

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
Principal Bench, New Delhi

Execution Application No. 13/2019

IN

Original Application No. 247/2017

In the Matter of: -

Central Pollution Control Board

Applicant(s)

Vs.

State of Andaman & Nicobar & Ors.

Respondent(s)

Index

Sr. No.	Particulars	Page No.
1.	Report in the matter of E.A. No. 13/2019 in O.A No. 247/2017; titled as Central Pollution Control Board Vs. State of Andaman & Nicobar & Ors. in compliance of Hon'ble NGT order dated 10.09.2020.	
2.	Annexure- I: Direction issued under section 5 of EP Act, 1986 by CPCB to Principal Secretaries of all States and UTs for no submission of information/ submission of incomplete information on Plastic Waste Management rules, 2016.	
3.	Annexure- II: Direction issued under section 5 of EP Act, 1986 by CPCB to Chairman of all states/UTs regarding setting of institutional mechanism for enforcement of provisions of Plastic Waste Management rules, 2016.	
4.	Annexure- III: Guidelines for assessment of environmental compensation to be levied volition of Plastic Waste Management rules, 2016. .	
5.	Annexure-IV: Detailed report of State and UTs for quarter October-2019 to December-2019.	
6.	Annexure- V: Hon'ble NGT order dated 10.09.2020.	



(Divya Sinha)

Scientist 'E'

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

Place: Delhi

Date: 12.10.2020

**CENTRAL POLLUTION CONTROL BOARD
DELHI**

Date: 12.10.2020

Report in the matter of CPCB Vs. State Of Andaman & Nicobar & Ors. (EA No. 13/2019 in OA No. 247/2017)

1.0 Background

Vide Order dated 10.09.2020 in aforesaid matter, Hon'ble NGT issued the following directions

Para (c) We may review the status of compliance of directions in the order of this Tribunal dated 16.12.2019, already quoted above. With regard to direction (a), it is submitted that the MoEF&CC is yet to finalize its policy though the CPCB has already given its report on the subject to the MoEF&CC. None appears for the MoEF&CC. Even in O.A. No. 15/2014 listed today, involving overlapping issues, no one appeared for the MoEF&CC which shows that the MoEF&CC is ignoring even most serious environmental issues which is very unfortunate. Let Secretary, MoEF&CC look into the matter and take remedial action.

However, we have come across the draft of "Guidelines Document" on 'Uniform Framework for Extended Producers Responsibility (Under Plastic Waste Management Rules, 2016)', seeking comments till 31.07.2020. It is not clear whether the policy has been so far finalised or not.

Para 14(d) With regard to (b), compensation regime, the CPCB has still not finalized the same on the ground that it is waiting for the MoEF&CC finalizing its policy on the subject of EPR, which is no justification for delay by the CPCB. With regard to direction (c), the relevant information has not still been provided. With regard to direction (d), the information is not available with regard to the number of unregistered plastic units and number of such units in non-conforming/residential area. With regard to directions (ii) to (iv) of (d), adequate steps are not being taken.

We are of the view that having regard to significance of the issue, the Chairman and Member Secretary, CPCB need to hold periodic meetings by Video Conferencing with the Chairmen and Member Secretaries of all the State Boards/Committees on the subject to work out enforcement strategies, including action plans in all the Districts, involving Educational, Religious and other Institutions in the interest of public health and protection of environment. Atleast one District in every State should be made a model for compliance of PWM Rules in the first instance and thereafter, the entire State should be made so compliant. State PCBs/PCCs, in coordination with State Level Monitoring Committees, need to involve the District Magistrates and other concerned local authorities for effective enforcement of the statutory regime.

2.0 Action Taken by CPCB

CPCB has taken the following action in compliance with above Directions of Hon'ble NGT :

2.1 Coordination with States &UTS

- A meeting with SPCB/PCC was convened on September 25, 2020 by CPCB through Video Conferencing. Various issues related to plastic waste were discussed in the Meeting. CPCB communicated the observations of Hon'ble NGT on the matter and briefed them about the further action to be taken on the matter.
- In compliance with Hon'ble NGT Directions dated December 04, 2019 on the matter 20 states/UTs had provided information. Several Gaps were observed in the information which was provided by these State/UTs, were indicated in the report filed by CPCB on September 04, 2020. Remaining States/UTs did not provide any information. Directions under Sec 5 of EPA dated October 09, 2020 (**Annexure I**) to the states/UTs for submission complete information as per the CPCB report as well as deposition of EC with CPCB in accordance with Hon'ble NGT Directions
- CPCB has issued Directions on October 09, 2020 to the Chairmen of SPCBs/PCC & Secretary UD , under Sec 5 of EPA, 1986 for setting up

of institutional mechanism as well as taking up of the following steps for enforcement of provisions of PWM Rules(**Annexure II**):

- (i) Issuing of public notice for identification of the following:
 - Unregistered units
 - Plastic Units operational in non-confirming areas
 - Units manufacturing carrybags less than 50 micron thickness
- (ii) Creation of public grievance cell for registration and resolution of complaints
- (iii) Identification of institutions (State UD, Police, DM office, RWA, Industrial Associations, Industrial Development Corporations, Market Associations etc) which will be involved in enforcement of the action plan.
- (iv) Training of workers in these institutions
- (v) Launching Awareness Program for the public
- (vi) Identification of locations (parks, Religious places etc) where littering is a common problem
- (vii) Creation of surveillance squad to prevent littering in such locations
- (viii) Taking punitive actions against defaulting units as per (i) above
- (ix) Specification of user fee for waste generator & Imposition of Spot fines for littering in the bye-laws of the local bodies for plastic waste management
- (x) Identification of model district level for implementation of above
- (xi) Timeframe for implementation of above

SPCBs/PCCs are required to submit periodic progress report regarding implementation of above to CPCB

- 2.2 **EC regime** Hon'ble NGT vide its Order dated 17.9.19 in O.A. No. 376/2016 directed CPCB to prepare EC Regime for violation of PWM Rules. The matter was examined and it was observed that the EC regime may be framed once the National EPR Framework for PWM is finalised by MoEF&CC. This was submitted to Hon'ble NGT, which in its subsequent Order dated December 04, 2019 had permitted CPCB to file the EC

Regime four weeks after finalization of the Framework. The EPR Framework is under discussion at MoEF&CC.

However, in compliance of Hon'ble NGT order dated 10.9.20 in O.A. No. 247/2017, regime for levying EC for violation of PWM Rules has been framed by CPCB (**Annexure III**) and the same may be revisited, if required, after finalization of EPR Framework by MoEF&CC.

2.3 Compliance status w.r.t PWM Rules

- CPCB has filed the status report in compliance of the Order dated 04.12.2019 on September 04, 2020. 20 states and UTs had provided the information on this matter. Subsequently, information has been received from four more States/ UTs- Assam, Goa, Odisha and Uttar Pradesh. Compliance
 - The Compliance report as submitted by these states/UTs has been compiled by CPCB. An overview of the compliance status of the States /UTs vis-a- vis 35 action points submitted by the States/UTs is given in **Table-1** below: and the detailed report is enclosed at **Annexure IV** .
 - The compliance status of 25 states vis-a- vis major action points is enumerated below:
 - (a) **Unregistered Plastic Units:** 615 unregistered plastic units have been reported in these 25 states/UTs. However, it is observed that the no. of such units may be much higher in the country .
 - (b) **Ban on Carry bags & plastic sheet of thickness < 50 micron:** All States/UTs have confirmed that they have banned the production of such items. However, such products are commonly found in circulation
 - (c) **Littering of plastics in public place & Setting up of Special Environmental Squad:** 19 states/UTs have confirmed that confirmed that Thermocol/polystyrene cups, plates, etc. are not used extensively and haphazardly littered. 22 states/UTs have confirmed that Special Environmental Squad has been set up for enforcement to oversee and ensure that no litter of plastic waste takes place at public places and dumping of plastic waste on drains, river, banks and sea and no burning of plastic takes place in open. However, littering and plastic waste continues to be a common sight in the country
- In view of above, State Board have been directed to set up an institutional mechanism and take necessary steps for identification of such units and take necessary action**

Table-1 Overview of compliance report submitted by the States/UTs

Serial No.	Items	Remarks	Quantity (if provided)
1	Quantity of plastic waste generated (Annual Report form VI pt. 2,6) (TPD)	<u>Information provided by 5 States/UTs.</u> Assam, Delhi, Goa, Odisha, Uttar Pradesh	Total Quantity of Waste generated is 2273.68 TPD
2(a)	Number of registered plastic manufacturing units	<u>Information provided by 3 States/UTs.</u> Delhi, Odisha, Uttar Pradesh <u>Information not provided by 2 States:</u> Assam, Goa,	176
2(b)	Capacity of registered plastic manufacturing units (TPD)	<u>Information provided by 3 States/UTs.</u> Delhi, Odisha, Uttar Pradesh <u>Information not provided by 2 States:</u> Assam, Goa,	3237.54 TPD
3(a)	Total No of ULBs in 20 States/ UTs	<u>Information provided by 4 States/UTs.</u> Assam ,Delhi, Odisha, Uttar Pradesh <u>Information not provided by 1 States:</u> Goa,	866
3(b)	No. of ULBs which have set-up of plastic waste management system as	<u>Information provided by 3 States/UTs.</u>	675

Serial No.	Items	Remarks	Quantity (if provided)
	per Rule 6(2)? (including collection, segregation, channelization & processing of plastic waste)	Delhi, Odisha, Uttar Pradesh <u>Information not provided by 2 States:</u> Assam, Goa,	
3©	ULBs having facilities for collection of segregated waste	<u>Information provided by 3 States/UTs.</u> Delhi, Odisha, Uttar Pradesh <u>Information not provided by 2 States:</u> Assam, Goa,	672
3(d)	ULBs having Material Recovery Facility	<u>information provided by 3 States/UTs.</u> Delhi, Odisha, Uttar Pradesh <u>Information not provided by 2 States:</u> Assam, Goa,	Total : 40 -To be set up in UP. Rs 227 crore released for setting up 01 MRF in each of 625 ULBs by December, 2020
4(a)	Total no. of Gram Panchayat (GP)	<u>Information provided by 4 States/UTs.</u> Delhi, Odisha, Uttar Pradesh, Goa <u>Information not provided by 2 States:</u> Assam,	65744
4(b)	Gram Panchayat which have setup of plastic waste management system as per Rule 7	<u>Information provided by 2 States/UTs.</u> Delhi, Odisha,	PWM has been initiated in 90 model GPs of Odisha

Serial No.	Items	Remarks	Quantity (if provided)
		<u>Information not provided by 4 States:</u> Assam, Uttar Pradesh, Goa	<u>No Gram Panchayats in Delhi</u>
4(c)	GPs having facilities for Collection of segregated waste	<u>Information provided by 2 States/UTs.</u> Delhi, Odisha, <u>Information not provided by 4 States:</u> Assam, Uttar Pradesh, Goa	-Segregation of waste has been initiated in 90 model GPs of Odisha
4(d)	GPs having Material Recovery Facility	<u>Information provided by 2 States/UTs.</u> Delhi, Odisha, <u>Information not provided by 4 States:</u> Assam, Uttar Pradesh, Goa	-In Odisha 90 Model GPs have storage units for recovery of recyclable waste. 35 Model GPs have been tagged with MRFs of nearby ULBs
5(a)	No. of registered Producers/brand owners/importers as per Rules 9 & 13 of PWM Rules?	<u>Information provided by 3 States/UTs.</u> Delhi, Odisha, Uttar Pradesh <u>Information not provided by 2 States:</u> Assam, Goa	Total : 342
5(b)	Producers/Brand Owners/Importers which have engaged with ULBs for PWM	<u>Information provided by 2 States/UTs.</u> Delhi, Uttar Pradesh	-In Uttar Pradesh 35 brand Owner/producers have establish network for waste

Serial No.	Items	Remarks	Quantity (if provided)
		<u>Information not provided by 3 States:</u> Assam, Goa , Odisha,	collection in compliance of EPR - In Delhi no Producers/Brandowners/Importers which have engaged with ULBs for PWM
5©	ULBs which have set up system for plastic waste management with assistance of producers been set-up? Rule (6(3))?	<u>Information provided by 2 States/UTs.</u> Delhi, Goa , <u>Information not provided by 3 States:</u> Assam, Odisha, Uttar Pradesh	Zero
6(a)	Number of registered plastic waste recyclers	<u>Information provided by 3 States/UTs.</u> Delhi, Uttar Pradesh Odisha, <u>Information not provided by 2 States:</u> Assam, Goa ,	Total : 334 Maximum registered plastic waste recyclers are in Delhi
6(b)	Capacity of recycler (TPD)	<u>Information provided by 3 States/UTs.</u> Delhi, Uttar Pradesh Odisha <u>Information not provided by 2 States:</u> Assam, Goa	1176 TPD Maximum Capacity of registered plastic waste recyclers is in Uttar Pradesh
7	Status-of Utilization of plastic waste (Annual Report form VI pt.4)		

Serial No.	Items	Remarks	Quantity (if provided)
7(a)	Quantity of Plastic waste utilized in recycling (TPD)	<u>Information provided by 5 States/UTs.</u> Delhi, Uttar Pradesh, Odisha,	Total:1100.47 TPD
7(b)	Quantity of plastic waste utilized in recycling Road Construction	<u>Information provided by 3 States/UTs.</u> Delhi, Uttar Pradesh, Odisha, <u>Information not provided by 2 States:</u> Goa , Assam,	-In U.P. 100 tons Plastic Waste used for Road construction in Kanpur,Meerut and Jhansi. - 4 6 TPA of Plastic waste used in Odisha.
7(c)	Quantity of waste Co-processed in Plastic Waste in Cement kilns	<u>Information provided by 3 States/UTs.</u> Delhi, Uttar Pradesh, Odisha, <u>Information not provided by 2 States:</u> Goa , Assam,	150TPD of plastic waste is being used in Odisha.
7(d)	Quantity of waste utilized in production of RDF	<u>Information provided by 1 States/UTs.</u> Uttar Pradesh Delhi, <u>Information not provided by 4 States:</u> Goa , Assam, , Odisha,	30 TPD of plastic waste utilized in production of RDF in U.P. No waste is being utilised in Delhi for production of RDF.
7(e)	Quantity of plastic waste used in production of Waste to oil	<u>Information provided by 1 States/UTs.</u> Uttar Pradesh	Plastic waste to oil plant 1800 TPA in Mathura set up.

Serial No.	Items	Remarks	Quantity (if provided)
		<u>Information not provided by 4 States:</u> Goa , Assam, Delhi , Odisha,	Plastic waste to Oil plant 2 ton/day in Jhansi. In Uttar Pradesh M/s Uflex Ltd Noida is utilizing in house non-recyclable plastic waste for the production of fuel, carbon black and gas.the capacity of the plant is 6 TPD.
7(f)	Quantity of plastic waste used in other purpose (please specify)	<u>Information provided by 1 States/UTs.</u> Delhi <u>Information not provided by 4 States:</u> Goa , Assam, Odisha, Uttar Pradesh	Nil
8(a)	No. of Units registered for manufacturing compostable plastic	<u>Information provided by 3 States/UTs.</u> Uttar Pradesh , Delhi, Odisha, <u>Information not provided by 2 States:</u> Goa , Assam,	4 No of registered manufacturing compostable plastic are in U.P. -There is no registered manufacturing compostable plastic in Delhi and Odisha. - CPCB has issued certificates to 6 nos. of compostable

Serial No.	Items	Remarks	Quantity (if provided)
			product manufacturers from Delhi
8(b)	Total Capacity of Units manufacturing compostable plastic	<u>Information provided by 3 States/UTs.</u> Uttar Pradesh , Delhi, Odisha, <u>Information not provided by 2 States:</u> Goa , Assam.	335 Tonne per months
9(a)	No. of unregistered plastic manufacturing or recycling units. (Annual Report format pt.7)	<u>Information provided by 2 States/UTs.</u> Delhi, Odisha, <u>Information not provided by 3 States:</u> Goa , Assam, Uttar Pradesh ,	There no unregistered plastic manufacturing or recycling units in the of Delhi and Odisha
10	Whether local bodies have framed bye-laws [Rule6 (4)?	<u>Information provided by 3 States/UTs.</u> Delhi, Odisha, Assam, <u>Information not provided by 2 States:</u> Uttar Pradesh , Goa	In Odisha & Assam Byelaws have been framed; In Delhi, it is pending with the State Govt
11	Whether plastic carry bags & plastic sheet of thickness < 50 micron banned or not [Rule4(c)?	<u>Information provided by 4 States/UTs.</u> Delhi, Odisha, Goa , Assam, <u>Information not provided by 1 States:</u> Uttar Pradesh .	Banned in 4 States/UTs

Serial No.	Items	Remarks	Quantity (if provided)
12	Has complete ban on plastic carry bags been imposed? (Annual Report format pt. 3)	<u>Information provided by 4 States/UTs.</u> Delhi, Odisha, Goa , Assam, <u>Information not provided by 1 States:</u> Uttar Pradesh ,	Banned in 3 States/UTs banned. However, in Goa there is no complete ban on carry bags imposed in ULBs jurisdiction .
13	Status of action taken on non-compliance of PWM Rules (Annual Report format pt.9)	<u>Information provided by 2 States/UTs.</u> Delhi, Odisha, <u>Information not provided by 3 States:</u> Uttar Pradesh , Goa , Assam,	Action have been taken at different levels in different States /UT as specified in the individual State/UT report
14	Status of marking & labelling on plastic carry bags & multi layered packaging.(Rule11)	<u>Information provided by 2 States/UTs.</u> Delhi, Odisha, <u>Information not provided by 3 States:</u> Uttar Pradesh , Goa , Assam,	Compliance status indicated in the individual State/UT report.
15	Whether State Level Advisory Committee is constituted or not? [Rule 16] If yes, details of number of meetings conducted in a year and implementation of suggestions of committee in the last 2 years	<u>Information provided by 3 States/UTs.</u> Delhi, Odisha, Uttar Pradesh <u>Information not provided by 2 States:</u> Assam , Goa ,	Constituted in 3 States which have provided information on the matter

Serial No.	Items	Remarks	Quantity (if provided)
16	Status of phasing out of manufacture and use of multi-layered plastic which is non-recyclable or non-energy recoverable or with no alternate use of plastic in two years' time [Rule9-3]	<u>Information not provided by any States:</u> Delhi, Odisha, Uttar Pradesh ,Assam , Goa ,	No information
17			
a.	Has institutional mechanism as per para 14d of Hon'ble NGT order been established (Y/N)	<u>Information provided by 3 States/UTs.</u> Delhi, Odisha, Assam , <u>Information not provided by 2 States:</u> Goa , Uttar Pradesh	Established in all the 2 States /UTs which have provided information on the matter. In Delhi , there no institutional mechanism set up for the purpose
b.	Confirmation that no unregistered plastic manufacturing/recycling unit is operated in your jurisdiction (Y/N)	<u>Information provided by 4 States/UTs.</u> Delhi, Odisha, Assam , Goa <u>Information not provided by 1 States:</u> Uttar Pradesh	Confirmed in 4 States/UTs which have provided information on the matter.
c	Confirmation that no plastic carry bags/films < 50 microns thickness is stocked, sold and used in cities/towns of State (Y/N)	<u>Information provided by 4 States/UTs.</u> Delhi, Odisha, Assam , Goa <u>Information not provided by 1 States:</u> Uttar Pradesh	Yes. Confirmed in 4 States/UTs which have provided information on the matter

Serial No.	Items	Remarks	Quantity (if provided)
d	Confirmation that thermocol/polystyrene cups, plates etc are not used extensively and are not haphazardly littered (Y/N)	<u>Information provided by 3 States/UTs.</u> Delhi, Assam , Goa <u>Information not provided by 2 States:</u> Uttar Pradesh ,Odisha	Restricted in 3 States/UTs which have provided information on the matter.
e	Confirmation that SPECIAL Environmental Squad has been set up for enforcement to oversee and ensure that no litter of plastic waste takes place at public places	<u>Information provided by 3 States/UTs.</u> Delhi, Assam , Goa <u>Information not provided by 2 States:</u> Uttar Pradesh ,Odisha,	Yes , established all the 3 States/UTs which have provided information on the matter
f	Confirmation that no burning of plastic in open take place in State/UT (Y/N)	<u>Information provided by 3 States/UTs.</u> Delhi, Assam , Odisha <u>Information not provided by 2 States:</u> Uttar Pradesh ,Goa	Confirmed by 3 States/UTs which have provided information on the matter



SPEED-POST/E-MAIL

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

F.No. B-11011/UPC II/PWM/ 2020-21

9th October, 2020
Annexure 5

To,
Principal
Secretaries (UD)
All States/UT

Sub: Directions under Sec 5 of EPA, 1986 to State Govt. for non-submission of information/ submission of incomplete information on Plastic Waste Management to CPCB in compliance with Hon'ble NGT Directions dated December 06, 2020 & September 10, 2020 in the matter of OA No. 247/ 2017 (CPCB vs. State of Andaman & Others)

WHEREAS, the Ministry of Environment, Forest and Climate Change (MoEF&CC) notified the Plastic Waste Management Rules 2016 in exercise of the powers conferred under sections 3,6 and 25 of the Environment (Protection) Act, 1986 vide Notification No. G.S.R 320 (E) dated March 18, 2016;

WHEREAS, Ministry of Environment, Forest and Climate Change amended PWM Rules 2016 vide Notification No. G.S.R. 285(E) dated March 27, 2018;

WHEREAS Rule 5 of PWM Rules 2016 specifies that the plastic waste management by the urban local bodies in their respective jurisdiction shall be as under: -

- Plastic waste, which can be recycled, shall be channelized to registered plastic waste recycler and recycling of plastic shall conform to the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics, as amended from time to time;
- Local bodies shall encourage the use of plastic waste (preferably the plastic waste which cannot be further recycled) for road construction as per Indian Road Congress guidelines or energy recovery or waste to oil etc. The standards and pollution control norms specified by the prescribed authority for these technologies shall be complied with;
- Thermo set plastic waste shall be processed and disposed of as per the guidelines issued from time to time by the Central Pollution Control Board; and
- The inert from recycling or processing facilities of plastic waste shall be disposed of in compliance with the Solid Waste Management Rules, 2000 or as amended from time to time.

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WHEREAS Rule 6 of PWM Rules specifies Responsibility of local body. –

- (1) Every local body shall be responsible for development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers.
- (2) The local body shall be responsible for setting up, operationalization and co-ordination of the waste management system and for performing the associated functions, namely:
 - (a) Ensuring segregation, collection, storage, transportation, processing and disposal of plastic waste;
 - (b) ensuring that no damage is caused to the environment during this process;
 - (c) ensuring channelization of recyclable plastic waste fraction to recyclers;
 - (d) ensuring processing and disposal on non-recyclable fraction of plastic waste in accordance with the guidelines issued by the Central Pollution Control Board;
 - (e) creating awareness among all stake holders about their responsibilities;
 - (f) engaging civil societies or groups working with waste pickers; and
 - (g) ensuring that open burning of plastic waste does not take place.
- (3) The local body for setting up of system for plastic waste management shall seek assistance of producers and such system shall be set up within one year from the date of final publication of these rules in the Official Gazette of India;
- (4) The local body to frame bye-laws incorporating the provisions of these rules.

WHEREAS it is observed that although the PWM Rules were notified in 2016, its implementation remains inadequate and strengthening of infrastructure for collection, channelization and strengthening of plastic waste is required to ensure maximum utilization of this waste and minimize its litter;

WHEREAS Hon'ble NGT vide Order dated 06.12.2019 in the matter of OA No. 247/2017, directed the State Govt. to *finalize the time targeted action plans and give information about the implementation status and submit their compliance reports to CPCB quarterly in a cumulative format, failing which compensation of Rs. 1 lakh per quarter shall be levied by the CPCB;*

WHEREAS CPCB revised the format for submission of information by States/UTs to ensure compliance with Hon'ble NGT Directions and send the same to all States/UTs vide letter dated December 31, 2019 ;

WHEREAS no response has been received from your **state/UT** so far;

WHEREAS gaps have been observed in the report() filed by for the quarter (October to December;

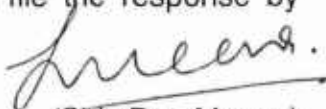
WHEREAS non-submission of complete information to CPCB as per details given above is in violation of Rule 5 and Rule 6 of PWM Rules as well as provisions of NGT Act_;

WHEREAS Hon'ble NGT in its Order dated September 10, 2020 has observed that *the relevant information has not been provided by the States/UT and directed CPCB to file its action taken report before the next date (14.10.2020);*

NOW THEREFORE in exercise of powers vested under Section 5 of EPA 1986, following Directions are being issued to your office

- (a) Submission of complete information as per format sent to your office on December 31, 2019
- (b) Deposition of -- as compensation with CPCB for non-submission of information for the three quarters(---),

You are required to confirm receipt of this direction and file the response by October 16, 2020 to this office


(Shiv Das Meena)
Chairman

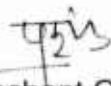
Copy to:

1. **Joint Secretary (CP Division)**
Ministry of Environment, Forests & Climate Change
Indira Paryavaran Bhawan, Jor Bagh
Road, New Delhi, 110003

: For kind information please

2. **Incharge, IT Division**
CPCB

: For uploading on CPCB website


(Prashant Gargava)
Member Secretary



SPEED-POST/E-MAIL

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

F-No. B-11011/UPC II/PWM/ 2020-21

9th October, 2020

To,

The Chairman (All SPCBs/PCC)/ Secretary UD

Sub: Directions under Sec 5 of EPA, 1986 for setting up of institutional mechanism for enforcement of provisions of PWM Rules

WHEREAS in exercise of Powers under Section 6, 8 and 25 of the Environment (Protection) Act, 1986, MoEF&CC notified Plastic Waste Management Rules vide Notification no. **G.S.R 320(E) dated March 18, 2016;**

WHEREAS Rule 12 of PWM Rules 2016 specifies the Authority for enforcement as follows:

- (1) The State Pollution Control Board and Pollution Control Committee in respect of a Union territory shall be the authority for enforcement of the provisions of these rules relating to registration, manufacture of plastic products and multi-layered packaging, processing and disposal of plastic wastes;
- (2) The concerned Secretary-in-charge of Urban Development of the State or a Union Territory shall be the authority for enforcement of the provisions of these rules relating to waste management by waste generator, use of plastic carry bags, plastic sheets or like, covers made of plastic sheets and multi-layered packaging;
- (3) The concerned Gram Panchayat shall be the authority for enforcement of the provisions of these rules relating to waste management by the waste generator, use of plastic carry bags, plastic sheets or like, covers made of plastic sheets and multi-layered packaging in the rural area of the State or a Union Territory; and
- (4) The authorities referred limits of the jurisdiction of the concerned district in the to in sub-rules (1) to (3) shall take the assistance of the District Magistrate or the Deputy Commissioner within the territorial enforcement of the provisions of these rules.

WHEREAS Under Rule 8(b) of PWM Rules – Waste generator shall not litter the plastic waste and ensure segregated storage of waste at source and handover segregated waste to urban local body or gram panchayat or agencies appointed by them or registered waste pickers', registered recyclers or waste collection agencies;

Cont...

O/C

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792 वेबसाइट/Website : www.cpcb.nic.in

WHEREAS Under Rule 4(1)(c) of PWM Rules - Carry bag made of virgin or recycled plastic, shall not be less than fifty microns in thickness;

WHEREAS under Rule 13 of PWM Rules- producers, manufacturers and recyclers of plastics are to be registered with the concerned SPCB/ PCC;

WHEREAS it is observed that although the PWM Rules were notified in 2016, its implementation remains inadequate and strengthening of enforcement is required to ensure maximum utilization of this waste and minimize its litter;

WHEREAS Hon'ble NGT vide Order dated 06.12.2019 in the matter of OA No. 247/2017, emphasized for establishment of institutional mechanism to ensure that no unregistered plastic unit is operational and no such unit is running in non-conforming residential areas. Further the enforcement mechanism has to be in place to restrict the production and availability plastic bags less than 50 micron thickness. Requirement for strengthening of surveillance to check littering of plastic waste, specifically in the prominent public places, has been stated in the Directions. Hon'ble NGT directed the States to submit their compliance reports to CPCB quarterly in a cumulative format, failing which compensation of Rs. 1 lakh per quarter shall be levied by the CPCB;

WHEREAS CPCB sent the format for submission of information by States/UTs to ensure compliance with Hon'ble NGT Directions and sent the same to all States/ UTs vide letter dated December 31, 2019; **(Annexure I)**

WHEREAS vide report submitted by your state/UT to CPCB, the following status was reported by your State:

<u>Unregistered Plastic Units</u>	
<u>Manufacturing of Bags sheets</u>	
<u>Regulating of littering of thermocol Polystyrene disposable</u>	
<u>Special surveillance squad for checking littering in specific public places</u>	

WHEREAS Hon'ble NGT in its Order dated September 10, 2020 has observed that adequate steps are not taken by the concerned states/UTs on the matter and emphasised on the need for increased interaction between the CPCB and SPCB/PCCs *to work out enforcement strategies*, including action plans in all the Districts, involving Educational, Religious and other Institutions in the interest of public health and protection of environment. Hon'ble NGT has directed that to begin with one model district has to be identified for the purpose and made compliant and the entire State should be made compliant on the issues highlighted by Hon'ble NGT. Active involvement of State Level Monitoring Committees, District Magistrates and other concerned local authorities was required for effective enforcement of the statutory regime"

WHEREAS, CPCB in the coordination meeting with SPCB/PCC held through video conferencing on September 25, 2020 communicated the above observations of Hon'ble NGT on the matter and briefed them about the further action to be taken on the matter;

NOW THEREFORE in view of above and in exercise of powers vested under Section 5 of EPA, following Directions are being issued to your office

- (a) Setting up of institutional mechanism for compliance of Order 14(d)(i-iv) of Hon'ble NGT Directions dated 16.12.2019 on the matter. Actions may include the following:
- (i) Issuing of public notice for identification of the following:
 - Unregistered units
 - Plastic Units operational in non-confirming areas
 - Units manufacturing carrybags less than 50 micron thickness
 - (ii) Creation of public grievance cell for registration and resolution of complaints
 - (iii) Identification of institutions (State UD, Police, DM office, RWA, Industrial Associations, Industrial Development Corporations, Market Associations etc) which will be involved in enforcement of the action plan
 - (iv) Training of workers in these institutions
 - (v) Launching Awareness Program for the public
 - (vi) Identification of locations (parks, Religious places etc) where littering is a common problem
 - (vii) Creation of surveillance squad to prevent littering in such locations
 - (viii) Taking punitive actions against defaulting units as per (i) above
 - (ix) Specification of user fee for waste generator & Imposition of Spot fines for littering in the bye-laws of the local bodies for plastic waste management
 - (x) Identification of model district level for implementation of above
 - (xi) Timeframe for implementation of above
- (c) Details of Action Plan for setting up the Institutional mechanism as above to be provided to CPCB as per the format enclosed at **Annexure I**
- (d) Progress Report to be submitted to CPCB on quarterly basis

You are required to confirm receipt of this direction and file the response by October 16 , 2020 to this office


(Shiv Das Meena)
Chairman

Copy to:

1. **Joint Secretary (CP Division)**
Ministry of Environment, Forests & Climate Change
Indira Paryavaran Bhawan, Jor Bagh
Road, New Delhi, 110003

: For kind information please

2. Incharge, IT Division
CPCB

: For uploading on CPCB website


✓ (Prashant Gargava)
Member Secretary

O/c

Annexure I

Format for submission of information for Institutional Mechanism for PWM

1	a	Issue of Public Notice for identification of unregistered units, units operating in non-confirming areas, units manufacturing bags with thickness < 50 micron	Yes/No
	b	If yes - please provide copy	
2	a	Creation of Public Grievance Cell	Yes/ No
	b	If yes, please provide details	
3	a	Identification of institutions which will be involved in implementation of Action Plan	Yes/ No
	b	If yes, please provide details(List of identified institutions)	
4	a	Training of workers from this institutions	Yes/ No
	b	If yes, please provide details (Development of training module/ No. of workers trained/ institutions covered etc.)	
5	a	Launching Awareness Program for general public	Yes/No
	b	If yes, please provide details (Institutions involved, issues covered , etc)	
6	a	Identification of locations where littering is a common problem (Pl. Provide list)	
7	a	Have surveillance squads been deputed in all locations as per "6a" above	
8	a	Taking punitive actions against defaulting industries (as per (1a) above)(Details of identified industries and punitive action taken to be provided)	
9	a	Incorporation of user fee for waste generator and spot fines for littering in bye-laws of local bodies	Yes/No
	b	If yes, please provide copy of bye laws and details of violations and the fee/ fines imposed	
10	a	Name of district identified as model district	Yes No
11		Time frame for implementation of above	

**Guidelines for Assessment
of
Environment Compensation to be levied
for
Violation of Plastic Waste Management Rules 2016**



**Central Pollution Control Board
Delhi
October 2020**

CONTENT

Sl.No	Topic	Page No.
1	Background	1
2	Provisions of Plastic Waste Management Rules	2
3	Approach for Assessment of Environment compensation	4
4	Action to Be taken For Non- Compliance Of PWM Rules	6
5	Deterrent Factor	15

1.0 Background

Plastic Waste Management is a major problem in India, where urbanisation, industrialisation, and economic growth have resulted in increased plastic waste (PW) generation. The burgeoning population and the improvement in living standards of the people have only compounded this problem. Ministry of Environment, Forests and Climate Change (MoEF&CC) notified Plastic Waste Management Rules, 2011 and the revamped the Rules in 2016 to ensure proper plastic waste management in India.

Hon'ble NGT vide its Order dated in O.A. No. 376/2016, Jitender Yadav Vs. Union of India & Others issued the following Directions:

"The Central Pollution Control Board (CPCB) may lay down a compensation regime and scale on 'Polluter Pays' principle by appointing such Expert Committee as may be found necessary and furnish its report before the next date."

Subsequently, Hon'ble NGT vide Order dated in its Order dated December 04, 2019 in O.A.No 247/2017 in the matter of Central Pollution Control Board vs. State of Andaman & Nicobar made the following observations:

"Para 13. CPCB has also filed a report in terms of direction in paragraph 15 in the order dated 17.09.2019 in O.A. No. 376/2018, Supra, on the subject of Environmental Compensation regime for improper Plastic Waste Management. The report is infact application seeking time to submit such regime in four weeks after finalization of National Framework on EPR by MoEF&CC."

Para 14. (a) National Framework for extended producers liability be finalized and enforced as far as possible within three months and a report furnished by the MoEF&CC as per observations in para 12 above

b) CPCB may give its report for compensation regime in terms of para 13 above."

Further, Hon'ble NGT vide Order dated September 10, 2020 in the said matter made the following observations:

"With regard to (b), compensation regime, the CPCB has still not finalized the same on the ground that it is waiting for the MoEF&CC finalizing its policy on the subject of EPR, which is no justification for delay by the CPCB."

In compliance of Hon'ble NGT order dated 10.9.20 in O.A. No. 247/2017, regime for levying EC for violation of PWM Rules has been framed by CPCB (**Annexure III**) and the same shall be revisited after issue of the final EPR Document by MoEF&CC, if required.

2.0 Provisions of Plastic Waste Management Rules:

Environmental Compensation is to be levied for the non-compliance of the following provisions of the PWM Rules, in which frequent non-compliance is observed:

Rule	Provisions
4 (c)	Carry bag made of virgin or recycled plastic, shall not be less than fifty microns in thickness;
4 (d)	Plastic sheet or like, which is not an integral part of multi-layered packaging and cover made of plastic sheet used for packaging, wrapping the commodity shall not be less than fifty microns in thickness except where the thickness of such plastic sheets impair the functionality of the product
4(f)	Sachets using plastic material shall not be used for storing, packing or selling gutkha, tobacco and pan masala;
4(h)	Carry bags made from compostable plastics shall conform to the Indian Standard: IS 17088:2008 titled as Specifications for Compostable Plastics, as amended from time to time. The manufacturers or seller of compostable plastic carrybags shall obtain a certificate from the Central Pollution Control Board before marketing or selling;
<u>6(1) & (7)</u>	Every local body shall be responsible for development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers.
<u>6(2)(g) & 7(c)</u>	Ensuring that open burning of plastic waste does not take place
<u>7</u>	Every gram panchayat either on its own or by engaging an agency shall set up, operationalise and co-ordinate for waste management in the rural area under their control and for performing the associated functions, namely,

<u>8(1)(a)</u>	The waste generator shall take steps to minimize generation of plastic waste and segregate plastic waste at source
<u>8(1)(b)</u>	The waste generator shall Not litter the plastic waste
<u>9(1)</u>	The producers, within a period of six months from the date of publication of these rules, shall work out modalities for waste collection system based on Extended Producers Responsibility and involving State Urban Development Departments, either individually or collectively, through their own distribution channel or through the local body concerned;
<u>9(2)</u>	Primary responsibility for collection of used multi-layered plastic sachet or pouches or packaging is of Producers, Importers and Brand Owners who introduce the products in the market. They need to establish a system for collecting back the plastic waste generated due to their products
<u>13 (1) & 13(2)</u>	<p>(1) No person shall manufacture carry bags or recycle plastic bags or multi-layered packaging unless the person has obtained a registration from the State Pollution Control Board or the Pollution Control Committee of the Union Territory concerned, as the case may be, prior to the commencement of production;</p> <p>(2) Every producer or brand-owner shall, for the purpose of registration or for renewal of registration, make an application in Form-I to</p> <p>i. "The concerned State Pollution Control Board or Pollution Control Committee of the Union territory, if operating one or two States or Union Territories"; or</p> <p>ii. "The Central Pollution Control Board, if operating in more than two States or Union Territories".</p>
<u>13(3)</u>	Every person recycling or processing waste or proposing to recycle or process plastic waste shall make an application to the State Pollution Control Board or the Pollution Control Committee, for grant of registration or renewal of registration for the recycling unit, in Form II.
<u>13(4)</u>	Every manufacturer engaged in manufacturer of plastic to be used as raw material by the producer shall make an application to the State Pollution Control Board or the Pollution Control Committee of the Union territory concerned, for the grant of registration or for the renewal of

	registration, in Form III.
<u>14(1)</u>	Retailers or street vendors shall not sell or provide commodities to consumer in carry bags or plastic sheet or multi-layered packaging, which are not manufactured and labelled or marked, as per prescribed under these rules

Assessment of Environmental Compensation to be levied for violation of the remaining sections of the PWM Rules shall be done on case to case basis

3.0 **Approach for Assessment of Environment compensation**

Assessment of Environment compensation for violation of provision of PWM Rules is based on the following considerations:

- (a) **Assessment of Cost of Plastic waste management:** Assessment of cost incurred in plastic waste management has been made based on the inputs provided by various local bodies. The cost incurred on management of plastic waste management shall essentially be divided into the following components:
- i. **Collection & Transportation of Plastic waste:** Average cost incurred for collection and transportation of solid waste is Rs.2000/- per ton..
 - ii. **Setting up of Material Recovery Facility (MRF) :** Average cost of setting up of Material Recovery of 100 TPD plastic is Rs. 7 crore. Accordingly, corresponding cost for setting up of 1 TPD plant is Rs.7 lakh. Considering 15 years life of the plant – cost incurred for setting up of MRF for one of plastic is Rs.150
 - iii. **Setting up of RDF facility :** Average cost of setting up of Refused Derived Fuel of 100 TPD capacity is Rs. 12.5 crore. . Accordingly, corresponding cost for setting up of 1 TPD plant is Rs.12.5 lakh. Considering 15 years life of the plant – cost incurred for setting up of RDF for one of plastic is Rs.270- per ton of plastic
 - iv. **O&M Cost of RDF facility:** Operational cost of RDF is Rs. 1200 per Ton and Transportation cost is Rs. 300 per ton

Based on the above assessment cost incurred on management of one ton of plastic waste is approximately Rs.4000/- per ton. As per PWM Rules entrusts the responsibility of development and setting up of infrastructure for

segregation, collection, storage, transportation, processing and disposal of the plastic waste on the Local bodies as well as the Producers/Brandowners, the cost to be incurred on PWM shall be distributed equally (i.e. Rs.2000/- per ton of plastic waste on Local bodies & Rs.2000/- per ton of plastic waste on Producers) for the purpose of assessment of Environmental Compensation To act as deterrent, EC of double the above amount i.e Rs.4000/- per ton of plastic waste shall be levied on the Local Bodies and the Producers/Brand-owners. For Multilayer plastics, which is non-recyclable, EC to be levied shall be twice the amount of EC to be levied for recyclable plastic i.e. Rs.8,000/- per ton.

(b) EC Imposed by states

All SPCBs/PCCs, vide email dated October 04, 2020 were requested to provide information related to action taken including penalties imposed, environmental compensation levied and other coercive action taken against violators (industries, waste generators, municipal corporations, etc.) of PWM Rules 2016 . Four states/UT had responded to CPCB's action and the overview of penal action taken for violation of PWM Rules is given in **Table 2**

- (c) **Section 15 (1) , EPA 1986:** Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.
- (d) **Section 5, EPA 1986: POWER TO GIVE DIRECTIONS.-** Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions Explanation--For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct-- (a) the closure, prohibition or regulation of any industry,

operation or process; or (b) stoppage or regulation of the supply of electricity or water or any other service

TABLE 2: Overview of penal action taken for violation of PWM Rules in States/UTs

States	Sl.No	Details of Violation	Action taken
Punjab	1	Registration not obtained	Show-cause notice issued
	2	Action Plan under EPR not submitted	Show-cause notice issued
	3	Plastic carry bags	Imposition of fines
Puducherry	1	Plastic carry bags <50 microns	Closure
	2	Recycling of plastic in non-conforming area.	Closure direction
	3	For violation of Bye-laws	Penalty as per byelaws
	4	Storage and Selling of banned plastic carry bags	Penalty & Seizure
Delhi	1	Plastic carry bags/Sheets <50 microns	Rs.50,000/- per unit
	2	Burning plastic waste	Rs.50,000/- per unit
A&N	1	Plastic carry bags & SUPs	Penalty & Seizure
	2	Import of single use plastic and plastic carry bags	do

4.0 Action to be Taken for Non- Compliance of PWM Rules

Details of Environmental Compensation to be levied and the penal action to be taken for non-compliance of PWM Rules, along with the nature of violation and the violator (concerned person/organization), is given in **TABLE 3**

TABLE 3: DETAILS OF EC TO BE LEVID & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PROVISION OF PWM RULES				
Rule	Provisions	Violator	Violation	Environmental compensation
4 (c)	Carry bag made of virgin or recycled plastic, shall not be less than fifty microns in thickness;	Producer	Manufacturing bags not meeting specifications	(i) Closure of Unit (ii) EC to be levied @ Rs.4000/-(*) per ton of plastic bags manufactured from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is earlier (iii) Penalty to be levied as per EP Act 1986
4 (d)	Plastic sheet or like, which is not an integral part of multi-layered packaging and cover made of plastic sheet used for packaging,	Producer	Manufacturing sheets not meeting specifications	(i) Closure of Unit (ii) EC to be levied @ Rs.4000/- per ton of plastic bags manufactured from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is earlier (iii) Penalty to be levied as per EP Act

	wrapping the commodity shall not be less than fifty microns in thickness except where the thickness of such plastic sheets impair the functionality of the product			1986
4(f)	Sachets using plastic material shall not be used for storing, packing or selling gutkha, tobacco and pan masala;	Producer	Using plastic material for packaging	(i) Closure of Unit (ii) EC to be levied @ Rs.4000 per ton of plastic bags manufactured from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is earlier (iii) Penalty to be levied as per EP Act 1986
4(h)	Carry bags made from compostable plastics shall conform to the Indian	Manufacturer	Not complying with conditions specified in Certificate issued by CPCB	(i) Cancellation of CPCB Certificate (ii) Penalty to be levied as per EP Act 1986

	Standard: IS 17088:2008 titled as Specifications for Compostable Plastics, as amended from time to time. The manufacturers or seller of compostable plastic carrybags shall obtain a certificate from the Central Pollution Control Board before marketing or selling;			
<u>6(1) & (7)</u>	Every local body shall be responsible for development and setting up of infrastructure for	Municipal Commissioner,	Adequate infrastructure for plastic waste management not set up	(i) EC to be levied @ Rs.4000/- per ton of plastic waste to be handled from one year after the date of notification of PWM Rules (March 18, 2016)

	segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers.			(ii) Penalty to be levied as per EP Act 1986
<u>6(2)(g) & 7(c)</u>	Ensuring that open burning of plastic waste does not take place	Person responsible for plastic burning Industries	Burning plastic	(i) Imposing spot fine of Five thousand rupees per incident of burning (ii) Fine of Rs.50000/- per incident of burning (To be imposed by Local Bodies)
<u>8(1)(a)</u>	The waste generator shall take steps to minimize generation of plastic waste and segregate plastic waste at source	Waste generator	Waste not segregated	Spot fine of Five hundred rupees (To be imposed by Local Bodies)
<u>8(1)(b)</u>	The waste generator	Waste	Waste littered	Spot fine of Five hundred rupees (To be

	shall Not litter the plastic waste	generator		imposed by Local Bodies)
13 (2)	Every producer or brand-owner shall, for the purpose of registration or for renewal of registration, make an application in Form-I to i. "The concerned State Pollution Control Board or	Producer & Brand Owner	Registration not obtained	<ul style="list-style-type: none"> (i) Closure of operations of the brandowner (ii) EC to be levied @ Rs.4000/- per ton of plastic waste to be handled from the six months after the date of notification of PWM Rules (March 18, 2016) (iii) Penalty to be levied as per EP Act 1986
			Non-compliance of conditions stipulated in the Registration	(i) Cancellation of Registration

	<p>Pollution Control Committee of the Union territory, if operating one or two States or Union Territories";</p> <p>or</p> <p>ii. "The Central Pollution Control Board, if operating in more than two States or Union Territories".</p>		Not meeting set PWM target as per the Registration certificate	(iv) EC to be levied @ Rs.4000/- per ton for the PWM target not met
<u>13(3)</u>	Every person recycling or processing waste or proposing to recycle or process plastic waste shall make an	Recycler	Unit operating without Registration	<ul style="list-style-type: none"> - Closure of unit - Penalty to be levied as per EP Act 1986

	application to the State Pollution Control Board or the Pollution Control Committee, for grant of registration or renewal of registration for the recycling unit, in Form II.			
<u>13(4)</u>	Every manufacturer engaged in manufacture of plastic to be used as raw material by the producer shall make an application to the State Pollution Control Board or the Pollution Control Committee of the	Manufacturer	Unit operating without Registration	<ul style="list-style-type: none"> - Closure of unit - Penalty to be levied as per EP Act 1986

	Union territory concerned, for the grant of registration or for the renewal of registration, in Form III.			
14(1)	Retailers or street vendors shall not sell or provide commodities to consumer in carry bags or plastic sheet or multi-layered packaging, which are not manufactured and labelled or marked, as per prescribed under these rules	Retailer/ Street vendor	Selling products in plastic bags which are not complying with provisions of PWM Rules	-Fine of five thousand rupees on the Retailer & Seizure of plastic bags/sheets -Fine of five hundred rupees on street vendor & plastic bags/sheets (To be imposed by local bodies)

Note: (*) : For Multiplayer plastic , EC to be levied @ Rs. 8,000/- per ton

5. DETERRENT FACTOR

(a) In case of non-timely submission of Environmental Compensation and Financial Penalty: 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 in **Table 4**

Table 4: EC Charges and Financial Penalty w.r.t. non-timely submission

Sl. No.	Amount Deposition time period	Environmental Compensation and Financial Penalty Amount
1.	Within 15 days from the stipulated time period as directed by CPCB/SPCB/PCC	Original amount with interest @ 12% per annum for number of days delayed after the stipulated date of amount deposition
2.	After 15 days but within 03 months after the stipulated time period as directed by CPCB/SPCB/PCC	Two times the original amount with interest @ 12% per annum for number of days delayed after 15 days of the stipulated date of
3.	After 03 months and up to 06 months from the stipulated time period	Four times the original amount with interest @ 12% per annum for number of days delayed after three months of the stipulated date of amount deposition
4.	After 06 month	Closure of unit/facility

(b) In case of repeated violations

In case the violators found repeatedly non-complying with previous violations or new violations, the amount of Environmental Compensation and Financial Penalty be exponentially increased. The details of exponential increase in such cases are given in **Table 5**

Table 5: EC Charges in case of repeated violation

Sl. No.	Time Period for compliance	Environmental Compensation and Financial Penalty Amount
1.	First time violation	Original amount
2.	Second time violation	Two times the original amount
3.	Third time violation	Four times the original amount
4.	Fourth time violation	Closer of unit

Detailed Report of States/UTs
for quarter (Oct to Dec, 2019) in O.A. 247/2017

Annexure-IV

Serial No.	Items	Assam			
		Current Status	Desirable Levels	Gap between the current status and desirable level	Timeline
1	what is the quantity of plastic waste generated (Annual Report form VI pt. 2,6) (TPD)	66.54			
2(a)	Number of registered plastic manufacturing units	GAP	GAP	GAP	GAP
2(b)	Capacity of registered plastic manufacturing units (TPD)	GAP	GAP	GAP	GAP
3(a)	Total No of ULBs	95			
3(b)	Percentage of ULBs which have set-up of plastic waste management system as per Rule 6(2)? (including collection, segregation, channelization & processing of plastic waste)	GAP	GAP	GAP	GAP
3(c)	Percentage of ULBs having facilities for collection of segregated waste	GAP	GAP	GAP	GAP
3(d)	Percentage of ULBs Material Recovery Facility	GAP	GAP	GAP	GAP
4(a)	Total no. of Gram Panchayat	GAP	GAP	GAP	GAP
4(b)	Percentage of Gram Panchayat which have setup of plastic waste management system as per Rule 7	GAP	GAP	GAP	GAP
4(c)	Percentage of GPs having facilities for Collection of segregated waste	GAP	GAP	GAP	GAP
4(d)	Percentage of GPs having Material Recovery Facility	GAP	GAP	GAP	GAP
5(a)	No. of registered Producers/brand owners/importers as per Rules 9 & 13 of PWM Rules?	GAP	GAP	GAP	GAP
5(b)	Percentage of Producers/Brandowners/Importers which have engaged with ULBs for PWM	GAP	GAP	GAP	GAP
5(c)	Percentage of ULBs which have set up system for plastic waste management with assistance of producers been set-up? Rule {6(3)}?	GAP	GAP	GAP	GAP
6(a)	Number of registered plastic waste recyclers	GAP	GAP	GAP	GAP
6(b)	Capacity of recycler (TPD)	GAP	GAP	GAP	GAP
7	Status-of Utilization of plastic waste (Annual Report form VI pt.4)				

7(a)	Quantity of Plastic waste utilized in recycling (TPD)	29.23	GAP	GAP	GAP
7(b)	Quantity of plastic waste utilized in recycling Road Construction	GAP	GAP	GAP	GAP
7(c)	Quantity of waste Co-processed in Plastic Waste In Cement kilns	GAP	GAP	GAP	GAP
7(d)	Quantity of waste utilized in production of RDF	GAP	GAP	GAP	GAP
7 (e)	Quantity of plastic waste used in production of Waste to oil	GAP	GAP	GAP	GAP
7(f)	Quantity of plastic waste used in other purpose (please specify)	GAP	GAP	GAP	GAP
8(a)	No. of Units registered manufacturing compostable plastic	GAP	GAP	GAP	GAP
8(b)	Total Capacity of Units manufacturing compostable plastic	GAP	GAP	GAP	GAP
9(a)	No. of unregistered plastic manufacturing or recycling units. (Annual Report format pt.7)	GAP	GAP	GAP	GAP
10	Whether local bodies have framed bye-laws [Rule6 (4)]?	Yes			
11	Whether plastic carry bags & plastic sheet of thickness < 50 micron banned or not [Rule4(c)]? Whether plastic carry bags & plastic sheet of thickness < 50 micron banned or not [Rule4(c)]?	plastic carry bags & plastic sheet of thickness < 50 micron banned			
12	Has complete ban on plastic carry bags been imposed? (Annual Report format pt. 3)	Banned			
13	Status of action taken on non-compliance of PWM Rules (Annual Report format pt.9)	GAP	GAP	GAP	GAP
14	Status of marking & labelling on plastic carry bags & multi layered packaging.(Rule11)	GAP	GAP	GAP	GAP
15	Whether State Level Advisory Committee is constituted or not? [Rule 16] If yes, details of number of meetings conducted in a year and implementation of suggestions of committee in the last 2 years	GAP	GAP	GAP	GAP

16	Status of phasing out of manufacture and use of multi-layered plastic which is non-recyclable or non-energy recoverable or with no alternate use of plastic in two years' time [Rule9-3]	GAP	GAP	GAP	GAP
17		GAP	GAP	GAP	GAP
a.	Has institutional mechanism as per para 14d of Hon'ble NGT order been established (Y/N)	Yes			
b.	Confirmation that no unregistered plastic manufacturing/recycling unit is operated in your jurisdiction (Y/N)	PCAB is strictly monitoring that producer/recyclers is operating without Registration			
c	Confirmation that no plastic carry bags/films < 50 microns thickness is stocked, sold and used in cities/towns of State (Y/N)	Yes			
d	Confirmation that thermocol/polystyrene cups, plates etc are not used extensively and are not haphazardly littered (Y/N)	Direction issued to ULBs			
e	Confirmation that SPECIAL Environmental Squad has been set up for enforcement to oversee and ensure that no litter of plastic waste takes place at public places	Yes			
f	confirmation that no burning of plastic in open take place in State/UT (Y/N)	Direction issued to ULBs			

Serial No.	Items	Delhi			
		Current Status	Desirable Levels	Gap between the current status and desirable level	Timeline
1	what is the quantity of plastic waste generated (Annual Report form VI pt. 2,6) (TPD)	1311.6	596.7	NA	10 Months
2(a)	Number of registered plastic manufacturing units	161	NA		12 months
2(b)	Capacity of registered plastic manufacturing units (TPD)	300	500	200	12 months
3(a)	Total No of ULBs	5			
3(b)	Percentage of ULBs which have set-up of plastic waste management system as per Rule 6(2)? (including collection, segregation, channelization & processing of plastic waste)	100	100	100	
3(c)	Percentage of ULBs having facilities for collection of segregated waste	50	100	50	GAP
3(d)	Percentage of ULBs Material Recovery Facility	80	100	20	GAP
4(a)	Total no. of Gram Panchayat	Nil			
4(b)	Percentage of Gram Panchayat which have setup of plastic waste management system as per Rule 7				
4(c)	Percentage of GPs having facilities for Collection of segregated waste				
4(d)	Percentage of GPs having Material Recovery Facility				
5(a)	No. of registered Producers/brand owners/importers as per Rules 9 & 13 of PWM Rules?	161	NA	NA	10 Months
5(b)	Percentage of Producers/Brandowners/Importers which have engaged with ULBs for PWM	0	0	0	10 Months
5(c)	Percentage of ULBs which have set up system for plastic waste management with assistance of producers been set -up? Rule (6(3))?	0			0
6(a)	Number of registered plastic waste recyclers	315	GAP	GAP	GAP
6(b)	Capacity of recycler (TPD)	315	GAP	GAP	GAP
7	Status-of Utilization of plastic waste (Annual Report form VI pt.4)				
7(a)	Quantity of Plastic waste utilized in recycling (TPD)	300	GAP	GAP	GAP
7(b)	Quantity of plastic waste utilized in recycling Road Construction	0	GAP	GAP	GAP

7(c)	Quantity of waste Co-processed in Plastic Waste in Cement kilns	0	GAP	GAP	GAP
7(d)	Quantity of waste utilized in production of RDF	0			
7 (e)	Quantity of plastic waste used in production of Waste to oil	0	GAP	GAP	GAP
7(f)	Quantity of plastic waste used in other purpose (please specify)	0	GAP	GAP	GAP
8(a)	No. of Units registered manufacturing compostable plastic	0	GAP	GAP	GAP
8(b)	Total Capacity of Units manufacturing compostable plastic	0	GAP	GAP	GAP
9(a)	No. of unregistered plastic manufacturing or recycling units. (Annual Report format pt.7)	0	0	0	0
10	Whether local bodies have framed bye-laws [Rule6 (4)]?	Pending with Delhi Govt	GAP	GAP	GAP
11	Whether plastic carry bags & plastic sheet of thickness < 50 micron banned or not [Rule4(c)]? Whether plastic carry bags & plastic sheet of thickness < 50 micron banned or not [Rule4(c)]?	Banned			
12	Has complete ban on plastic carry bags been imposed? (Annual Report format pt. 3)	No			
13	Status of action taken on non-compliance of PWM Rules (Annual Report format pt.9)	Penal action as per PWM Rules			
14	Status of marking & labelling on plastic carry bags & multi layered packaging.(Rule11)	Yes			
15	Whether State Level Advisory Committee is constituted or not? [Rule 16] If yes, details of number of meetings conducted in a year and implementation of suggestions of committee in the last 2 years	Yes 2 meeting in a year			
16	Status of phasing out of manufacture and use of multi-layered plastic which is non-recyclable or non-energy recoverable or with no alternate use of plastic in two years' time [Rule9-3]	Not Finalized			

17					
a.	Has institutional mechanism as per para 14d of Hon'ble NGT order been established (Y/N)	No			
b.	Confirmation that no unregistered plastic manufacturing/recycling unit is operated in your jurisdiction (Y/N)	Yes			
c	Confirmation that no plastic carry bags/films < 50 microns thickness is stocked, sold and used in cities/towns of State (Y/N)	Yes			
d	Confirmation that thermocol/polystyrene cups, plates etc are not used extensively and are not haphazardly littered (Y/N)	Yes			
e	Confirmation that SPECIAL Environmental Squad has been set up for enforcement to oversee and ensure that no litter of plastic waste takes place at public places	Yes			
f	confirmation that no burning of plastic in open take place in State/UT (Y/N)	Yes			

Serial No.	Items	Goa			
		Current Status	Desirable Levels	Gap between the current status and desirable level	Timeline
1	what is the quantity of plastic waste generated (Annual Report form VI pt. 2,6) (TPD)	72.54			
2(a)	Number of registered plastic manufacturing units	GAP	GAP	GAP	GAP
2(b)	Capacity of registered plastic manufacturing units (TPD)	GAP	GAP	GAP	GAP
3(a)	Total No of ULBs	GAP	GAP	GAP	GAP
3(b)	Percentage of ULBs which have set-up of plastic waste management system as per Rule 6(2)? (including collection, segregation, channelization & processing of plastic waste)	GAP	GAP	GAP	GAP
3(c)	Percentage of ULBs having facilities for collection of segregated waste	GAP	GAP	GAP	GAP
3(d)	Percentage of ULBs Material Recovery Facility	GAP	GAP	GAP	GAP
4(a)	Total no. of Gram Panchayat	191	GAP	GAP	GAP
4(b)	Percentage of Gram Panchayat which have setup of plastic waste management system as per Rule 7	GAP	GAP	GAP	GAP
4(c)	Percentage of GPs having facilities for Collection of segregated waste	GAP	GAP	GAP	GAP
4(d)	Percentage of GPs having Material Recovery Facility	GAP	GAP	GAP	GAP
5(a)	No. of registered Producers/brand owners/importers as per Rules 9 & 13 of PWM Rules?	GAP	GAP	GAP	GAP
5(b)	Percentage of Producers/Brandowners/Importers which have engaged with ULBs for PWM	GAP	GAP	GAP	GAP
5(c)	Percentage of ULBs which have set up system for plastic waste management with assistance of producers been set -up? Rule (6(3))?	Nil	GAP	GAP	GAP
6(a)	Number of registered plastic waste recyclers	GAP	GAP	GAP	GAP
6(b)	Capacity of recycler (TPD)	GAP	GAP	GAP	GAP

7	Status-of Utilization of plastic waste (Annual Report form VI pt.4)				
7(a)	Quantity of Plastic waste utilized in recycling (TPD)	9.837	GAP	GAP	GAP
7(b)	Quantity of plastic waste utilized in recycling Road Construction	GAP	GAP	GAP	GAP
7(c)	Quantity of waste Co-processed in Plastic Waste in Cement kilns	GAP	GAP	GAP	GAP
7(d)	Quantity of waste utilized in production of RDF	GAP	GAP	GAP	GAP
7 (e)	Quantity of plastic waste used in production of Waste to oil	GAP	GAP	GAP	GAP
7(f)	Quantity of plastic waste used in other purpose (please specify)	GAP	GAP	GAP	GAP
8(a)	No. of Units registered manufacturing compostable plastic	GAP	GAP	GAP	GAP
8(b)	Total Capacity of Units manufacturing compostable plastic	GAP	GAP	GAP	GAP
9(a)	No. of unregistered plastic manufacturing or recycling units. (Annual Report format pt.7)	GAP	GAP	GAP	GAP
10	Whether local bodies have framed bye-laws [Rule6 (4)]?	GAP	GAP	GAP	GAP
11	Whether plastic carry bags & plastic sheet of thickness < 50 micron banned or not [Rule4(c)]? Whether plastic carry bags & plastic sheet of thickness < 50 micron banned or not [Rule4(c)]?	banned			
12	Has complete ban on plastic carry bags been imposed? (Annual Report format pt. 3)	No, there is no complete ban on carry bags imposed in ULBs jurisdiction			
13	Status of action taken on non-compliance of PWM Rules (Annual Report format pt.9)	GAP	GAP	GAP	GAP
14	Status of marking & labelling on plastic carry bags & multi layered packaging.(Rule11)	GAP	GAP	GAP	GAP
15	Whether State Level Advisory Committee is constituted or not? [Rule 16] If yes, details of number of meetings conducted in a year and implementation of suggestions of committee in the last 2 years	GAP	GAP	GAP	GAP

16	Status of phasing out of manufacture and use of multi-layered plastic which is non-recyclable or non-energy recoverable or with no alternate use of plastic in two years' time [Rule9-3]	GAP	GAP	GAP	GAP
17		GAP	GAP	GAP	GAP
a.	Has institutional mechanism as per para 14d of Hon'ble NGT order been established (Y/N)	GAP	GAP	GAP	GAP
b.	Confirmation that no unregistered plastic manufacturing/recycling unit is operated in your jurisdiction (Y/N)	yes			
c	Confirmation that no plastic carry bags/films < 50 microns thickness is stocked, sold and used in cities/towns of State (Y/N)	yes			
d	Confirmation that thermocol/polystyrene cups, plates etc are not used extensively and are not haphazardly littered (Y/N)	Yes Direction conveyed to ULBS			
e	Confirmation that SPECIAL Environmental Squad has been set up for enforcement to oversee and ensure that no litter of plastic waste takes place at public places	yes			
f	confirmation that no burning of plastic in open take place in State/UT (Y/N)	GAP			

Odisha					
Serial No.	Items	Current Status	Desirable Levels	Gap between the current status and desirable level	Timeline
1	what is the quantity of plastic waste generated (Annual Report form VI pt. 2,6) (TPD)	126	126	0	37.368
2(a)	Number of registered plastic manufacturing units	14	GAP	GAP	GAP
2(b)	Capacity of registered plastic manufacturing units (TPD)	718.34	GAP	GAP	GAP
3(a)	Total No of ULBs	114			
3(b)	Percentage of ULBs which have set-up of plastic waste management system as per Rule 6(2)? (including collection, segregation, channelization & processing of plastic waste)	32	100	68	Dec-20
3(c)	Percentage of ULBs having facilities for collection of segregated waste	32	100	68	Dec-20
3(d)	Percentage of ULBs Material Recovery Facility	32	100	68	Dec-20
4(a)	Total no. of Gram Panchayat	6798			
4(b)	Percentage of Gram Panchayat which have setup of plastic waste management system as per Rule 7	PWM has been initiated 90 model GPs	PWM has been initiated 90 model GPs	Current initiatives are primarily limited to 90 model GPs	Oct-22
4(c)	Percentage of GPs having facilities for Collection of segregated waste	Segregation of waste has been initiated in 90 model GPs	Segregation of waste has been initiated in 90 model GPs	Current initiatives are primarily limited to 90 model GPs	
4(d)	Percentage of GPs having Material Recovery Facility	90 Model GPs have storage units for recovery of recyclable waste. 35 Model GPs have been tagged with MRFs of nearby ULBs	All GPs to have storage units. Every block to have a resource recovery centre/material recovery facility	Current initiatives are primarily limited to 90 model GPs	
5(a)	No. of registered Producers/brand owners/importers as per Rules 9 & 13 of PWM Rules?	11	GAP	GAP	GAP
5(b)	Percentage of Producers/Brandowners/Importers which have engaged with ULBs for PWM	NA	GAP	GAP	GAP
5(c)	Percentage of ULBs which have set up system for plastic waste management with assistance of producers been set -up? Rule (6(3))?	NA	GAP	GAP	GAP
6(a)	Number of registered plastic waste recyclers	3			
6(b)	Capacity of recycler (TPD)	168			

7	Status-of Utilization of plastic waste (Annual Report form VI pt.4)				
7(a)	Quantity of Plastic waste utilized in recycling (TPD)	68.4	75.6	7.2	Dec-20
7(b)	Quantity of plastic waste utilized in recycling Road Construction	4.6 TPA	GAP	GAP	GAP
7(c)	Quantity of waste Co-processed in Plastic Waste in Cement kilns	150	50.4	48.9	Continuos
7(d)	Quantity of waste utilized in production of RDF	GAP	GAP	GAP	GAP
7 (e)	Quantity of plastic waste used in production of Waste to oil	GAP	GAP	GAP	GAP
7(f)	Quantity of plastic waste used in other purpose (please specify)	GAP	GAP	GAP	GAP
8(a)	No. of Units registered manufacturing compostable plastic	Nil	GAP	GAP	GAP
8(b)	Total Capacity of Units manufacturing compostable plastic	Nil	GAP	GAP	GAP
9(a)	No. of unregistered plastic manufacturing or recycling units. (Annual Report format pt.7)	Nil	GAP	GAP	GAP
10	Whether local bodies have framed bye-laws [Rule6 (4)]?	114(Draft Bye-Laws published)			31.10.2020
11	Whether plastic carry bags & plastic sheet of thickness < 50 micron banned or not [Rule4(c)]? Whether plastic carry bags & plastic sheet of thickness < 50 micron banned or not [Rule4(c)]?	yes , banned in 114 ULBs	yes , banned in 114 ULBs	0	
12	Has complete ban on plastic carry bags been imposed? (Annual Report format pt. 3)	yes , banned in 114 ULBs	yes , banned in 114 ULBs	0	
13	Status of action taken on non-compliance of PWM Rules (Annual Report format pt.9)	complied by all ULBs			
14	Status of marking & labelling on plastic carry bags & multi layered packaging.(Rule11)	complied by all ULBs			
15	Whether State Level Advisory Committee is constituted or not? [Rule 16] If yes, details of number of meetings conducted in a year and implementation of suggestions of committee in the last 2 years	Yes, SLAC constituted meetings conducted			

16	Status of phasing out of manufacture and use of multi-layered plastic which is non-recyclable or non-energy recoverable or with no alternate use of plastic in two years' time [Rule9-3]	NA			
17					
a.	Has institutional mechanism as per para 14d of Hon'ble NGT order been established (Y/N)	Yes			
b.	Confirmation that no unregistered plastic manufacturing/recycling unit is operated in your jurisdiction (Y/N)	Yes			
c	Confirmation that no plastic carry bags/films < 50 microns thickness is stocked, sold and used in cities/towns of State (Y/N)	Yes			
d	Confirmation that thermocol/polystyrene cups, plates etc are not used extensively and are not haphazardly littered (Y/N)	GAP			
e	Confirmation that SPECIAL Environmental Squad has been set up for enforcement to oversee and ensure that no litter of plastic waste takes place at public places	GAP			
f	confirmation that no burning of plastic in open take place in State/UT (Y/N)	Enforcement squad constituted			

Serial No.	Items	U.P.			
		Current Status	Desirable Levels	Gap between the current status and desirable	Timeline
1	what is the quantity of plastic waste generated (Annual Report form VI pt. 2,6) (TPD)	697			
2(a)	Number of registered plastic manufacturing units	1	GAP	GAP	GAP
2(b)	Capacity of registered plastic manufacturing units (TPD)	2219.2			
3(a)	Total No of ULBs	652			
3(b)	Percentage of ULBs which have set-up of plastic waste management system as per Rule 6(2)? (including collection, segregation, channelization & processing of plastic waste)	97.2	GAP	GAP	GAP
3(c)	Percentage of ULBs having facilities for collection of segregated waste	97.2	GAP	GAP	GAP
3(d)	Percentage of ULBs Material Recovery Facility	0 To be set up Rs 227 crore release for setting up 01 MRF in each of 625 ULBs by December, 2020	GAP	GAP	GAP
4(a)	Total no. of Gram Panchayat	58755	GAP	GAP	GAP
4(b)	Percentage of Gram Panchayat which have setup of plastic waste management system as per Rule 7	GAP	GAP	GAP	GAP
4(c)	Percentage of GPs having facilities for Collection of segregated waste	21281 GPs and 35092 Revenue villages have been provided 189399 containers.	GAP	GAP	GAP
4(d)	Percentage of GPs having Material Recovery Facility		GAP	GAP	GAP
5(a)	No. of registered Producers/brand owners/importers as per Rules 9 & 13 of PWM Rules?	Total 170 Producer-157 Manufacturer- 01 Brand Owner -08 Importer-04	GAP	GAP	GAP
5(b)	Percentage of Producers/Brandowners/Importers which have engaged with ULBs for PWM	35 brand Owner/producers have establish network for waste collection in compliance of EPR	GAP	GAP	GAP
5(c)	Percentage of ULBs which have set up system for plastic waste management with assistance of producers been set -up? Rule (6(3))?	35 brand Owner/producers have establish network for waste collection in compliance of EPR	GAP	GAP	GAP
6(a)	Number of registered plastic waste recyclers	16	GAP	GAP	GAP
6(b)	Capacity of recycler (TPD)	693 TPD	GAP	GAP	GAP
7	Status-of Utilization of plastic waste (Annual Report form VI pt.4)				
7(a)	Quantity of Plastic waste utilized in recycling (TPD)	693	GAP	GAP	GAP

7(b)	Quantity of plastic waste utilized in recycling Road Construction	Plastic Waste used for Road construction. 100 tons in Lucknow, Kanpur, Meerut and Jhansi.	GAP	GAP	GAP
7(c)	Quantity of waste Co-processed in Plastic Waste in Cement kilns	Total 22 Pulp and paper units in Ghaziabad, Meerut and Muzaffarnagar have disposed 635.22 MT Plastic waste for co-processing in M/s Ultratech Cement, Rajsthan during year 2020-21. In addition M/s Ultratech Sonebhadra has utilised 307 Ton Plastic Waste for co-processing during year, 2020-21 and 800 ton during year 2019-20.	GAP	GAP	GAP
7(d)	Quantity of waste utilized in production of RDF	30 TPD in Meerut	GAP	GAP	GAP
7 (e)	Quantity of plastic waste used in production of Waste to oil	Plastic waste to oil plant 1800 TPA in Mathura set up. Plastic waste to Oil plant 2 ton/day in Jhansi. M/s Uflex Ltd Noida is utilizing in house non recyclable plastic waste for the production of fuel, carbon black and gas. the capacity of the plant is 6 TPD	GAP	GAP	GAP
7(f)	Quantity of plastic waste used in other purpose (please specify)	NA	GAP	GAP	GAP
8(a)	No. of Units registered manufacturing compostable plastic	4	GAP	GAP	GAP
8(b)	Total Capacity of Units manufacturing compostable plastic	335 Tonne per months	GAP	GAP	GAP
9(a)	No. of unregistered plastic manufacturing or recycling units. (Annual Report format pt.7)	GAP	GAP	GAP	GAP
10	Whether local bodies have framed bye-laws [Rule6 (4)]?	GAP	GAP	GAP	GAP
11	Whether plastic carry bags & plastic sheet of thickness < 50 micron banned or not [Rule4(c)]? Whether plastic carry bags & plastic sheet of thickness < 50 micron banned or not [Rule4(c)]?	GAP	GAP	GAP	GAP
12	Has complete ban on plastic carry bags been imposed? (Annual Report format pt. 3)	GAP	GAP	GAP	GAP
13	Status of action taken on non-compliance of PWM Rules (Annual Report format pt.9)	GAP	GAP	GAP	GAP
14	Status of marking & labelling on plastic carry bags & multi layered packaging.(Rule11)	GAP	GAP	GAP	GAP

15	Whether State Level Advisory Committee is constituted or not? [Rule 16] If yes, details of number of meetings conducted in a year and implementation of suggestions of committee in the last 2 years	Yes	GAP	GAP	GAP
16	Status of phasing out of manufacture and use of multi-layered plastic which is non-recyclable or non-energy recoverable or with no alternate use of plastic in two years' time [Rule9-3]	GAP	GAP	GAP	GAP
17		GAP	GAP	GAP	GAP
a.	Has institutional mechanism as per para 14d of Hon'ble NGT order been established (Y/N)	GAP	GAP	GAP	GAP
b.	Confirmation that no unregistered plastic manufacturing/recycling unit is operated in your jurisdiction (Y/N)	GAP	GAP	GAP	GAP
c	Confirmation that no plastic carry bags/films < 50 microns thickness is stocked, sold and used in cities/towns of State (Y/N)	GAP	GAP	GAP	GAP
d	Confirmation that thermocol/polystyrene cups, plates etc are not used extensively and are not haphazardly littered (Y/N)	GAP	GAP	GAP	GAP
e	Confirmation that SPECIAL Environmental Squad has been set up for enforcement to oversee and ensure that no litter of plastic waste takes place at public places	GAP	GAP	GAP	GAP
f	confirmation that no burning of plastic in open take place in State/UT (Y/N)	GAP	GAP	GAP	GAP

Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Execution Application No. 13/2019
In
Original Application No. 247/2017

(With report dated 04.09.2020)

Central Pollution Control Board

Applicant(s)

Versus

State of Andaman & Nicobar & Ors.

Respondent(s)

Date of hearing: 10.09.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Mr. Raj Kumar, Advocate

ORDER

1. The issue for consideration is the implementation of Plastic Waste Management Rules, 2016 (PWM Rules) and directions issued by the CPCB on 30.06.2016 to implement the thickness norms for carry bags, constitution of squads for vigilance, preventing littering of plastic waste in public, submission of annual reports and action plan for management, quantification and characterization in every city/town of all the States/UTs.

2. The Rules lay down conditions for manufacture, import, stocking, distribution sale and use of carry bags, plastic sheets, multilayer packaging etc. and waste management. Responsibilities are assigned to

local bodies, waste generators, producers, importers and brand owners. Provisions including protocols for compostable plastic material, marking, labelling have also been made. State PCBs/PCCs are the authorities for enforcement. There is a provision for registration for manufacturers, producers and recyclers. Responsibility is also assigned to the retailers and street vendors. State level monitoring Committees are to be constituted. Reports are to be filed by recyclers/processors to local bodies, by local bodies to Urban Development Departments and PCBs/PCCs, by PCBs/PCCs to CPCB and by CPCB to the Central Government. CPCB itself has approached this Tribunal with a grievance that compliance of Rules is not taking place.

3. As earlier mentioned, the matter has been considered on several occasions in the last three years. Directions were issued to all the States/UTs to ensure the compliance with PWM Rules and to furnish information to the CPCB under the relevant heads. Thereafter, as per report of the CPCB filed on 30.05.2019, it was found that there was huge gap in preparation and execution of action plans for implementation of the Rules. The Tribunal also noted that implementation of Extended Procedures Responsibility (EPR) remained a challenge for which MoEF&CC had to finalize a policy framework.

4. On 06.12.2019, the Additional Secretary, MoEF&CC appeared in person and submitted that three models were being debated in this regard. The Tribunal, after referring to earlier proceedings and stand of the concerned parties, issued following directions:-

"14. In view of above discussion, we sum up our directions as follows:

- a) **National Framework for extended producers liability be finalized and enforced as far as possible within three months and a report furnished by the MoEF&CC as per observations in para 12 above.**
- b) **CPCB may give its report for compensation regime in terms of para 13 above.**
- c) *The States/UTs may finalize the time targeted action plans and give information about the implementation status to the CPCB as per recommendations in the report of the CPCB summarized in para 9 above.*
- d) *An institutional mechanism be established to ensure that:*
 - i. **No unregistered plastic manufacturing/recycling units is in operation and no unit is running in non-conforming/ residential areas.**
 - ii. **No plastic carry bags /films <50 microns thickness should be manufactured, stocked, sold and used in cities/towns.**
 - iii. **Thermocol/polystyrene cups, plates, etc. used extensively and haphazardly littered are properly regulated.**
 - iv. **Special Environment Squads may be set up for enforcement to oversee and ensure that no litter of plastic waste takes place at historical, religious, public places and dumping of plastic waste on drains, river, banks and sea and no burning of plastic takes place in open.**
 - v. *The States/UTs may submit their compliance reports to CPCB quarterly in a cumulative format, failing which compensation of Rs. 1 lakh per quarter shall be levied by the CPCB. The CPCB may compile and file its consolidated report on quarterly basis before this Tribunal. First quarterly report be filed before the next date by e-mail at judicial-ngt@gov.in."*

5. In view of above, the CPCB has filed its report on 04.09.2020. The conclusion in the report is as follows:-

- i. **15 States/UTs namely A&N island, Assam, D & NH, Goa, Jharkhand, Karnataka, Lakshadweep, Manipur, Mizoram, Nagaland, Orissa, Rajasthan, Sikkim, U.P.**

and West Bengal have not submitted compliance report on PWM and these States & UTS are required to pay compensation of Rs 1 Lakh for the quarter Oct-Dec, 2019 in compliance of Hon'ble NGT Order dated December 6th, 2019.

- ii. 80% ULBs & 10% VPs have set-up of plastic waste management system as per provision of PWM Rules ; 82% ULBs & 9.1% VPs have facility for collection of segregated waste. only 59.5 % ULBS and 5.93% have provision for Material Recovery Facility. States/UTs are required to setup PWM system as per rule 7 of PWM rules.2018 in each and every ULB and GP. Emphasis has to be laid on provision of facilities for secondary segregation of waste and more emphasis in Village Panchayats
- iii. Only 11% of the Registered brand owners have engaged with 6% ULBs for PWM. Increased engagement of brand owners with ULBs is recommended for efficient PWM
- iv. Timelines to be provided by States and UTs for management of plastic waste as per provisions of PWM Rules
- v. Capacity of recycling (5347 TPD- 80%) is only 63% is utilized which can be attributed to unequal distribution of recyclers and inefficient channelization of plastic waste. Efficient channelization of plastic waste and increased networking of recyclers required for recycling of plastic waste
- vi. Comparatively less quantity of plastic waste used in road making, waste to oil, co-processing and RDF preparation. Impetus required for increased use of plastic waste in these areas.
- vii. Registration granted for compostable plastics in only eight States & UTs as per 8a in the above table. CPCB has issued certificate to 108 manufacturers/sellers in 19 States/UTs. However Registration has been granted to only 32 units by concerned SPCBs/PCCs. Impetus required for promotion of compostable plastics in the States & UTs and bringing them under the purview of PWM Rules
- viii. All unregistered units to be brought under the purview of legal framework as per provision of PWM Rules
- ix. Most states & UTs have imposed restriction on manufacture and usage of plastic bags. Similar restrictions should be imposed on manufacture and usage of plastic sheets
- x. Time targeted action plan for efficient channelization and utilization of plastic waste addressing the cells marked as "**GAPS**" in **annexure III** as identified for the individual state to be framed and implemented in the States & UTs."

6. We may review the status of compliance of directions in the order of this Tribunal dated 16.12.2019, already quoted above. With regard to direction (a), it is submitted that the MoEF&CC is yet to finalize its policy though the CPCB has already given its report on the subject to the MoEF&CC. None appears for the MoEF&CC. Even in O.A. No. 15/2014 listed today, involving overlapping issues, no one appeared for the MoEF&CC which shows that **the MoEF&CC is ignoring even most serious environmental issues which is very unfortunate. Let Secretary, MoEF&CC look into the matter and take remedial action.**

However, we have come across the draft of "Guidelines Document" on 'Uniform Framework for Extended Producers Responsibility (Under Plastic Waste Management Rules, 2016)', seeking comments till 31.07.2020. It is not clear whether the policy has been so far finalised or not.

7. With regard to (b), compensation regime, the CPCB has still not finalized the same on the ground that it is waiting for the MoEF&CC finalizing its policy on the subject of EPR, which is no justification for delay by the CPCB. With regard to direction (c), the relevant information has not still been provided. With regard to direction (d), the information is not available with regard to the number of unregistered plastic units and number of such units in non-conforming/residential area. With regard to directions (ii) to (iv) of (d), adequate steps are not being taken.

We are of the view that having regard to significance of the issue, the Chairman and Member Secretary, CPCB need to hold periodic meetings by Video Conferencing with the Chairmen and Member Secretaries of all the State Boards/Committees on the subject to work out enforcement strategies, including action plans in all the Districts, involving Educational, Religious and other Institutions in the interest of

public health and protection of environment. Atleast one District in every State should be made a model for compliance of PWM Rules in the first instance and thereafter, the entire State should be made so compliant. State PCBs/PCCs, in coordination with State Level Monitoring Committees, need to involve the District Magistrates and other concerned local authorities for effective enforcement of the statutory regime.

8. Let the MoEF&CC and the CPCB may give their action taken reports before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

9. The concerned Joint Secretary, MoEF&CC and the Member Secretary, CPCB may remain present during the hearing by Video Conference to enable the Tribunal to consider and pass further orders in the interest of the environment and public health.

List for further consideration on 14.10.2020.

A copy of this order be sent to the Secretary, MoEF&CC and the Member Secretary, CPCB by e-mail for compliance.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 10, 2020
Execution Application No. 13/2019
In Original Application No. 247/2017
SN