

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

Vs.

State of Andaman & Nicobar & Ors.

Respondent(s)

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(Divya Sinha)

Scientist 'E'

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Place: Delhi

Date: 05.01.2021

**CENTRAL POLLUTION CONTROL BOARD
DELHI**

Date: 05.01.2021

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 during October- December,2020

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

2.1 EC regime

EC Regime for violation of PWM Rules had been included in the status report in the matter of O.A. No.247/2017 submitted by CPCB on October 12, 2020 to Hon'ble NGT.

Subsequently as per directions of competent authority, it has been modified and EC regime finalized by CPCB is placed at **Annexure-I**.

2.2 Coordination with States & UTS

2.2.1. Direction issued by CPCB related to setting up of institutional mechanism

- CPCB had 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:
 - (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 were required to submit periodic progress report regarding implementation of above to CPCB.

Subsequently a meeting with SPCBs/UTs was convened on December 28, 2020 through video conferencing to follow up with the compliance of directions issued by CPCB. List of the states which participated in the meeting is placed at **Annexure-II**.

As on date 11 States/UTs namely **Andman and Nicobar, Bihar, Goa, Kerala, Maharashtra, Meghalaya, Puducherry, Punjab, Tamil Nadu, Jammu & Kashmir and Tripura** have submitted compliance status w.r.t the directions issued. Haryana state UD has issued directions to all the Municipal Corporations in the state of Haryana. Gujarat and Sikkim state boards have requested for extension for submission of the status report.

An overview of the implementation status of directions by States /UTs is given in at **Annexure-III**.

During the meeting held on December 28, 2020. UPPCB informed that the required details have been provided in the Minutes of Meeting No. 65 dated 08.10.2020 of Hon'ble Oversight Committee, NGT, U.P. Lucknow on PWM Rules 2016 in O.A. No. 247/2017. The same is placed at **Annexure-IV**.

2.2.2. Direction issued by CPCB in the matter of O.A. No. 247/2017

CPCB has issued Directions under Sec 5 of EPA dated October 09, 2020 to the states/UTs for submission of complete information as per the CPCB report dated September 04, 2020 in the matter of O.A. No. 247/2017 as well as deposition of EC with CPCB in accordance with Hon'ble NGT Directions.

The status of submission of quarterly reports by different states for different quarters is placed at **Annexure-V**.

It is to be noted that none of the defaulting states/UTs have deposited EC for violation of PWM Rules with CPCB in accordance with Hon'ble NGT Directions.

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



**Central Pollution Control Board
Delhi
December 2020**

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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 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 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 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 is given in Table 1.0

Table 1: Provision of PWM Rules for which EC is to be levied

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 (e)	The manufacturer shall not sell or provide or arrange plastic to be used as raw material to a producer, not having valid registration from the concerned State Pollution Control Boards or Pollution Control Committee
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;
4 (i)	Plastic material, in any form including Vinyl Acetate - Maleic Acid - Vinyl Chloride Copolymer, shall not be used in any package for packaging gutkha, pan masala and tobacco in all forms
<u>6(1)</u> & <u>(7)</u>	Every local body shall be responsible for development and setting up of infrastructure for segregation, collection, storage, transportation,

Rule	Provisions
	processing and disposal of the plastic waste either on its own or by engaging agencies or producers.
<u>6(2)(g)</u> & <u>7(c)</u>	Ensuring that open burning of plastic waste does not take place
<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

Rule	Provisions
	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..of waste
 - 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 Rs.150/- per ton of plastic waste
 - 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 is Rs.270/- per ton of plastic waste

- iv. **O&M Cost of RDF facility:** Operational cost of RDF is Rs. 1200/- per Ton and Transportation cost is Rs. 300/- per ton of plastic waste

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 2.5 times the above amount i.e Rs.5000/- per ton of plastic waste shall be levied on the Local Bodies and the Producers/Brandowners.

(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

(a) EC Assessment & Penal Action

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 LEVIED & PENAL ACTION TO BE TAKEN FOR
NON-COMPLIANCE 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	<p>(i) Seizure of manufactured products & closure of unit</p> <p>(ii) EC to be levied @ Rs.5000/- 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 <u>later</u> <u>(EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)</u></p> <p>(iii) Penalty as per Section 15(1) of EPA 1986</p>
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	<p>(i) Seizure of manufactured products & closure of Unit</p> <p>(ii) EC to be levied @ Rs.5000/- per ton of plastic used in packaging of</p>

	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			<p>tobacco products from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is later (EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)</p> <p>(iii) Penalty as per Section 15(1) of EPA 1986</p>
4(f) & 4(i)	<p>(f) Sachets using plastic material shall not be used for storing, packing or selling gutkha, tobacco and pan masala;</p> <p>(i) Plastic material, in any form including Vinyl Acetate - Maleic Acid - Vinyl Chloride Copolymer, shall not be used in any package for packaging gutkha, pan masala and tobacco in all forms.</p>	Producer	Using plastic material for packaging	<p>(i) Seizure of products & closure of Unit</p> <p>(ii) EC to be levied @ Rs.5000/- per ton of plastic used in packaging of tobacco products from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is later</p> <p>(iii) Penalty as per Section 15(1) of EPA 1986 (EC to be levied @ Rs.10000/-</p>

				per ton for 2 nd violation and @ Rs.20000/- per ton for 3 rd violation)
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;	Manufacturer	Not complying with conditions specified in Certificate issued by CPCB	<p>(i) Cancellation of CPCB Certificate (<u>In case the violation is found w.r.t raw material used/ product manufactured, EC to be levied as per violation of Rule 13(2). Penalty for non-compliance of remaining condition shall be taken in accordance with relevant section of the PWM Rules)</u>)</p> <p>(ii) Penalty as per Section 15(1) of EPA 1986</p>
6(1) & (7)	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	Municipal Commissioner, Village Panchayat,	Adequate facilities for plastic waste management(PWM) not provided	<p>(i) EC to be levied @ Rs.5000/-per ton of plastic waste. <u>EC to be levied for shortfall in the PW qty for which PWM facilities have not been provided</u> w.e.f March 18, 2016- date of notification of these</p>

	either on its own or by engaging agencies or producers.			<p>Rules</p> <p>(EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)</p> <p>(ii) Penalty as per Section 15(1) of EPA 1986</p>
<u>6(2)(g)</u> & <u>7(c)</u>	Ensuring that open burning of plastic waste does not take place	Person responsible for plastic burning Industries	Burning plastic	<p>(i) Fine per incident of burning: Rs.5000/-</p> <p>(ii) Fine per incident of bulk burning Rs.25000/-</p> <p><i>Above is minimum EC to be levied for the said violation by the Local body. Local already imposing fine to continue doing so; if the fines are more than the minimum specified fines as per details given above</i></p> <p>(iii) Penalty as per Section 15(1) of EPA 1986</p>
<u>8(1)(a)</u>	The waste generator shall take	Waste	Waste not	(i) Waste generator : <u>Spot fine</u> -

	steps to minimize generation of plastic waste and segregate plastic waste at source	generator	segregated	<p><u>Rs.500/- (I violation); Rs.1000/- (II violation) ; Rs.2,000/- (Third violation & thereafter)</u></p> <p>(ii) <u>Institutional Waste Generator:</u> <u>Spot fine Rs.5000/- (I violation);</u> <u>Rs.10,000/- (II violation) ;</u> <u>Rs.20,000/- (Third violation & thereafter)</u></p> <p><i>Above is minimum EC to be levied for the said violation by the Local body. Local already imposing fine to continue doing so; if the fines are more than the minimum specified fines as per details given above</i></p> <p>(iii) Penalty as per Section 15(1) of EPA 1986</p>
8(1)(b)	The waste generator shall Not litter the plastic waste	Waste generator	Waste littered	<p>(i) Waste generator : Spot fine - Rs.500/- (I violation); Rs.1000/- (II</p>

				<p>violation) ; Rs.2,000/- (Third violation & thereafter)</p> <p>(ii) Institutional Waste Generator: Spot fine Rs.5000/- (I violation) ; Rs.10,000/- (II violation) ; Rs.20,000/- (Third violation & thereafter)</p> <p><i>Above is minimum EC to be levied for the said violation by the Local body. Local already imposing fine to continue doing so; if the fines are more than the minimum specified fines as per details given above</i></p> <p>(iii) Action as per Section 15(1) of EP Act for violation thereafter</p>
13 (2)	Every producer or brand-owner shall, for the purpose of	Producer & Brand Owner	Registration not obtained	<p>(i) Closure of operations of the brandowner</p>

	<p>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>		<p>(ii) EC to be levied @ Rs.5000/- per ton of plastic waste introduced by the producer or the brandowner from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is later</p> <p>(EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)</p> <p>(iii) Penalty as per Section 15(1) of EPA 1986</p>
		Non-compliance of conditions stipulated in the Registration	<p>(i) Cancellation of Registration</p>

			Not meeting set PWM target as per the Registration certificate	(ii) <u>EC to be levied @ Rs.5000/- per ton of PW introduced by the producer or the brand owner for which EPR liability has not been fulfilled for the period under consideration (EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)</u>
13(3)	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.	Recycler	Unit operating without Registration	(i) Closure of unit (ii) Penalty as per Section 15(1) of EPA 1986

13(4) & 4(e)	13(4) 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.	Manufacturer	Unit operating without Registration	(i) Closure of unit (ii) <u>EC to be levied @ Rs.2500/- per ton of plastic raw material manufactured from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is later (EC to be levied @ Rs.5000/- per ton for 2nd violation and @ Rs.10000/- per ton for 3rd violation & violation thereafter)</u> (iii) Penalty as per Section 15(1) of EPA 1986
	<u>4(e) The manufacturer shall not sell or provide or arrange plastic to be used as raw material to a producer, not having valid registration from the concerned State Pollution Control Boards or Pollution Control Committee;</u>	Manufacturer	Raw material sold to producers not having registration from SPCB	(i) <u>EC to be levied @ Rs.2500/- per ton of plastic raw material sold to unregistered producers from the date of notification of PWM Rules (March 18, 2016) whichever is later (EC to be levied @ Rs.5000/- per ton for 2nd violation and @ Rs.10000/- per ton for 3rd violation & Closure of unit</u>

				thereafter)
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	<p>(i) <u>Retailer: Seizure of plastic bags/sheets ; Fine Rs.2000/- (I violation) ; Rs.5000/- (II violation) ; Rs.10,000/- (Third incident & seizure of trade documents thereafter.)</u></p> <p>(ii) <u>Street vendor : Seizure of plastic bags/sheets ; Fine Rs.200/- (I violation) ; Rs.500/- (II violation) ; Rs.1000/- (Third incident & seizure of trade documents for violation thereafter.)</u></p> <p><i>Above is minimum EC to be levied for the said violation by the Local body. Local already imposing fine to continue doing so; if the fines are more than the minimum specified fines as per details given above-</i></p> <p>(iii) Penalty as per Section 15(1) of EPA 1986</p>

(b) Minimum & Maximum Amount of EC to be levied

The minimum and maximum value of EC to be levied for violation of specific provisions of Rules (Refer Table 3 above) is given in Table 4. The above values have been assessed based on the estimated range of plastic waste and the minimum (10-25% for the different category of violators) & maximum estimated percentage violation (100% for all categories).

TABLE 4: Minimum & Maximum EC for violation of PWM Rules

Rule	Violator	Min Population.	Max. population	Min EC value (Rs. Per Annum)	Max. EC value (Rs. Per Annum)
Rule 6(1) & 7	Village Panchayat	1000 (avg.)	-	5,000	50,000
	Cities & towns	5000	99999	50,000	2 crore
	Cities & towns	100000	999999	5 lakh	10 crore
	Cities & towns	>1000000	-	50 lakh	100 crore
Rule	Violator	Min capacity (TPA)	Max capacity (TPA)	Min EC value (Rs. Per Annum) (At first time violation)	Max. EC value (Rs. Per Annum) (At third time violation)
4 (c), 4 (d), 4(f), 4(i) , 13 (2)	Producers & brand owners	50	100000	50,000	100 crore
13 (4) & 4(e)	Manufacturers	60000	4500000	2 crores	500 crore

5. 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 in **Table 5**

Table 5: EC Charges and Financial Penalty w.r.t. delay in EC deposition

Sl. No.	Amount Deposition time period	Environmental Compensation and Financial Penalty Amount
1.	<u>Within one month</u> 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.	<u>After one month but within 03 months</u> after the stipulated time period as directed by CPCB/SPCB/PCC	Original amount with interest @ 24% per annum for number of days delayed after one month of the stipulated date of amount deposition
3.	<u>After 03 months</u>	a) <u>Closure of unit/facility</u> b) <u>Seizure of trade documents</u> c) <u>Action as per Section 15 (1) of EPA</u> <u>Action, as applicable, to be taken by Local bodies for Clause 8(1)(a), 8(1)(b) and 14(1) and for the remaining clauses action has to be taken by the concerned SPCB/ PCC/ CPCB</u>

List of Participant

S.No.	Participant from	Remark
1.	Bihar	
2.	Chhattisgarh	
3.	Goa	
4.	Haryana	
5.	Himachal Pradesh	
6.	Jammu & Kashmir	
7.	Kerala	
8.	Maharashtra	
9.	Odisha	
10.	Punjab	
11.	Rajasthan	
12.	Sikkim	
13.	Tamil Nadu	
14.	Telangana	
15.	Uttar Pradesh	
16.	Andaman and Nicobar Islands	
17.	Chandigarh	
18.	Puducherry	

Implementation Status

ANNEXURE - III

	State	Goa	Meghalaya
1 a	Issue of Public Notice for identification of unregistered units, units operating in non-confirming areas, units manufacturing bags with thickness < 50 micron (Y/N)	Yes	Yes
b	If yes - please provide copy	Provided	Provided
2 a	Creation of Public Grievance Cell	Yes Goa State Pollution Control Board has issued an order creating a Public Grievance cell to address the complaints and grievances related to plastic waste management Rules, 2016. Also, Directorate of Municipal Administration has issued an order creating Public Grievance cell to address the complaints and grievances related to plastic waste management Rules, 2016. Further, Directorate of Municipal Administration has issued memorandum to all ULB's to create Public Grievance Cell in the respective ULBs.	Yes
b	If yes, please provide details	Provided	Provided
3 a	Identification of institutions which will be involved in implementation of Action Plan	Yes, As per the time targeted approved action plan for the state of Goa related to plastic waste management Rules, 2016.	Yes
b	If yes, please provide details(List of identified institutions)	Provided	Provided

4	a	Training of workers from this institutions	Yes, Goa Waste Management Corporation (GWMC) conducts various programmes in the state of Goa for awareness of general public and also training of workers of all the stakeholders that are part of the implementation of Action Plan.	No
	b	If yes, please provide details (Development of training module/ No. of workers trained/ institutions covered etc.)	Provided	No
5	a	Launching Awareness Program for general public	Yes, Goa Waste Management Corporation (GWMC) conducts various programmes in the state of Goa for awareness of general public and also training of workers of all the stakeholders that are part of the implementation of Action Plan.	Yes
	b	If yes, please provide details (Institutions involved, issues covered , etc)	Provided	Awareness Programs have been conducted at: 1. Shillong, EKH Disteict 2. Jowai, WJH Disctrit 3. Tura, WGH District with stakeholders from the Government and other institutions.
6	a	Identification of locations where littering is a common problem (Pl. Provide list)	This Department has also issued Memorandum directing all the ULBs to further identify the locations where littering is a common problem and keep a strict vigil on the littering of waste by the squads.	Tourist Spots

7	a	Have surveillance squads been deputed in all locations as per "6a" above	Yes, Directorate of Municipal Administration has issued memorandum to all the ULBs directing them to keep a strict vigil on the littering of waste at the mentioned location by utilizing the services of present squads constituted under Goa non-Biodegradable Garbage (Control) Act, 1996. Also few village panchayats have installed CCTV for surveillance to keep a check on littering at the identified locations. the Squad consisting of Secretary, Clerk and ward member monitors the location in the village panchayat jurisdiction.	Provided
8	a	Taking punitive actions against defaulting industries (as per (1a) above)(Details of identified industries and punitive action taken to be provided)	Provided	No defaulting industry
9	a	Incorporation of user fee for waste generator and spot fines for littering in bye-laws of local bodies	In the state of Goa, there exists an Act, namely, The Goa non-Biodegradable Garbage (Control) Act, 1996 that deals with prevention of throwing or depositing non-biodegradable garbage like plastic in public drains, roads and place open to public view in the State of Goa and for matters connected therewith or incidental thereto with an provision for penalty in the form of fines or imprisonment. In the light of the same, bye-laws as per Rules 6(4) of the plastic waste management Rules, 2016 were not notified. However, the Directorate of Municipal Administration has already notified Model municipal Solid Waste (management and Handling) Bye-laws, 2020 vide Notification No. 10/661/2018/DMA/Sanitation Rules/ByeLaws/1614 dated 24/09/2020 incorporating the user fee for waste generator and spot fines for littering in ULB jurisdiction including plastic waste.	Yes

	b	If yes, please provide copy of bye laws and details of violations and the fee/ fines imposed		Provided
10	a	Name of district identified as model district	Directorate of Municipal Administration has identified and notified 3 model cities i.e. (i) Corporation of City of Panaji, (ii) Concolim Municipal Council (iii) Valpoi Municipal Council. Directorate of Panchayats has also specifically identified and notified 3 village panchayat in each district ie North Goa and South Goa as Model Villages	Yet to be identified by the Government
11		Time frame for implementation of above	As per the time lines provided in the actio plan for the state of Goa.	31.05.2021

		State	Rajasthan (Information provided by State UD)	Tripura
1	a	Issue of Public Notice for identification of unregistered units, units operating in non-confirming areas, units manufacturing bags with thickness < 50 micron (Y/N)	Related to RSPCB,	Public Notice issued regarding unregistered unit. Further informed that no unit is operational in non-confirming areas and unit is manufacturing bags/sheets less than 50 microns
	b	If yes - please provide copy	No	Provided
2	a	Creation of Public Grievance Cell	Yes	Yes
	b	If yes, please provide details	For public Grievance/Complaints, follwing platforms have been provided at ULB level: Control Room/Helpline number at ULB Level: to facilitate the citizens to lodge their complaints and for effective resolution of the complaints, the Control Room have been set-up and Helpline number have been given to citizens at ULB level.	Tripura State Pollution Control Board created an android app namely "Tripura Paribesh" for public feedback. In this regards an advertisement was issued in 2 (Two) category- A of vernacular Newspapers for wide publication of the Tripura Paribesh Android App
3	a	Identification of institutions which will be involved in implementation of Action Plan	Yes	Yes
	b	If yes, please provide details(List of identified institutions)	The local institutions in the ULB are involved for the implementation of the plastic ban notification as per municipal byelaws. As per the notification Issed by State Government, District Magistrate and RO, RSPCB will implement plastic ban. The various NGOs, SHGs along with ULB staff are involved for the awareness drives.	Urban Local bodies Rural Development Department, District Magistrate & Collector. The Government of Tripura, in exercise of powers conferred by section 5 of the Environment (Protection) Act, 1986, had imposed total ban on plastic carry bags, including its manufacture, import, storage, trasport, sale and use in Tripura, vide its notification dated 10.03.2015. The State Level Advisory Committee (SLAC) was constituted under the chairmanship of principal Secretary, urban development department for the effective implementation and monitoring of the plastic waste management Rules 2016. the committee met on regular frequency for review and effective implementation of the plastic waste managementRules, 2016 District level Special task force has been formed in all the districts of tripura. the district - level special tast force in all the district has started functioning. DMs have been directed to ensure that these task forces are meeting at least once a month. Accordingly, the meetings of district level special task force for each district have been conducted on regular basis
4	a	Training of workers from this institutions	The various trainings are organized regularly at ULB level and State level through City Managers Association of Rajasthan (CMAR)	Yes

	b	If yes, please provide details (Development of training module/ No. of workers trained/ institutions covered etc.)		All 20 Urban local bodies set up infrastructure for segregation, collection storage, transport, processing and disposal of the plastic wastes on its own or by engaging agencies or recyclers of plastics. RD department takes initiative for collection of plastic wastes from rural markets. Different NGOs/SHG also collect plastic wastes from urban as well as Rural Markets.
5	a	Launching Awareness Program for general public	Yes	Yes
	b	If yes, please provide details (Institutions involved, issues covered, etc)	For the awareness of general public at ULB level. The following activities are being done: 1. IEC Activities: for the general awareness of the citizens to avoid the use of plastic, the awareness is generated at ULB level through public notice / IEC activities i.e. rallies, nukkad-natak, social media messages, advertisement on Radio, audio messages through garbage collecting vehicles etc. 2. For the effective implementation of the Notificate dated 21.07.2010 banning plastic carry bags, the regular awareness drives organized at ULB level. The Municipal Teams carry out the regular raids for effective implementation of plastic ban notification. The plastic seized during these raids is sent to the nearby cement industries. Hefty fine is imposed on the defaulters as per the byelaws.	Many awareness programmes are being organized by 1100 Eco Club Schools of Tripura. Street Drama, distribution of leaflets, rally, seminars etc were conducted by Eco club Schools, NGOs as well as other organizations in the year 2019-20
6	a	Identification of locations where littering is a common problem (Pl. Provide list)	The garbage Vulnerable Points (GVPs) related to MSW in the ULBs are being identified on regular basis. The regular efforts are being done for transformation/ elimination of GVPs under Swachh Bharat Mission (U).	Tourist spots
7	a	Have surveillance squads been deputed in all locations as per "6a" above	The Sanitation staff deployed at ward level i.e. Sanitary inspectors & Jamdars, monitor the eliminated GVPs and ensure that citizens do not litter at the identified points. Hefty fine is imposed on the defaulters as per the Municipal byelaws. 255 Tonnes of Plastic carry bags have been seized and penalty of Rs 2 Cr have been imposed.	Yes
8	a	Taking punitive actions against defaulting industries (as per (1a) above) (Details of identified industries and punitive action taken to be provided)	Related to RSPCB.	Yes

9	a	Incorporation of user fee for waste generator and spot fines for littering in bye-laws of local bodies	The byelaws have been notified in the State vide notification dated 12.04.2019 for incorporating user fee for waste generators and spot fines for littering in public places.	Yes
	b	If yes, please provide copy of bye laws and details of violations and the fee/ fines imposed	Provided	The Government of Tripura has issued a notification dated 04.06.2018 imposing penalty as "Pollution Cost" for violation of ban on plastic carry bags
10	a	Name of district identified as model district	Including all the district headquarters of the State of Rajasthan, total 37 Model Cities/ Towns have been identified in the State.	West Tripura District.
11		Time frame for implementation of above		Already implemented.

	State	Puducherry	Kerala
1 a	Issue of Public Notice for identification of unregistered units, units operating in non-confirming areas, units manufacturing bags with thickness < 50 micron (Y/N)	Yes, Public Notice issued on 03.03.2017, in English and Vernacular language.	No
b	If yes - please provide copy	Provided	The Government have imposed ban on the manufacture, storage, transport and sale of Single Use Plastic vide G.O. (MS) No. 6/2019/Envvt dated 27/11/2019, G.O. (MS) No. 2/2020/Envvt dated 27/01/2020 and G.O. (MS) No. 4/2020/Envvt dated 16/02/2020. (Copy enclosed)
2 a	Creation of Public Grievance Cell	Public Grievance Cell Sameer App, is under trial and will be launched in due course of time.	Yes
b	If yes, please provide details	Provided	The public Grievance cell already exists. The public can file complaint in the Chief Minister's Public Grievances Redressal Cell and is strictly monitored. They can also submit the grievance in and of the Board's office in every district based on their convenience. They can also submit their grievance by mail.
3 a	Identification of institutions which will be involved in implementation of Action Plan	Pondicherry University National Service Scheme Education Department. Local Administration Dept.	Yes
b	If yes, please provide details(List of identified institutions)	With the co-ordination of above institutions awareness Programmes are being implemented to students and public.	The Government vide order No. 6/2019/Envvt dated 27/11/2019 authorized all District Collectors, Sub Divisional Magistrates, officers authorized by the Kerala State Pollution Control Board, Secretaries of all local bodies and any other authority or officer authorized by the Central GOVERNMENT u/s 19 of the Environment (Protection) Act 1986 for the implementation of directions on ban on single use plastic and to file complaint before the appropriate judicial forum to take cognizance of the offense as per the provisions of the Environment (Protection) Act, 1986
4 a	Training of workers from this institutions	Yes, It is being done.	Yes

	b	If yes, please provide details (Development of training module/ No. of workers trained/ institutions covered etc.)	Training to the staff of Local bodies and implementing officers was conducted on 16.12.2019.	An awareness programme for the 'Identification of Single use plastic products by simple methods, its alternatives and compostable products' was conducted by Central Institute of Plastics Engineering & Technology (CIPET) in co-ordination with Kerala State Pollution Control Board at Thiruvananthapuram, Ernakulam and Kozhikode. The officials of Urban and panchayath directorate, Officials of corporation, Municipality, Panchayath (including Engineers and Health inspectors), the members of associations concerned with plastic and PCB officials participated in this programme. The Board also conducted programmes on implementation of Rules at State level, Regional level and District level.
5	a	Launching Awareness Program for general public	Yes,	Yes
	b	If yes, please provide details (Institutions involved, issues covered, etc)	Plastic awareness rally and programme was organised by Indira Gandhi College of Arts and Science, Saradha Gangadharan College, Kanchi Mamunivar Centre for Post Graduate Studies and Tagore Govt.Arts and Science College.	Awareness programmes on Environmental Rules were conducted at State level and District level. Awareness programmes for the 'Identification of Single use plastic products by simple methods, its alternatives and compostable products' was conducted by Central Institute of Plastic Engineering & Technology (CIPET) in co-ordination with Kerala State Pollution Control Board at Regional level at Thiruvananthapuram, Ernakulam and Kozhikode. In this programme, 60 persons participated in Trivandrum, 100 in Ernakulam and more than 300 in Kozhikode. The Board also conducted programmes on implementation of Rules at State level, Regional and District level.
6	a	Identification of locations where littering is a common problem (Pl. Provide list)	I. Beach II. Bus Stand III. Market.	Litter survey is being conducted by the Board and the gathered details are studied.
7	a	Have surveillance squads been deputed in all locations as per "6a" above	Yes,	Yes

8	a	Taking punitive actions against defaulting industries (as per (1a) above)(Details of identified industries and punitive action taken to be provided)	Yes, 7 units closed for violation of provision of the Plastic Waste Management Rules, 2016 and order of Govt. of Puducherry. Closure directions were issued to i) M/s Sri Krishna Polymer, Mettupalayam, ii) M/s Sri Devidharshini Polymers, Ariankuppam, iii) M/s R.S. Polymers, Ottampalayam iv) M/s Lakshmi Themo Craft, Thuthipet	The table showing defaulting units is enclosed.
9	a	Incorporation of user fee for waste generator and spot fines for littering in bye-laws of local bodies	Yes, As per Bye-laws framed by Local bodies, so far an amount of Rs. 18.01.905/- has been collected from the violators.	Yes
	b	If yes, please provide copy of bye laws and details of violations and the fee/ fines imposed	Copy provided	As per the G.O (MS) No 6/2019/Envr dated 27.11.2019, the Secretaries of all local self Government Institutions, Sub Divisional Magistrates and the authorized officers under Kerala State Pollution Control Board shall impose Rs. 10,000/- as fine to any manufacturer, shopkeeper, vendor, wholesaler, retailer, trader or any other persons who violates any of the directions mentioned in the above order. If such person is found in violation of any of the directions for the second time, they will be imposed a fine of Rs. 25,000. If the violation is found repeated by such person, the Secretaries of all the Local self Governmet Institutions and the authorized officers under Kerala State Pollution Control Board are directed to impose a fine of Rs. 50,000/- and to issue closure order to such shop/manufacturer from carrying out any such activity thereafter in such premises.
10	a	Name of district identified as model district	Bahour Commune Panchayat.	Wayanad
11		Time frame for implementation of above	6 Months.	2 months

		State	J&K
S. N			
1	a	Issue of Public Notice for identification of unregistered units, units operating in non-confirming areas, units manufacturing bags with thickness < 50 micron	<p>i) Regular seizures of illegal polythene and banned single use plastic (SUP) are done by Anti Polythene Squad in ULBs & JKPCB.</p> <p>ii) JKPCB has seized 268 Qtls of illegal polythene and 142.63 Qtls of single use plastic (SUP) in the financial year 2019-20.</p> <p>iii) JKPCB has seized 166.11 Qtls of polythene and 12.13 Qtls of SUP w.e.f. April 2020 to December 2020. JK PCB has also compounded the cases from defaulters to the tune of Rs. 4.98 lacs w.e.f. April 2020 to December 2020. There was a major seizure of illegal polythene, done by JKPCB, Jammu on 20.12.2020, to the tune of 72.65 Qtls from M/s S S industries, Gnagyal Jammu.</p> <p>iv) J&K Government vide SRO-45 of 2017 dated 03.02.2017 has imposed ban on the manufacture, stocking, distribution, sale and use of polythene carry bags, plastic sheets or like cover made of plastic sheets, plastic packaging and multilayered packaging less than fifty microns in thickness in J&K UT.</p> <p>v) J&K Government vide SRO-231 of 2019 dated 26.03.2019 has completely banned the following articles made of non biodegradable material within the jurisdiction of J&K Disposable plates, disposable cups, bowls and tumblers, disposable spoons, forks and knives.</p>
	b	If yes - please provide copy	
2	a	Creation of Public Grievance Cell	Already existing with JK PCB.
	b	If yes, please provide details	
3	a	Identification of institutions which will be involved in implementation of Action Plan	Already, identified by Govt. of J&K vide SRO-243 dt. 05.08.2011; SRO-311 dt. 09.09.2015 and SRO-353 dt; 26.10.2016
	b	If yes, please provide details(List of identified institutions)	

4	a	Training of workers from this institutions	Seminars/ awareness workshops are being conducted regularly.
	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	Public notices published in leading dailies regarding various provisions of plastic waste management rules generating awareness among the public. Continuous Jingles are also played in FM channels to reach out to the public for awareness.
	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)	J&K Government has issued order vide No. 72-JK (HUD) of 2020 dated 20.02.2020 for prohibition of littering of plastic waste in and around at any public place including historical and religious places, which is being implemented by concerned authorities. Further, J&K Government has also issued order vide No. 28 JKPCB of 2020 dated 04.02.2020 regarding complete prohibition on open burning of Municipal Solid Waste including plastic waste in J&K.

7	a	Have surveillance squads been deputed in all locations as per "6a" above	Already Created.
8	a	Taking punitive actions against defaulting industries (as per (1a) above)(Details of identified industries and punitive action taken to be provided)	JKPCB has issued closure order of 23 illegal plastic manufacturing units operating without valid consent/registration of the Borad.
9	a	Incorporation of user fee for waste generator and spot fines for littering in bye-laws of local bodies	User fee for waste generator and imposition of supot fines for littering/ open burning specified in Bye-laws of Urban Local Bodies.
	b	If yes, please provide copy of bye laws and details of violations and the fee/ fines imposed	
#	a	Name of district identified as model district	Two cities/ towns, pahalgam and katra indetified vide No. 135-HUDD of 2019 dt. 23.05.2019
#		Time frame for implementation of above	

		State		Bihar	Maharashtra
1	a			Public Notice was published in news papers of Bihar	Public notice is under progress.
	b	If yes - please provide copy		Plastic Carry Bags have been completely banned in the State. Board has issued a Public Notice and letter to all manufacturer of Carry Bag for the same and revoked their consent to operate.	
2	a	Creation of Public Grievance Cell	Yes/ No	Complied. A Public Grievance Cell has been constituted in the Board. Portal for the same is available at the website of the Board. The flow chart of redressal system is enclosed. Public can made any complaint related with pollution through online or offline mode. The online portal and offline mode is enclosed	MPCB has developed online public grievance porta
	b	If yes, please provide details			

		State		Bihar	Maharashtra
3	a	Identification of institutions which will be involved in implementation of Action Plan	Yes/ No	<p>Complied.</p> <p>a. Action Plan identifying the institutions involved in enforcement for the management of plastic waste has been prepared and the same has been approved by Environment, Forest and Climate Change Department, GoB in the consultation with Urban Development and Housing Department and Panchayati Raj Department. Action Plan provided</p> <p>b. Institutions identified in the Action Plan are provided</p>	<p>Environment Department, Govt. of Maharashtra has authorized and empowered Officers of 10 Govt. Departments for the implementation of Maharashtra Plastic and Thermocol Notification, 2018 and to take necessary legal action under powers conferred u/s 12 of the provisions of the Maharashtra Non-biodegradable (Control) Act, 2006, as per their jurisdiction.</p> <p>i. Office of district magistrate</p> <p>ii. Zilha Parishad office</p> <p>iii. All local bodies</p> <p>iv. Forest department</p> <p>v. Public health department</p> <p>vi. Education department</p> <p>vii. Police department</p> <p>viii. Tourism department</p>
	b	If yes, please provide details(List of identified institutions)			

		State		Bihar	Maharashtra
4	a	Training of workers from this institutions	Yes/ No	Complied. Board has conducted meeting/ workshops/ seminars with the Producers, Brand Owners, Recyclers, representatives of Malls, Big Bazars, Departmental Stores, Retailers etc..	Meetings were conducted. Training will be given
	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	Complied. Board has conducted awareness programmes through eight CYCLE RALLIES, 10 NUKKAD NATAKS, RADIO SPOTS/ JINGLES – 7960 seconds., HOARDINGS AT 18 places at Patna, Muzaffarpur and Gaya, distribution of 7000 approx. COTTON BAGS free of cost to the public.	Awareness programs have been conducted and it is ongoing process.
	b	If yes, please provide details (Institutions involved, issues covered , etc)			

		State		Bihar	Maharashtra
6	a	Identification of locations where littering is a common problem (Pl. Provide list)		Littering of plastic waste is observed in the vicinity of religious places, Temples, Sabji Mandies and wholesale markets	Directions have been to all local bodies to take action against the persons who are littering.
7	a	Have surveillance squads been deputed in all locations as per "6a" above		Complied. Surveillance Squad/Task Force has been constituted in 132 Urban Local Bodies of Bihar. Reports in this regard from remaining 10 ULBs is yet to be received.	At each Regional Office level, surveillance squad has been constituted. District level squads have been established for taking action on the unregistered plastic manufacturing/ recycling units and use of banned plastic items in shops/ establishments such as plastic carry bags, single use plastic/Thermocol items etc
8	a	Taking punitive actions against defaulting industries (as per (1a) above)(Details of identified industries and punitive action taken to be provided)		a. Notices, Proposed Directions and Proposed Closure Direction has been issues to Brand Owners and Producers of the State of Bihar. b. Closure Directions and Environmental Compensation will be imposed on the violators of the Plastic Waste Management Rules, 2016 as amended, in the light of CPCB directions and NGT Orders.	Maharashtra Pollution Control Board (MPCB) has issued closure directions to 415 plastic producing industries, which are non-compliant under PWM Rules 2016 and Maharashtra Plastic and Thermocol Notification, 2018. During MPCB and local bodies joint action, around 1477 tonnes of banned plastic has been seized and fine of Rs. 9.77 Cr has been collected.

		State		Bihar	Maharashtra
9	a	Incorporation of user fee for waste generator and spot fines for littering in bye-laws of local bodies	Yes/ No	<p>A "Model Bihar Municipality Plastic Waste Management Bye-Laws , 2018" was formulated and is properly accepted by all 142 ULBs of the State. The Bye-Laws has properly addressed provisions of Spot Fines & Seizure</p> <p>ULBs has recovered Rs. 62.66 lakhs and seizure of 181 Tons of Plastic Carry Bags from the users of banned plastic materials and others .</p>	Urban Development Department, Govt. of Maharashtra has published Government Resolution dated 07.09.2018 regarding provision of right of spot fine collection to urban local bodies under Solid Waste Management Rules, 2016
	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	Identification of "Model District" in consultation with the Chairman, State Level Advisory Committee is under process.	Letter has been issued to the Revenue Department, Govt. of Maharashtra for identification of model district.
11		Time frame for implementation of above		A time frame has been prepared for the said Directions.	31.06.2021

		State		Tamil Nadu	Andman & Nicobar
1	a			TNPCB has issued instructions to the district environmental engineers to recommend closure direction and disconnection of power supply against plastic waste recycling units who are in operation without valid registration as per PWM Rules, 2016. Also, Public notice in English and Tamil is being issued for identification of unregistered units, plastic units operating in non-conforming/ residential areas and units manufacturing carry bags as per PWM Rules, 2016 and use and throwaway plastic manufacturers as per GO Ms No. 84 of E&F Dept. dated 25.06.2018. Time frame : 1 Month	No, There are no plastic manufacturing & Recycling unit existing in A&N Islands. The A&N Administration banned manufacture, storage, use, import, transportation, distribution and sale of single use plastic items vide Notification No. 186 dated 05.09.2019. The ban is effective from 05.11.2019.
	b	If yes - please provide copy		Informed that the Notice is being issued	Not required
2	a	Creation of Public Grievance Cell	Yes/ No	Presently, complaints are received by the TNPCB through online grievance petition redressal system and necessary action is being taken. However, creation of public grievance cell for registration and resolution of complaints has been instructed for model districts to implement the same.	Yes, ANPCC office has its public grievance cell. The Andaman & Nicobar Administration redresses the grievances of public through the portal http://db.and.nic.in/lghelpdesk/ on real time basis. ANPCC also takes the grievances through the e-mail ID dstandamans@gmail.com

	b	If yes, please provide details			
3	a	Identification of institutions which will be involved in implementation of Action Plan	Yes/ No	<p>The Municipal Administration & Waste Supply Department vide GO Ms. No. 58 dated 20.04.2019 has ordered to constitute special task force under the chairmanship of district collector/ district magistrate. The special task force (STF) in every district is entrusted with the task of creating awareness about SWM Rules, 2016 by involving educational, religious and social organisations including local Eco-clubs.</p> <p>In this regard, TNPCB vide letter dated 03.12.2020 has addressed the additional chief secretary, MAWS Department to issue Amendment to GO Ms. No. 58 of MAWS Dept. dated 20.04.2019 to include the members of residential welfare association, industrial associations, industrial development Corporations, Market associations etc in the special task force in order to ensure the following</p> <ul style="list-style-type: none"> i) Enforcement of action plan for plastic waste management as per PWM Rules, 2016. ii) Training of workers in the urban local bodies, Resident welfare associations, industrial associations, market associations <p>etc. to achieve effective implementation of plastic</p>	<p>Yes, A&N Administration vide notification No. 225 dated 24.09.2019 has revised notification No. 202 dated 02.08.2010 on ban on the use, manufacture and sale of plastic carry bags irrespective of its thickness, size, color and nature.</p> <p>The following officers shall implement these orders related to use, storage, import, manufacture, transportation, distribution or, sale and disposal of plastic carry bags irrespective of their thickness, size, color and nature and authorize them to file complaints under section 19 of the EPA, 1986, namely,</p> <ul style="list-style-type: none"> i) District Magistrate/Assistant Commissioner/ Tehsildars of all districts ii) The Secretary, Port Blair Municipal Corporation (PBMC) iii) The Chief Executive officers of panchayat samitis, secretaries of gram panchayats. iv) The Divisional forest officers / deputy conservator of forests/ range officers of reserved forests / protected areas. v) The Enforcement officers of Dept. of Consumer Affairs and metrology. vi) The station House Officers of all police

				<p>waste management.</p> <p>iii) To launch awareness program for the public</p> <p>iv) To identify locations (parks, Religious places etc) where littering is a common problem</p> <p>v) To create surveillance squad to prevent littering in such locations.</p>	<p>stations.</p> <p>The revised notification strengthened the enforcement agencies by constitution a task force at tehsil level and only allowing 100% compostable/ biodegradable bags certified by Central Pollution Control Board in ANI.</p>
	b	If yes, please provide details(List of identified institutions)			
4	a	Training of workers from this institutions	Yes/ No	yes	<p>Yes,</p> <p>i) PBMC conducted special sanitation drive at bathu basti market, Delanipur market, Gandhi Market, Ratnam Market, private bus stand aberdeen bazar and in al covid care centre.</p> <p>li) PBMC organized special awareness cum training programme in three phases on 10.10.2020 for all the sanitation workers of PBMC. The need for the collecttion of source segregated waste (we/dry/hazardous) was emphasized in common language through conduct of a street play.</p>

	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	Yes	Yes, The Andaman & Nicobar Administration has conducted 02 exhibitions displaying Alternatives to single use plastic in the month of May 2019 and August 2019 for promoting smooth transition to non-plastic alternatives.
	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)		Yes	<p>No specific location has been identified in this regard. However, areas highly vulnerable for plastic littering like beaches, markets, etc are regularly monitored in this regard an special cleanliness drives are organized frequently.</p> <p>In order to ensure the compliance of the direction on ban on single use plastics (SUPs) (Carry bags & non-woven carry bags), the secretary, PBMC formulated a committee comprising revenue officer team vide No. 36, dated 25.01.2019. And, Sub-sequently the sub-divisional magistrate/member secretary, DLTF (SA), A&N Administration vide No. 51, dated 21st June, 2019, constituted a committee for effective implementation of SUPs, ban.</p>
7	a	Have surveillance squads been deputed in all locations as per "6a" above		Yes	<p>NA</p> <p>There are no plastic manufacturing & recycling unit existing in A&N Islands.</p>

8	a	Taking punitive actions against defaulting industries (as per (1a) above)(Details of identified industries and punitive action taken to be provided)		On identification of non-complying units, stringent action will be carried out such as levying of Environmental compensation, issue of closure direction & disconnection of power supply. Timeframe: 3 month.	Yes
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9	a	Incorporation of user fee for waste generator and spot fines for littering in bye-laws of local bodies	Yes/ No	<p>With respect to plastic waste management, urban local bodies have notified bye-laws in which plastic waste management fee is prescribed (as per Rule 15 of PWM Rules, 2016) and penalty provisions for providing unsegregated plastic waste by residents and commercial establishments is prescribed. Since there is no provision for imposition of spot fines for littering in the PWM Rules, 2016, the same is not prescribed in the bye-law of local bodies.</p> <p>Meanwhile, as per Rule 4(3), 15(f) & 15(zf) of SWM Rules, 2016, local bodies have to specify user fee for waste generator & spot fines for littering in their bye-laws. In this regard, all the urban local bodies have framed & notified the bye-law with provisions for user fee & spot fines for littering of solid waste in public places, open places, open places, water bodies, etc. In order to ensure effective implementation on the specification of user fee and levying of spot fine by the local bodies, TNPCB has issued directions under section 5 of environment (Protection) Act, 1986 vide Board proc. Dated 03.12.2020 to the commissioner, greater Chennai Corporation, the commissioner of municipal administration, the director of Town panchayats and the director of Rural Development & Panchayat Raj Department.</p>	<p>Yes, A&N Administration vide notification No. 23 dated 16.02.2017 formulated Bye-laws namely port Blair municipal council solid waste (handling and management) bye laws, 2017. Copy of byelaws provided</p> <p>The Andaman and Nicobar Administration is conducting regular enforcement drives and 3724 kgs of plastic and non-woven cloth bags have been recovered and penalties amounting to Rs. 1,36,600.00 recovered from 1014 inspections since January 2019 till Nov. 2020.</p>

	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	<p>TNPCB has identified kanchipuram, Virudhunagar and Tiruppur Districts as model district for implementation of the following:</p> <ul style="list-style-type: none"> • Issue of Public Notice to identify unregistered units, plastic units operating in residential areas. • Creation of public grievance cell for registration and resolution of complaints • Identification of institutions to involve in the enforcement of the action plan. • Training of workers in these institutions 	<p>No</p> <p>However most of these activities as stated above are being implemented in south andaman district which ahs the only municipal town in the whole of A&N Islands.</p>
11		Time frame for implementation of above			<p>Most of the activites as mentioned above are being implementated for the last two years which will be continued in future also. Further , the activities which are not yet started will be initiated within one year.</p>

Meeting No. 65

**MINUTES OF MEETING OF NGT OVERSIGHT COMMITTEE, UP LUCKNOW HELD ON
08.10.2020 AT 11-00 A.M IN E.A. NO. 13/2019 IN O.A. NO. 247/2017 IN RE: CENTRAL
POLLUTION CONTROL BOARD VERSUS STATE OF ANDAMAN & NICOBAR & ORS WITH
REGARD TO IMPLEMENTATION OF PLASTIC WASTE MANAGEMENT RULES, 2016**

(THROUGH VIDEO-CONFERENCING)

**Present: Hon'ble Mr Justice SVS Rathore, Chairman, and
Dr Anup Chandra Pandey, Member**

Other dignitaries present:

1. Shri. Anurag Yadav, Secretary, Urban Development
2. Shri Ashish Tiwari, Member Secretary UPPCB
3. Dr. D. K. Soni, Additional Director CPCB
4. Shri Nikhil, Nagar Ayukt, Nagar Nigam, Agra
5. Shri Sonu Singh, Representative of MoEF&CC

The meeting held as scheduled.

The Hon'ble NGT has taken up this case on 27.04.2017, 30.05.2017, 26.07.2017, 10.08.2017, 14.09.2017, 12.10.2017, 20.11.2017, 13.03.2018, 19.03.2018, 04.04.2018 and 16.05.2018. Further, this case was taken up with an Execution Application No. 13/2019 on 12.03.2019, 22.07.2019, 04.12.2019 and 10.09.2020. The issue for consideration, in the aforementioned O.A, 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.

The status of the compliance in the aforementioned case are as follows:

S. No.	Directions by Hon'ble NGT/Issues	Concerned Department	Compliance status												
1.	Details of Plastic Waste Management as per Provisions 5, 6 and 9 of PWM Rules, 2016, as amended, 2018	UPPCB	<p>Rule 5: Plastic Waste Management :</p> <ul style="list-style-type: none">➤ Total recycling capacity in U.P. is 693 TPD.➤ Plastic Waste disposal in Paper Mills: There are 22 Pulp & Paper units are in Ghaziabad, Meerut and Muzaffarnagar. These units have disposed 635.22 MT Plastic Waste for co-processing in M/s Ultratech Cement, Rajasthan during year 2020-21.➤ Plastic Waste disposal facility Recycling Capacity: <table><tr><th>Name of Unit</th><th>Capacity</th></tr><tr><td>Ganesha Ecosphere., Kanpur Dehat</td><td>27000 TPA PET Recycling</td></tr><tr><td>Ganesha Ecosphere Ltd., Rampur</td><td>42000 TPA PET Recycling</td></tr><tr><td>Ultratech Cement, Sonebhadra</td><td>300 TPD</td></tr><tr><td>V.K. Plastic, Ghaziabad</td><td>30 TPD</td></tr><tr><td>Other Recyclers (20 No.)</td><td>146 TPD</td></tr></table> <p>Recycling plant 900 TPA (Jhansi) & 1800 TPA (Mathura) set up.</p> <p>Total recycling infrastructure in U.P.: 693 TPD (81.7 % of the Plastic Waste generated.)</p> <ul style="list-style-type: none">➤ Producer Responsibility Organizations (PRO) are working in the State of U.P., viz. GEM Enviro Ltd., Shakti Plastic India Ltd., IPCA, Karo Sambhav etc.➤ 35 EPR plans have been submitted to UPPCB till 28.09.2020.➤ The quantity of waste plastic recycled/ disposed from September, 2019 till date is approx. 25561 Tons.➤ CPCB has registered 93 Brand	Name of Unit	Capacity	Ganesha Ecosphere., Kanpur Dehat	27000 TPA PET Recycling	Ganesha Ecosphere Ltd., Rampur	42000 TPA PET Recycling	Ultratech Cement, Sonebhadra	300 TPD	V.K. Plastic, Ghaziabad	30 TPD	Other Recyclers (20 No.)	146 TPD
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Other Recyclers (20 No.)	146 TPD														

			<p>Owners/ Producers with operation in more than two States. These Brand Owners also have footprints in the State of UP. Out of these 93 registered Brand Owners Producers, 07 are situated in Uttar Pradesh.</p> <ul style="list-style-type: none"> ➤ Environment Department, UP has issued directions under section 5 of the Environment (Protection) Act, 1986 to all concerned departments of the State for the compliance of Rule 5 and other provisions of PWM Rules, 2016 as amended. ➤ In coordination with State Government, UPPCB has developed a dedicated online portal for effective monitoring of various Environmental Laws, including PWM Rules, 2016 as amended. The mechanism involves 3-tier monitoring at District and State level. ➤ With regards to Rule-9 of the PWM Rules, 2016, the UPPCB has issued show-cause notices u/s 5 of the Environment (Protection) Act, 1986 against 230 defaulter units. <p>The compliance report of UPPCB is provided as Annexure 1.</p>
2.	Status of Complete/Partial Ban on carry bags/products. Is there any ban on the production of such items? If yes please furnish information regarding the steps taken against such manufacturers.	UPPCB	<p>Urban Development Department, Govt. of U.P. vide notification dated 15.07.2018, prohibited the use, manufacture, sale, distribution, storage, transport, import or export of disposable plastic carry bags (irrespective of its thickness) as well as cups, glasses, plates, spoons, tumblers etc. made of plastic or thermocol disposable after one-time use.</p> <p>In compliance of the above notification dated 15.07.2018 regular drives has been carried out to ensure complete ban on the prohibited items and following action taken against the violators:</p>

			<table><tr><td>Prohibited item confiscated</td><td>858 MT</td></tr><tr><td>Fine imposed</td><td>Rs. 11.88 Cr.</td></tr></table>	Prohibited item confiscated	858 MT	Fine imposed	Rs. 11.88 Cr.											
Prohibited item confiscated	858 MT																	
Fine imposed	Rs. 11.88 Cr.																	
3.	Status of marking & labeling on carry bags/Multilayered packaging	CPCB and UPPCB	<p>Use of Plastic Carry bags of thickness >50 microns and disposable plastic carry bags of thickness 50 microns or above not having the name and registration number of manufacturer are prohibited in the State</p> <p>As per the compliance report of UPPCB, no carry bag manufacturing unit has been registered in the State by UPPCB in view of prohibition on Carry bags.</p>															
4.	No. of registered and unregistered Manufacturing/Recycling Units	UPPCB	<p>➤ Plastic units:</p> <table><tr><th>Category</th><th>Total units</th><th>Registered Units</th></tr><tr><td>Producer</td><td>248</td><td>157</td></tr><tr><td>Manufacturer</td><td>01</td><td>01</td></tr><tr><td>Brand Owner</td><td>140</td><td>08</td></tr><tr><td>Recycler</td><td>23</td><td>16</td></tr></table> <p>➤ UPPCB has initiated action under section 5 of Environment (Protection) Act, 1986 against the unregistered units.</p> <p>➤ CPCB has authorized following units of Uttar Pradesh for manufacture of compostable plastic.</p> <p>1- M/s. Navkar Laminators (P) Ltd., (Manufacturer), Code: NLPL Plant Address: A-154, Sector A-4, Tronica City, Ghaziabad, UP – 201102</p> <p>2- M/s. Any Packaging, (Manufacturer), Code: AP Plant Address: G-4, Surajpur Industrial Area, Site – B, Greater Noida, Uttar Pradesh – 201306</p> <p>3- M/s. Murliwala Enterprises, (Manufacturer), Code: ME, Plant Address: Plot No. 202, Vishvkarma Industrial Estate, Meerut – Baghpat Road, Panchli Khurd (Vill), Meerut (Dist.), Uttar Pradesh – 250002</p>	Category	Total units	Registered Units	Producer	248	157	Manufacturer	01	01	Brand Owner	140	08	Recycler	23	16
Category	Total units	Registered Units																
Producer	248	157																
Manufacturer	01	01																
Brand Owner	140	08																
Recycler	23	16																

			➤ M/s Uflex Limited 305 3 rd floor Bhanot Corner, Pamposh Enclave, Greater Kailash-I New Delhi.
5.	No. of violations & action taken on non-compliance of Rules	UPPCB	For the compliance of Rule 9 and Rule 13 of PWM Rules, 2016, UPPCB has issued Show Cause Notices for Closure of the unit under Section 5 of E(P)Act, 1986 against 230 defaulter units.
6.	Status of submission of annual report by SPCBs/PCCs	UPPCB	Annual plastic report on the format (Form-V) prescribed in Plastic waste management Rules-2016 as amended in 2018, has been collected from all the 652 Urban Local Bodies. Annual reports are being compiled at State Level which is likely to be submitted to UPPCB by October 2020.
7.	SPCBs/PCCs should direct to UDDs to ensure setting-up of collection, source segregation & disposal system for plastic waste.	UPPCB and CPCB	<ul style="list-style-type: none"> ➤ As per the compliance report of UPPCB, the compliance of Plastic Waste Management Rules, 2016 as amended 2018, is being regularly reviewed by State Level constituted under Rule 16 and also by State level Waste Management Committee. ➤ UPPCB has also issued directions to Urban Development Department, Uttar Pradesh for compliance of Plastic Waste Management Rules, 2016 as amended 2018. ➤ As per Annual report 2018-19 submitted, details of disposal of plastic waste are as follows: <ul style="list-style-type: none"> (i) 21.37MT plastic waste was used in Cement Industries for co-processing. (ii) M/s. Uflex Ltd. (6TPD) is using the Non-Recyclable Plastic Waste for the production of fuel, carbon black & gas. (iii) Waste to Oil generation plant (3TPD) has been installed in Jhansi. (iv) M/s. GPL Polyfills has recycled 78625.7MT of PET Bottles for the production of fibres during the year 18-19.

			(v) M/s. Reliance Industries Ltd. has recycled 14941MT of PET Bottles for the production of Raw Material during the year 2018-19. (vi) The use of plastic waste for road construction has started in UP.				
8.	SPCBs/PCCs shall provide the details about quantification, characterization & disposal methods of plastic waste. The details of disposed plastic waste should be provided to CPCB.	CPCB and UPPCB	UPPCB has sent the Annual Report for the year 2018-19 to CPCB with details of quantification, characterization & disposal methods of plastic waste. The quantification has been done in coordination with all the Urban Local Bodies and Urban Development Department. The annual report for the year 2018-2019 is provided as annexure 2.				
9.	SPCBs/PCCs shall ensure that no unregistered plastic manufacturing/ recycling units are in operation & no unit is running in nonconforming/ residential areas. Besides, it is also to be ensured that plastic carry bags /films <50microns thickness should not be manufactured, stocked, sold and used in cities/towns.	UPPCB	Urban Development Department, Govt. of U.P. vide notification dated 15.07.2018 Prohibited use, manufacture, sale, distribution, storage, transport, import or export of disposable plastic carry bags (irrespective of its thickness) as well as cups, glasses, plates, spoons, tumblers etc. made of plastic or thermocol disposable after one-time use. In compliance of the above notification dated 15-07-2018 regular drives carried out to ensure complete ban on the prohibited items and following action taken against the violaters : <table border="1"><tr><td>Prohibited Item confiscated</td><td>858 MT</td></tr><tr><td>Fine imposed</td><td>Rs. 11.88 Cr.</td></tr></table>	Prohibited Item confiscated	858 MT	Fine imposed	Rs. 11.88 Cr.
Prohibited Item confiscated	858 MT						
Fine imposed	Rs. 11.88 Cr.						
10.	SPCBs/PCCs shall ensure to promote compostable carry bags certified by CPCB.	UPPCB	➤ CPCB has authorized following units of Uttar Pradesh for manufacture of compostable plastic. 1- M/s. Navkar Laminators (P) Ltd., (Manufacturer), Code: NLPL Plant Address: A-154, Sector A-4, Tronica City, Ghaziabad, UP – 201102				

			<p>2- M/s. Any Packaging, (Manufacturer), Code: AP Plant Address: G-4, Surajpur Industrial Area, Site – B, Greater Noida, UP – 201306</p> <p>3- M/s. Murliwala Enterprises, (Manufacturer), Code: ME, Plant Address: Plot No. 202, Vishvakarma Industrial Estate, Meerut – Baghpat Road, Panchli Khurd (Vill), Meerut (Dist.), UP – 250002</p> <p>4- M/s Uflex Limited 305 3rd floor Bhanot Corner, Pamposh Enclave, Greater Kailash-I New Delhi.</p>
11.	Constitution of squad to check illegal manufacturing, stocking, sale of <50microns thickness plastic carry bags and uncertified compostable carry bags/products in the market.	UPPCB	<p>Urban Development Department vide its notification dated 15-07-2018 Prohibited use, manufacture, sale, distribution, storage, transport, import or export of disposable plastic carry bags (irrespective of its thickness) as well as cups, glasses, plates, spoons, tumblers etc. made of plastic or thermocol disposable after one-time use.</p> <p>For the compliance of above notification conferred powers to 12 different department officers for imposition of fine and seizure of prohibited item.</p>
12.	SPCBs/PCCs and UDDs to ensure prohibit litter of plastic waste at historical, religious, public places and dumping of plastic waste on drains, river, banks & sea beaches.	UPPCB and Urban Development Department	<p>Under the provisions of Rule-4 (Duties of waste generators) of SWM Rules-2016, the Rule-4(2) states as <i>"No waste generator shall throw, burn or bury the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies"</i> the publication in all the top 3 editions of Hindi News paper and top edition of English News paper has been done in the State. The enforcement has been done.</p> <p>Urban Development Department, Govt. of U.P. vide notification dated 15.07.2018 prohibited use, manufacture, sale, distribution, storage, transport, import or export of disposable plastic</p>

	cumulative format, failing which compensation of Rs. 1 lakh per quarter shall be levied by the CPCB.		
16.	UDDs shall ensure to promote compostable carry bags certified by CPCB	Urban Development Department	The CPCB to communicate about mentioned carry bags to the concerned departments for further circulation, along with the guideline and the department is committed to promote such carry bags.
17.	Municipalities should constitute squad to check illegal manufacturing, stocking, sale of <50 microns thickness plastic carry bags and uncertified compostable carry bags/products in the market	Urban Development Department	The task force comprising the retired Army officers has been constituted by the Urban Development Department vide letter No: 2133/ Nau-7-18-06(J0)/2018, dated: 21.12.2018. Till date approximately 858 MT of ban plastic items has been seized and Rs. 11.88 Cr. of penalty has been imposed against the violators in the State of Uttar Pradesh.
18	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 (Para 12: Let the matter be finalized and National Framework established as far as possible within three months).	CPCB and MOEF&CC	No progress reported
19.	CPCB may give its report for compensation regime in terms of para 13 above	CPCB	No progress reported

<p>(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 in fact 19 application seeking time to submit such regime in four weeks after finalization of National Framework on EPR by MoEF&CC).</p>		
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08-10-2020

08-10-2020

X Anup Chandra Pandey

Dr Anup Chandra Pandey
Member, Oversight Committee
Signed by: SURENDRA VIKRAM SINGH RATHORE

X SVS Rathore

Justice SVS Rathore
Chairman, Oversight Committee
Signed by: SURENDRA VIKRAM SINGH RATHORE

Oct 08, 2020

Please visit our website: oscngt.upsdc.gov.in for more information.

STATUS OF REPORTS IN OA 247/2017

S.No.	State	Quarter				
		Oct-Dec, 2019	Jan-March, 2020	April-Jun, 2020	July-Sep. 2020	Oct-Dec, 2020
1	Goa	Received on 4.11.2020	Received on 4.11.2020	Received on 4.11.2020	Received on 4.11.2020	
2	Odisha	16.10.2010	08.10.2020		28.12.2020	
3	Assam	11.11.2020	11.11.2020	11.11.2020	11.11.2020	
4	Bihar	21.05.2020		16.10.2020	01.01.2021	
5	Uttarakhand	12.06.2020			upto 15.10.2020	
6	Delhi	07.10.2020	07.10.2020			
7	J&K	26.05.2020				
8	Himachal Pradesh	24.07.2020				
9	Andhra Pradesh	13.03.2020				
10	Telangana	18.03.2020				
11	Maharashtra	13.03.2020	09.09.2020		30.12.2020	
12	Meghalaya	8/5/2020				
13	Chhattisgarh	16-06-2020				
14	Chandigarh					
15	Gujarat	11/5/2020				
16	Punjab	19-03-2020	Received	Received	Received	
17	Arunachal Pradesh	12/6/2020				
18	Puducherry	19-05-2020				
19	Tamil Nadu	11/5/2020				
20	Tripura	6/5/2020			22/10/2020	
21	Kerala	10.06.2020				
22	Andman Nicobar					
23	Daman & Diu					
24	Jharkhand					
25	Karnataka	28.12.2020	28.12.2020	28.12.2020	28.12.2020	28.12.2020
26	Lkashadweep					

27	Manipur					
28	Mizoram					
29	Rajasthan					
30	Sikkim					
31	West Bengal					
32	Uttar Pradesh	10.06.2020				
33	Nagaland	Received in December 20	Received in December 20	Received in December 20		
34	Madhya Pradesh	02.03.2020				
35	Haryana	06.06.2020				
36						

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