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BHAVANI MUNICIPALITY

PLASTIC WASTE MANAGEMENT BYE - LAWS, 2016

In exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government have enacted the Plastic Waste Management Rules, 2016 to regulate the management of Plastic Waste.

The Plastic Waste Management Rules, 2016 shall apply to every waste generator, local body, Gram Panchayat, manufacturer, Importers and producer.

PLASTIC WASTE MANAGEMENT BYE-LAWS OF THE BHAVANI MUNICIPALITY, FRAMED UNDER SECTION BHAVANI OF THE BHAVANI MUNICIPALITY ACT OF BHAVANI.

1.0 Title: This shall be called as the Bhavani Municipality ,Plastic Waste Management Bye-Laws, 2016

2.0 Extent of application: This bye-laws applies to every waste generator, local body, Gram Panchayat, manufacturer, Importers and producer within the limits of Bhavani Municipality.

3.0 Definition: In this Bye-law and the Schedule attached thereto, the words and expressions used but not defined shall have the meanings respectively assigned to them in the Bhavani Municipality, unless the context otherwise requires,-

1. "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
2. "brand owner" means a person or company who sells any commodity under a registered brand label.
3. "carry bags" mean bags made from plastic material or compostable plastic material, used for the purpose of carrying or dispensing commodities which have a self carrying feature but do not include bags that constitute or form an integral part of the packaging in which good are sealed prior to use.
4. "commodity" means tangible item that may be bought or sold and includes all marketable goods or wares;
5. "compostable plastics" mean plastic that undergoes degradation by biological processes during composting to yield CO₂, water, Inorganic compounds and biomass at a rate consistent with other known compostable materials, excluding conventional petro-based plastics, and does not leave visible, distinguishable or toxic residue;

6. **"consent"** means the consent to establish and operate from the concerned State Pollution Control Board or Pollution Control Committee granted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);

7. **"disintegration"** means the physical breakdown of a material into very small fragments;

8. **"extended producer's responsibility"** means the responsibility of a producer for the environmentally sound management of the product until the end of its life;

9. **"food-stuffs"** mean ready to eat food products, fast food, processed or cooked food in liquid, powder, solid or semi-solid form;

10. **"facility"** means the premises used for collection, Storage, recycling, processing and disposal of plastic waste;

11. **"importer"** means a person who imports or intends to import and holds an Importer -Exporter Code number, unless otherwise specifically exempted.

12. **"institutional waste generator"** means and includes occupier of the institutional buildings such as building occupied by Central Government Departments, State Government Departments, public or private sector companies, hospitals, schools, colleges, universities or other places of education, organization, academy, hotels, restaurants, malls and shopping complexes;

13. **"manufacturer"** means and include a person or unit or agency engaged in production of plastic raw material to be used as raw material by the producer.

14. **"multilayered packaging"** means any material used or to be used for packaging and having at least one layer of plastic as the main ingredients in combination with one or more layers of materials such as paper, paper board, polymeric materials, metalised layers or aluminium foil, either in the form of a laminate or co-extruded structure;

15. **"plastic"** means material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins, multi-materials like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate, Polybutylene terephthalate;

16. **"plastic sheet"** means Plastic sheet is the sheet made of plastic;

17. **"plastic waste"** means any plastic discarded after use or after their intended use is over;

18. **"prescribed authority"** means the authorities specified in rule 12;

19. **"producer"** means persons engaged in manufacture or import of carry bags or multilayered packaging or plastic sheets or like, and includes industries or individuals using plastic sheets or like or covers made of plastic sheets or multilayered packaging for packaging or wrapping the commodity;

20. **"recycling"** means the process of transforming segregated plastic waste into a new product or raw material for producing new products;

21. **"registration"** means registration with the State Pollution Control Board or Pollution Control Committee concerned, as the case may be;

22. **"street vendor"** shall have the same meaning as assigned to it in clause (l) of sub-section (1) of Section 2 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014);

23. **"local body"** means urban local body with different nomenclature such as Municipal Corporation, Municipality, nagarpalika, nagarnigam, nagarpanchayat, municipal council including notified area committee (NAC) and not limited to or any other local body constituted under the relevant statutes such as gram panchayat, where the management of plastic waste is entrusted to such agency;

24. **"virgin plastic"** means plastic material which has not been subjected to use earlier and has also not been blended with scrap or waste;

25. **"waste generator"** means and includes every person or group of persons or institution, residential and commercial establishments including Indian Railways, Airport, Port and Harbour and Defense establishments which generate plastic waste;

26. **"waste management"** means the collection, storage, transportation reduction, re-use, recovery, recycling, composting or disposal of plastic waste in an environmentally safe manner;

27. "waste pickers" mean individuals or agencies, groups of individuals voluntarily engaged or authorised for picking of recyclable plastic waste.

4.0 Responsibilities of Waste Generator:-

- 1) The waste generator shall.-
 - a) take steps to minimize generation of plastic waste and segregate plastic waste at source in accordance with the Solid Waste Management Rules, 2016 or as amended from time to time.
 - b) not litter the plastic waste and ensure segregated storage of waste at source and handover segregated waste to urban local body or gram Panchayat or agencies appointed by them or registered waste pickers', registered recyclers or waste collection agencies;
- 2) All institutional generators of plastic waste, shall segregate and store the waste generated by them in accordance with the Solid Waste Management Rules, 2016 notified vide S.O. 1357(E) dated: 8th April, 2016 under the Act or amendment from time to time and handover segregated wastes to authorized waste processing or disposal facilities or deposition centers either on its own or through the authorized waste collection agency.
- 3) All waste generators shall pay such user fee or charge as may be specified in the bye-laws of the local bodies for plastic waste management such as waste collection or operation of the facility thereof, etc.;
- 4) Every person responsible for organizing an event in open space, which involves service of food stuff in plastic or multilayered packaging shall segregate and manage the waste generated during such events in accordance with the Solid Waste Management Rules, 2016 notified vide S.O.1357(E) dated: 8th April, 2016 under the Act or amendment from time to time

5.0 Responsibility of Producers, Importers and Brand Owners :-

- 1) 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.
- 2) 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. This plan of collection to be submitted to the State Pollution Control Boards while applying for Consent to Establish or Operate or Renewal. The Brand Owners whose consent has been renewed before the notification of these rules shall submit such plan within one year from the date of notification of these rules and implement with two years thereafter.
- 3) Manufacture and use of non- recyclable multilayered plastic if any should be phased out in Two years time.
- 4) The producer, within a period of three months from the date of final publication of these rules in the Official Gazette shall apply to the Pollution Control Board or the Pollution Control Committee, as the case may be, of the States or the Union Territories administration concerned, for grant of registration.
- 5) No producer shall on and after the expiry of a period of Six Months from the date of final publication of these rules in the Official Gazette manufacture or use any plastic or multilayered packaging for packaging of commodities without registration from the concerned State Pollution Control Board or the Pollution Control Committees.
- 6) Every producer shall maintain a record of details of the person engaged in supply of plastic used as raw material to manufacture carry bags or plastic sheet or like or cover made of plastic sheet or multilayered packaging.

6.0 Responsibilities Of The Bhavani Municipality :-

The Bhavani Municipality

- (1) Shall be responsible for development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers.
- (2) Shall be responsible for setting up, operationalisation and co-ordination of the waste management system and for performing the associated functions, namely:-
 - a) Ensuring segregation, collection, storage, transportation, processing and disposal of plastic waste;
 - b) ensuring that no damage is caused to the environment during this process;

- c) ensuring channelization of recyclable plastic waste fraction to recyclers;
- d) ensuring processing and disposal on non-recyclable fraction of plastic waste in accordance with the guidelines issued by the Central Pollution Control Board;
- e) creating awareness among all stakeholders about their responsibilities;
- f) engaging civil societies or groups working with waste pickers; and
- g) ensuring that open burning of plastic waste does not take place.

(3) Setting up of system for plastic waste management by seeking assistance of producers and such system shall be set up within one year from the date of final publication of these rules in the Official Gazette of India.

(4) To frame bye-laws incorporating the provisions of these rules.

7.0 Obligatory Responsibilities Of Bhavani Municipality

7.1 *Surprise checks:* The Commissioner, Project Engineer/City engineer/ municipal engineer/ Health officer/sanitary officer/ sanitary inspectors or any other officer authorised by the Commissioner will conduct surprise checks in various parts of the wards in the Municipality limits at any time (day or night) with a view to encourage compliance. Any contravention will attract a fine together with confiscations of concerned articles and any litter found during these checks will be cleared by the Municipality.

7.2 *Enforcement Squads in each ward:* Appoint Nuisance Detectors and form Enforcement Squad for SWM and PWM services. The designated officer will supervise the Nuisance Detectors and Enforcement Squads.

7.3 *Publicity:* Citizen Information services of the Municipality shall publicize the provision of the Byelaws through the media of Signs, advertisement, leaflets, announcement on radio and televisions, newspapers articles and through any other appropriate means, so that all citizens will have the opportunity to become informed about their legal duties and about Municipality's recycling, refuse & anti-litter services and fines.

7.4 *Co-ordination with Government Bodies:* The Municipality shall co-ordinate with other government agencies and authorities, to ensure compliance of these bye-laws within areas under the jurisdiction or control of such bodies.

7.5 The Commissioners/ designated officers will extend the Slum Adoption Program to the uncovered areas within their wards for Solid Waste Management and Plastic Waste Management, with the possible assistance of qualified Community Based Organisations (CBOs)/non government organisations(NGO's)/voluntary service organisations(VSO's)/ Self Help Groups(SHG).

7.6 Cleanliness drives will be conducted by the Municipality in association with Ward Councillors, Citizens organizations, Government bodies, Corporate, NGO's for the cleanliness of areas inside the slums, from time to time, in association with CBOs participating in the Slum Adoption Program.

8.0 Penalties For Contravention Of These Bye - Laws :

8.1 On and after the date of commencement of these Bye-laws, there will be a familiarization/warning period of 30 days, after which, any contravention of these Bye-laws shall be punishable with fines as per the Schedule of Fines (Schedule I) for every instance of breach of these byelaws. In case the generator of waste is found contravening any of these Bye-laws next time, the fine amount will be doubled.

8.2 In case of a person or any polluter is not able to pay the fine as mentioned in Schedule, while contravening any of these Bye-laws he/she will be prosecuted under the provisions made in City Police Act & District Police Act / Indian Penal Code.

9. Punishments :

Any person violating the provisions made in the Bye-laws (or) any person who is the custodian of a child aged less than 14 years who violates the provisions made in the Bye-laws will be deemed to be considered for punishment as per rule in force.

10. Right to Appeal :

Any person aggrieved or affected by this Bhavani Municipal Plastic Waste Management Bye-law, 2016 shall have the right to appeal before the Commissioner of Municipal Bye-law will take effect after the due approval of the Bhavani Municipal Council.

Schedule- I
Schedule of Fines (PWM Rule 2016)

Sl.No	Description of Bye - Law	Amount of Fine applicable for breach of Bye - Law *
(1)	(2)	(3)
1	The shop keeper and street vendors providing plastic carry bags for dispensing any commodities without registering with local bodies on payment of minimum Rs48000 per annum within six months from the notification of PWM Rule 2016	Rs10000/-
2	The sale and use of carry bags less than 50 micron thickness	Rs1000/-
3	Retailers, Street vendors and Commercial establishments selling or providing commodities to consumer in carry bags or Plastic sheets or Multilayered packaging which are NOT MARKED AND LABELLED as per norms prescribed in PWM Rules 2016 .	Rs.5000/-
	a) Name, Registration Number of manufacturer and thickness in case of carry bag and should be labeled as "Recyclable" or "compostable" printed in English	Rs.1000/-
	b) Name, Registration Number of manufacturer and thickness in case of Multilayered packaging and should be labeled as "Recyclable" or "compostable" printed in English	Rs.1000/-
	c) Name and certificate number (Rule4H) in case of carry bag made from compostable plastics and should be labeled as "Recyclable" or "compostable" printed in English	Rs.1000/-
4.	Open Burning of Plastic waste in any public place/ Private Property/ Vacant sites	
	a) Individuals within their premises	Rs.500/-
	b) Individuals in public places	Rs.1000/-
	c) Institutions and Establishments	Rs.2000/-
5.	For not cleaning-up after public gathering/event which involves service of food stuff in plastic or multilayered packaging within 24 hours	Forfeiture of the Cleanliness Deposit together with a fine of Rs.25,000/-

Note:

- The listed violations will also lead to the confiscations of the goods involved in the above penalties.
- Any other type of violations not listed in 1 to 4, the amount of fine for breach of bye-law and PWM Rule 2016 shall be decided by the Council subsequently based on the occurrence and necessity.

Bhavani,
04.07.2017.

(S.d) X X X,
Commissioner,
Bhavani Municipality,
Erode District.