments in technology, R&D and health and safety measures are required. Establishing floor price for EPR Certificate is very crucial as it incentivizes investments in collection and transportation networks, making collection and logistics costs economically viable and motivates recyclers to go for best available technology.

3.0 Applicability

These guidelines will be applicable to below mentioned entities involved in manufacture, sale, transfer,

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purchase, recycling and retreading of Waste Tyre or Tyre as defined in the Hazardous and Other Waste (Management & Transboundary Movement) Amendments Rules, 2022.

- I. Producers: "Producer" means any person or entity who,
 - i. Manufactures and sells new tyre domestically; or
 - ii. Sells domestically under its own brand, new tyre manufactured by other manufacturers or suppliers; or
 - iii. Sells imported new tyre; or
 - iv. Imports vehicles fitted with new tyres; or
 - v. Automobile manufacturers importing new tyre for use in new vehicles sold domestically; or
 - vi. Imports waste tyre;
- II. Recyclers: "Recyclers" means any person or entity engaged in the process of converting waste tyre into following end products, in an environmentally sound manner namely;
 - i. Reclaimed rubber:
 - ii. Crumb rubber;
 - iii. Crumb rubber modified bitumen (CRMB);
 - iv. Recovered carbon black, which is usable as raw material for manufacture of new tyre; and
 - v. Pyrolysis oil or Char, which is used only as a fuel and not as raw material for manufacture of new tyre;
- Retreaders: "Retreaders" means any person or entity engaged in the process of renewal of tread and side wall rubber of a worn out tyre having a good structural quality.

4.0 Provisions of HOW (M & TM) Amendment Rules, 2022 for which EC is to be levied and violation

Environmental Compensation is to be levied for the non-compliance of the following provisions of the of HOW (M &TM) Amendments Rules, 2022 (Waste Tyre EPR Regime) as listed in Table 1 below:

Table 1:

S. No	. Rules	Provisions	Violations	Entities
1,	3(2), 10(3)	No entity (Producer, Recycler and Retreader) shall carry out any business without registration. The environmental compensation shall also be levied on unregistered producers, recyclers and any entity which aids or abets the violation of the provisions of this Schedule.	registration	Producer, Recycler, Retreader
2.	3(3)	The entities registered under sub-paragraph (1) shall not deal with any unregistered producer or recycler.	Entity dealing with unregistered entities	Producer, Recycler, Retreader
3.	3(4) 10(2)	In case any registered entity furnishes false information or wilfully conceals information for getting registration or return or report or information required to be provided or furnished under this Schedule or in case of any irregularity, the registration of such entity may be revoked by the Central Pollution Control Board for a period up to three years after giving an opportunity of being heard and in addition environmental compensation charges may	rinformation and/or wilful concealment of rinformation / / 	Recycler,



Guidelines for EC Assessment for violation of HOW (M & TM) Amendment Rules, 2022

S. No.	Rules	Provisions	Violations	Entities
		also be levied in such cases as per paragraph 10		
		The environmental compensation shall also be levied on the recyclers for issue of false extended producer responsibility certificate and providing false information		
4.	3(5)	In case any entity is covered in more than one category under paragraph 3, then the said entity shall register under those categories separately.	more than one	Recycler ,Retreader
	4(1), 4(4)(i), 7(1)	All producers shall fulfil the extended producer responsibility obligations. The producer shall fulfil their extended producer responsibility obligation through online purchase of extended producer responsibility certificate from registered recyclers only	obligations :	Producer
6.	4(4) (ii)	The quarterly return shall be filed by the end of the month succeeding the end of the quarter.	quarterly returns	Producer, Recycler, Retreader
7.	4(4)(iii)	The details provided by producers and registered recyclers shall be cross-checked or the portal.		Recycler
8.	5(3) (a)	The validity of the extended producer responsibility certificate shall be two years from the end of the financial year in which is was generated.	registration	Producer, Recycler, Retreader
	4(4) (ii) 7(2),8(2), 8(A)(2)	The producer shall be responsible to file annual and quarterly returns in the forms as specified by the Central Pollution Contro Board on the portal on or before the end of the month succeeding the quarter to which the return relates and each registered entity shall have to file the quarterly return. All the recycler/retreader shall file annual and quarterly returns in the Form as specified or the portal on or before the end of the month.	squarterly returns	Producer, Recycler, Retreader
		succeeding the quarter to which the return relates.	1	
	8(1), 8(A)(1)	The Recycler/Retreader shall submit or monthly basis the information regarding quantity of waste tyres used and end produce produced, extended producer responsibility certificate sold and such other relevan information on the portal.	Procurement and tsales, Credit transfer data should be	
11.	10(1), 10(2)	Producers in case of non-fulfilment o obligations set out in this Schedule and use o false extended producer responsibility certificate.	ffalse extended	. C

Guidelines for EC Assessment for violation of HOW (M & TM) Amendment Rules, 2022

S. No.	Rules	Provisions	Entities	
12.	10(5)	Any false information resulting in over generation of extended producer responsibility certificates by recycler above 5% of the actual recycled waste shall result in revocation of registration and imposition of environmental compensation which shall not be returnable.		
13.		HOW (M &TM) Amendments Rules, 2022,2024	listed above	Producer, Recycler, Retreader

Assessment of Environmental Compensation to be levied for violation of the any other sub-rules of the HOW (M &TM) Amendments Rules, 2022 or any other violation other than mentioned in the table above shall be done on case to case basis

5.0 Environmental Compensation (EC) and Boundary Conditions

As per paragraph 6 subparagraph 8 of Schedule IX, the highest and lowest price for exchange of extended producer responsibility certificates shall be equal to hundred percent (100%) and thirty per cent (30%), respectively of the Environmental Compensation. The cost of EPR will be regulated with the cost of Environmental Compensation.

The basic concepts applied for calculation of Environmental Compensation (EC) is the damage to environment or adverse impact on the environment due to violation or non-compliance of Hazardous and Other Waste (M & TM) Amendment Rules, 2022

The Environmental Compensation is divided into two regimes, EC Regime 1 and EC Regime 2 based on the non-fulfilment of EPR target by the Producers and other non-compliances of Hazardous and Other Waste (M & TM) Amendment Rules, 2022 and amendments thereof by Producers / Recyclers / Retreaders.

In EC Regime 1, producers are covered for not meeting their EPR Targets. Shortfall in EPR Targets has been considered as adverse impact and damage to the environment and this adverse impact and damage to the environment has happened because quantity of Waste Tyre equal to shortfall in target was not collected, transported to recycling facility and recycled in an environmentally sound manner. So, producers have to bear the average cost of collection, transportation and processing as a compensation for damaging the environment. So in EC Regime 1, average cost of collection, transportation and processing cost of Waste Tyre are taken as parameters for deciding the EC.

In EC Regime 2, average application fees as applicable for registration of Producers, Recyclers and Retreaders on the Waste Tyre EPR Portal under these rules is selected as the parameter in EC Regime 2.

Boundary Condition for Environmental Compensation & Cost of EPR Certificate:

- i. The cost of EPR certificate for various end products should be set lower than the market value of end products. This ensures that end products are recovered from the recycling of waste rather than purchasing end products from the market and selling them to generate EPR certificates.
- ii. The Environment Compensation shall not absolve the producers from their extended producer responsibility

6.0 Approach for Assessment of Environment Compensation (EC)

i. EC Regime 1 – In this regime, EC will be levied to the Producers for non-fulfilment of EPR-



Guidelines for EC Assessment for violation of HOW (M & TM) Amendment Rules, 2022

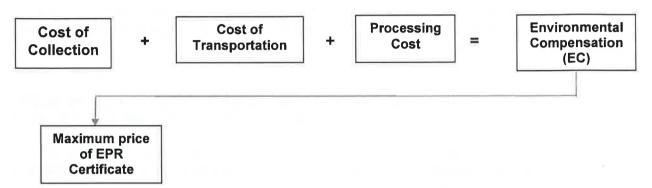
Obligations.

EC Regime 2 - In this regime, EC will be levied to any entity for non-compliances of HOW ii. (M &TM) Amendments Rules, 2022 and amendments thereof (detail of which is mentioned in Section 7.0).

6.1 EC Regime 1

The EC to producers for not meeting the EPR Targets is the average expense on Waste Tyre collection, transportation and recycling.

The concept for arriving EC charges as per the above scenario is given below:



For arriving at cost of collection, transportation and processing, extensive interactions were held with recyclers and producer's associations (six meetings) and it was observed that the cost of collection, transportation and processing depends upon various factors such as handling cost, labour cost and intermediate storage cost, product types, recycling technology and use of products. Based on the discussion with stakeholder's association an average cost of collection, transportation and processing of Rs. 8.40 per Kg has been considered.

[Cost of Collection + Cost of Transportation + Cost of Processing] per Kg of Waste Tyre = Rs. 8.40

EC = Cost of [Collection + Transportation + Processing] of waste tyre = Rs. 8.40 per Kg

EC =Maximum Value of EPR Certificate

Maximum value of EPR Certificate = EC = Rs. 8.40 per Kg

Minimum value of EPR Certificate = ECx0.3 = 8.40 x 0.3 = Rs. 2.52 per Kg

6.2 EC Regime 2: EC based on Registration Fee

- A. EC Regime 2 will be applicable to the entities as per section 3 above for violations under provisions of HOW (M & TM) Amendments Rules, 2022 except EPR obligation violation by producers. The violations are listed in table 1 of the section 4. Under the EC Regime 2, the basis for calculation of EC shall be registration fee.
- " was a series of For Producers the registration fee for registration on the EPR Portal is Rs. 25,000.0 + Rs. 0.625 per tones of tyre Manufactured/Imported in the preceding two years. So, Rs. 25,000.0

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has been taken as the fee for levying Environmental Compensation Charges to Producers. The EC to Producers are as below:

For 1st Default - Rs. 25,000.0

For 2^{nd} Default – Two times of first default i.e. Rs. 25,000.0 x 2 = Rs. 50,000.0

For 3rd Default – Two times of second default i.e. Rs. 50,000.0 x 2 = Rs. 100,000.0

ii. For providing false sales data resulting in EPR obligation less than the actual EPR obligation then EC = Rs. 25000.0 + quantity of false sales data x Rs. 8.40 per Kg of false sales data**

** EC Charges

iii. For Recyclers and Retreaders the registration fee on the EPR Portal is Rs. 15000.0 and Rs. 10,000.0 respectively. So taking Rs. 12,500 as an average, the EC to Recyclers and Retreaders are as below

For 1st Default - Rs. 12,500.0

For 2^{nd} Default – Two times of first default i.e. Rs. 12,500.0 x 2 = Rs. 25,000.0.

For 3rd Default – Two times of second default i.e. Rs. 25,000 x 2 = Rs. 50,000.0.

B. For Informal/illegal Sale/Storage/Transportation/ Retreading/ Recycling of Waste Tyre by any non-registered entity/ person/shop/entity, **EC Regime 2** will be applicable and the EC will be as below:

EC = Rs. 12,500.0 + Quantity of Waste Tyre Seized x Rs 8.40 per Kg of seized Waste Tyre**

** EC Charges

C. Submission of false information resulting in over generation of EPR certificates /retreading certificate, **EC Regime 2** will be applicable and the EC will be as below:

EC = Rs. 12,500.0 + Quantity of false EPR/ Retreading certificate generated x Rs 8.40 per Kg of false EPR/ Retreading certificate generated**

** EC Charges

7.0 Details of EC to be levied & Penal action for non-compliance.

Details of EC to be levied & penal action to be taken against the stakeholders for non-compliance of HOW (M &TM) Amendments Rules, 2022 is given in the table below:



S.No.	Entities	Violation	Environmental compensation		
	Registration on EP	R Waste Tyre Portal	E.		
1.		Operating without registration/ Non-compliance of conditions stipulated in Certificate	EC Regime 2 The applicant has to register on the Waste Tyre EPR Portal and the EC will be levied.		
			III. Action as per Environment (Protection) Act, 1986		
	Producer, Recycler,		IV. Penalty as per Section 15 of Environment (Protection) Act, 1986		
2.	Retreader	Entity dealing with unregistered entities	EC Regime 2		
3.		Registered only in one type of entity	EC Regime 2		
4.		Operating without valid registration- Failure in renewal of Registration in time as prescribed under the rules	Respective EC Regime 2 as below: 1st default regime till 15 days. 2nd default regime from 16th day till 30th Day and 3rd default regime from 31sh day till grant of registration		
	Submission of false information or wilfully concealing information				
5.	Producer, Recycler, Retreader	Submission of false information and/or wilful concealment of information	 i. EC Regime 2 [A(i) + A (ii)] ii. and beyond 3rd default, cancellation of registration issued by CPCB up to three years. 		
			iii. Action as per Environmen (Protection) Act, 1986 iv. Penalty as per Section 15 of Environmen (Protection) Act, 1986		



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6.	Recycler	Submission of False information resulting in over generation of EPR certificates	 i. EC Regime 2 [A (iii) + C] and suspension of registration issued by CPCB for a period of one year for 1st default, suspension for 2 years for 2nd default and suspension of 3 years for 3rd default ii. Action as per Environment (Protection) Act, 1986 iii. Penalty as per Section 15 of Environment (Protection) Act, 1986
	Annual and quarterly	returns filings	
7.	Producer, Recycler, Retreader	Failure in filing the Annual returns	 i. Notice will be issued for 10 days after the last date of return filings. ii. Thereafter Respective EC Regime 2 as below: iii. 1st default regime if filed within 15 days after the last day of return filing iv. 2nd default regime if filed within 30 days after the last day of return filing v. 3rd default regime if filed within 60 days after the last day of return filing vi. Thereafter AR to be auto filled on the EPR Portal and EC will be levied on shortfall in recycling target, if any, in addition to EC charges calculated as at points from 7(iii) to 7(v) above.
			If due to force majeure conditions, the Producers are not able to file the AR, within the period of 60 days after the last day of filing, then the final decision regarding levying of EC will be taken by CPCB for the purpose.
	Fallure in fulfilling th	e obligation by Producer	
8	Producer	Failure in fulfilling the EPR obligation	EC Regime 1 will be applicable

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	EPR Certificates / Retreading	g Certificates		
9	Producer	Transaction or use of false extended producer responsibility certificate or any unethical practice for transaction of certificate	EC Regime 2 [A(i) + A (ii)] and immediate suspension of registration issued by CPCB for a period of six months to three years as decided by the competent Authority CPCB	
10	Recycler/Retreader Improper Recycling/Retreadin	Transaction or use of false extended producer responsibility certificate or any unethical practice for transaction of certificate Submission of False information resulting in over generation of EPR certificates /refurbishing	EC Regime 2 and immediate suspension of registration issued by CPCB for a period of six months to three years as decided by the competent Authority CPCB	
11	Recycler/Retreader	Non-compliance of Recycling SOP	i. Action as per Environment (Protection) Act, 1986 ii. Penalty as per Section 15 of Environment (Protection) Act, 1986	
	Audit			
12	Producer/Recycler/Retreaders	Non-Compliance Found in Audit	i. EC Regime 2 ii. For continued violation, (increase in EC amount, Closure of unit/ Cancellation of CTO and Authorization under HOWM Rules etc. as the case may be,) as deemed necessary by the Competent Authority, CPCB iii. Action as per Environment (Protection) Act, 1986 iv. Penalty as per Section 15 of Environment (Protection) Act, 1986	
Any of	ther violation			
13	Producer/Recycler/Retreaders	Any other violation not listed above	 i. EC Regime 2 ii. Action as per Environment (Protection) Act, 1986 iii. Penalty as per Section 15 of Environment (Protection) Act, 1986 	

INFORMAL ACTIVITIES

S.No.	Violation	Environmental Compensation
1	Informal/Illegal sale/storage/transportation/ recycling/retreading / processing of Waste Tyre	Rs. 12,500.0 + Quantity of Waste Tyre Seized x Rs 8.40 per Kg of seized Waste Tyre**
	•	** EC Charges

Note:

a) The Environmental compensation shall be effective from the date of issue of this Environmental Compensation (EC).

b) As per the rules 10 (5) of the HOW (M &TM) Amendments Rules, 2022 and amendments thereof, false information resulting in over generation of extended producer responsibility certificates by recycler above 5% of the actual recycled waste shall result in revocation of registration and imposition of environmental compensation which shall not be returnable.

c) The Environment Compensation shall not absolve the producers from their extended producer responsibility and the unfulfilled extended producer responsibility for a particular year shall be carried forward to the next year and so on up to three years as per the sub rule 10 (4) (b) of the HOW (M &TM) Amendments Rules, 2022 and amendments thereof.

8.0 EC charges for Delay in EC deposition

The Environmental Compensation Charges and Financial Penalty shall be deposited by the violating facility within the stipulated time period specified under directions issued by CPCB/SPCB/PCC. In case, such facility does not submit the same within the stipulated time frame the amount will be exponentially increased as per details given below:

S.N.	Delay in EC Deposition	Penalty	
1	Within one month after the stipulated time as per the directions by CPCB/SPCB/PCCs.	Original amount with interest @ 12% per annum for the number of days delayed after the stipulated time.	
2.	After one month and within three months after the stipulated time as per the directions by CPCB/SPCB/PCCs.	Original amount with interest @ 24 % per annum for the number of days delayed after the stipulated time.	
3.	After three months of the stipulated time as per the directions by CPCB/SPCB/PCCs.	 a) Issue of show cause notice to the facility b) Closure of unit/facility c) Action as per section 15 of the Environment (Protection) Act, 1986 	

9.0 Actions to be taken after submission of EC levied against shortfall of EPR obligation

Payment of environmental compensation shall not absolve the producer from the extended producer responsibility as specified in rules and the unfulfilled extended producer responsibility for a particular year shall be carried forward to the next year and so on and up to three years.

- 1. In case, the shortfall of extended producer responsibility obligation is addressed after one year, 85 per cent of the environmental compensation levied shall be returned to the producer.
- 2. In case, the shortfall of extended producer responsibility obligation is addressed after two years, 60 per cent of the environmental compensation levied shall be returned to the producer.

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3. In case, the shortfall of extended producer responsibility obligation is addressed after three years, 30 per cent of the environmental compensation levied shall be returned to the producer, thereafter no environmental compensation shall be returned to the producer.

10.0 Modalities for Expenditure of EC Funds

As per the rule 10(6)(a)(b) of the HOW (M &TM) Amendments Rules, 2022. "The funds collected under environmental compensation shall be kept in a separate escrow account by the Central Pollution Control Board and shall be utilized in collection and recycling or end of life disposal of uncollected and non-recycled or non-end of life disposal of waste tyres on which the environmental compensation is levied and on such other heads as decided by the said Steering Committee. The modalities and heads for utilization of the funds shall be decided by the Steering Committee with the approval of the Ministry of Environment, Forest and Climate Change".

11.0 Revision of Guidelines

These EC guidelines may be reviewed and revised from time to time as per the need.

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