

Agenda Item No. _____

Municipal Corporation Chandigarh Plastic Waste Management Bye-Laws 2019.

**Municipal Corporation
Chandigarh
*"Plastic Waste Management
Bye- laws"2019***

Address: New Deluxe Building ,
Sector-17E, Chandigarh.

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The Ministry of Environment, Forest and Climate Change, Govt. of India, New Delhi has notified by 'Plastic Waste Management Rules, 2016 vide notification No.GSR.320(E) dated 18.03.2016. These rules was amended vide Notification No.GSR.285(E) dated 27.03.2018. The Local bodies was required to frame bye-laws incorporating the provisions of these rules. Further, Municipal Corporation Chandigarh has given undertaking in O.A. No.247 of 2017 titled Central Pollution Control Board Vs State of Andaman & Nicobar & Ors that Municipal Corporation Chandigarh has framed "Municipal Corporation Chandigarh- Plastic Waste Management Draft Bye-Laws, 2019" and same is placed before the General House of the Corporation for its consideration and approval please.

Short Title and commencement:- (1) These bye-laws may be called **Municipal Corporation Chandigarh 'Plastic Waste Management Bye-Laws 2019'**.

(2) They shall come into force on the date of publication in the Gazette.

(3) They shall supersede any bye-laws on Plastic Waste Management made earlier by the Municipal Corporation Chandigarh.

1: Definitions

- (a) "**Act**" means the Environment (Protection) Act, 1986 (29 of 1986); under which these bye-laws are make.
- (b) "**Alternative use**" means use of a material for a purpose other than for which it was conceived, which is beneficial because it promotes resource efficiency;
- (c) "**brand owner**" means a person or company who sells any commodity under a registered brand label.
- (d) "**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 goods are sealed prior to use.
- (e) "**commodity**" means tangible item that may be bought or sold and includes all marketable goods or wares;
- (f) "**compostable plastics**" means 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;
- (g) "**Commissioner**" means Commissioner Municipal Corporation Chandigarh.
- (h) "**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);

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- (i) **"co-processing"** means use of non-biodegradable and non-recyclable solid waste having calorific value exceeding 1500 kcal as raw material or as a source of energy or both to replace or supplement the natural mineral resources and fossil fuels in industrial processes;
- (j) **"disintegration"** means the physical breakdown of a material into very small fragments;
- (k) **"energy recovery"** means energy recovery from waste that is conversion of waste material into usable heat, electricity or fuel through a variety of processes including combustion, gasification, pyrolysis, anaerobic digestion and landfill gas recovery;
- (l) **"extended producer's responsibility"** means the responsibility of a producer for the environmentally sound management of the product until the end of its life;
- (m) **"food-stuffs"** mean ready to eat food products, fast food, processed or cooked food in liquid, powder, solid or semi-solid form;
- (n) **"facility"** means the premises used for collection, Storage, recycling, processing and disposal of plastic waste;
- (o) **"fine"** means penalty imposed on waste generators or operators of waste processing and disposal facilities under the bye-laws for non-compliance of the directions contained in these rules and/or bye- laws,
- (p) **"importer"** means a person who imports or intends to import and holds as Importer-Exporter Code Number, unless otherwise specifically exempted.
- (q) **"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;
- (r) **"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.
- (s) **"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, metalized layers or aluminum foil, either in the form of a laminate or co-extruded structure;
- (t) **"Municipal Corporation"** means Municipal Corporation Chandigarh.
- (u) **"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;
- (v) **"plastic sheet"** means Plastic sheet is the sheet made of plastic;
- (w) **"plastic waste"** means any plastic discarded after use or after their intended use is over;
- (x) **"prescribed authority"** means the authorities specified in rule 12;
- (y) **"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;
- (z) **"processing"** means any scientific process by which plastic waste is treated for processing for the purpose of reuse, recycling or transformation into new products or making it suitable for land filling;

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- (aa) **"recycling"** means the process of transforming segregated plastic waste into a new product or raw material for producing new products;
- (bb) **"registration"** means registration with the Chandigarh Pollution Control Committee or in the Municipal Corporation Chandigarh, as the case may be;
- (cc) **"rules/bye-laws"** means regulatory framework by Chandigarh Administration and any other authority of the Chandigarh for facilitating the implementation of these bye-laws in their jurisdiction.
- (dd) **"street vendor"** shall have the same meaning as assigned to it in clause (1) of sub-section (1) of Section 2 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act. 2014 (7 of 2014);
- (ee) **"user fee"** means a fee imposed by the Local Body and any entity mentioned in rule 2 on the waste generator to cover full or part cost of providing solid waste collection, transportation, processing and disposal services.
- (ff) **"virgin plastic"** means plastic material which has not been subjected to use earlier and has also not been blended with scrap or waste;
- (gg) **"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;
- (hh) **"waste management"** means the collection, storage, transportation reduction, re-use, recovery, recycling, composting or disposal of plastic waste in an environmentally safe manner;
- (ii) **"waste pickers"** mean individual or agencies groups of individuals voluntarily engaged or authorized for picking of recyclable plastic waste.

2: Applicability:

These byelaws shall be applicable within the limits of all the Municipal Corporation of Chandigarh and to every public place within the jurisdiction of Chandigarh, to every generator of municipal solid waste and to every premise under the ownership or occupation of any person within the limits of the Municipal Corporation Chandigarh.

- a. The Municipal Corporation Chandigarh shall encourage the minimization of plastic use within its jurisdictional limits of Chandigarh by generating awareness on the problems presented by excessive plastic use, the short term and long term effects of plastic waste on the environment, alternate non-plastic substitutes of plastics etc., on a continuous basis and shall provide budget for the same.
- b. Use of plastic carry bags or plastic products that do not conform to the specifications of the PWM rules 2016 which are amended time to time, shall be prohibited.
- c. Producers and retailers shall take definitive steps to substitute plastic packaging to other biodegradable and recyclable material to the extent possible as per the PWM 2016 rules.
- d. Waste generators shall take steps to minimize their consumption of plastics and their

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3. Compliance with Plastic Waste Management Rules:

No person shall manufacture, stock, distribute, sell or use plastic carry bags, plastic sheet, cover made of plastic sheet or multi-layered packaging or any other plastic product in violation of the provisions of the Plastic Waste Management Rules, 2016. All the stakeholders have to confirm to the rules and regulation prescribed and modified by the Central and/or State Government regulations, issued from time to time.

4: Segregation, Collection and Storage of Plastic Waste

- a. Every waste generator shall segregate the waste generated by them at the source at which such wastes are generated and plastic wastes shall be stored separately from other kinds of wastes, within the premises of the waste generator. This responsibility shall fall upon the occupier or manager of the premises of the waste generator as the case may be. The aforementioned entities shall hand over such segregated plastic waste to the collection agency designated/authorized by the Municipal Corporation Chandigarh.
- b. Plastic packaging of food wastes shall be emptied of their food content, before being segregated. Further non-plastic biodegradable waste (including food waste) shall not be disposed of in plastic bags other than plastic garbage bags manufactured specifically for the disposal of non-plastic biodegradable waste. No plastic waste shall be disposed otherwise as has provided under these byelaws. Further, no plastic waste shall be burnt in any public or private premise.
- c. No plastic, including plastic containing any liquid which by reasons of its mass or other characteristics is likely to render any collection unreasonably difficult for the Municipal Corporation, Chandigarh employees or service provider to handle, shall be stored or placed along with other plastic wastes.
- d. Bulk generators of solid waste such as Cinema Halls, Hotels, Institutions, Shopping Hall, Hostels, and schools shall be encouraged to initiate and undertake special drives and programs to promote segregated waste collection. This could be in the form of one-day collection drives, Community waste collection Centers.

5: Collection Centers and Transportation

- a. The Municipal Corporation Chandigarh shall set up designated community waste collection centers in the city. These will be operated by designated waste management organizations/ waste pickers organizations/and/or recyclers.
- b. Plastic wastes shall, upon segregation, be handed over to waste pickers designated to collect plastic wastes from the doorstep of the particular waste generator. However, where door of the waste collection services is not available and/or a waste generator does not avail of the waste collection services of waste pickers, such waste generator shall dispose of the segregated plastic waste at the Community Waste Collection Centers, designated by the Municipal Corporation Chandigarh.

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6: Processing of Plastic Waste:

- a. The Municipal Corporation Chandigarh shall set up treatment and processing facilities as per the requirement of quality of plastic to be processed in line with the PWM Rules 2016 and Solid waste Rules 2016
- b. The Municipal Corporation Chandigarh, may for the purpose of recycling, treating, processing and disposing of plastic wastes or converting such wastes into any other matter construct, acquire, operate, maintain and manage any establishment within or outside the Municipal Corporation Chandigarh area and run it on a commercial basis or may contract out such activity.
- c. The Municipal Corporation Chandigarh shall encourage the recycling of plastic wastes. The Municipal Corporation Chandigarh shall encourage the adoption of suitable processing technologies such as road construction, co-incineration, co-processing etc. to reduce the disposal of plastic wastes into landfills.
- d. The waste processing and disposal site shall be designed, constructed and maintained as per the CPCB guidelines.
- e. : Disposal of unbeatable, unrecyclable, thermoset plastic Wastes:
 - (i) Plastic wastes, which cannot be processed further or recycled, and inert, shall be disposed in landfills.
 - (ii) Thermo set plastic waste shall be processed and disposed off in accordance with the relevant provisions of the CPCB guidelines.

7: Waste Management Charges:

- a. The Municipal Corporation Chandigarh, shall provide or facilitate the provision of service for the collection, treatment and disposal of plastic waste in the city.
- b. Waste generators, retailers and producers shall be liable for all charges incurred towards plastic waste management in the city as prescribed in Section 12.
- c. The Municipal Corporation Chandigarh shall utilize the user charges, registration fees and charges collected from waste generators for plastic waste management exclusively.

8: Plastic Waste Management System: The Municipal Corporation Chandigarh shall establish, operate, administer and co-ordinate a Plastic Waste Management System (PWMS). The key goals of the Plastic Waste Management System are:

- a. To ensure the safe collection, storage, segregation, transportation, processing and disposal of plastic waste within its jurisdictional limits as may be mandatory for the Municipal Corporation Chandigarh in accordance with the Plastic Waste Management Rules, 2016;
- b. To set up plastic waste collection centres/ material recovery facilities for plastic waste;
- c. To ensure its channelizing to recyclers including through the existing formal/ informal waste recycling sector;
- d. To create awareness among all the stakeholders about their responsibilities;
- e. To ensure the financial sustainability of plastic waste management.
- f. To implement EPR and levy user charges, penalty etc. for effective implementation of plastic waste management.

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- g. The State Level Advisory Board (SLAB) constituted under the Solid Waste Management Rules, 2016 will manage the process of appraising the proposals submitted by the ULB and disbursement of funds to the ULB, recyclers and for IEC activity.
- h. Representative of producers/importer/brand owner to be part of SLAB.

: Waste generators

- a. Individual household and institutional waste generator shall take steps to minimize generation of plastic waste and segregate plastic waste at source.
- b. Waste generators will segregate the plastic waste at source and store it separately.
- c. All institutional generators of plastic waste, shall segregate and store the waste generated by them in accordance with the Solid Waste Management Rules, 2016 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.
- d. The waste generators shall not litter or burn the plastic waste No generator shall dispose the plastic waste to drains/ unauthorized place within municipal area.
- e. Waste generators shall be liable to pay plastic waste management user fees as stipulated by Municipal Corporation Chandigarh from time to time.
- f. 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 or amendment from time to time.

9: Producers and Brand Owners:

Producers and brand owner shall adhere to Plastic Waste Management Rules 2016, and other regulations in conformance with the Chandigarh Pollution Control Committee Chandigarh.

- a. The primary responsibility for setting up collection systems-for plastic waste lies with producers and brand owners; the Municipal Corporation Chandigarh will seek the assistance of producer and brand owner for providing financial support towards development of plastic waste management system within the jurisdiction of the Corporation.
- b. The Municipal Corporation Chandigarh shall work out the modalities of a mechanism based on EPR involving producers and brand owner.
- c. 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 Chandigarh Pollution Control Committee while applying for registration to Establish or Operate or Renewal. The Brand Owners whose registration 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 within two years thereafter.

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: Recyclers and Operators of Plastic Treatment Plants:

Producers and brand owner shall adhere to Plastic Waste Management Rules 2016, and other regulations in conformance with the Chandigarh Pollution Control Committee Chandigarh.

- a. Recycling of plastic shall be carried out in accordance with the Indian Standard: IS 14534:1998 titled as Guidelines for recycling of Plastic, as amended from time to time;
- b. Recyclers shall ensure that recycling facilities are in accordance with the Indian Standard: IS 14534: 1998 titled as Guidelines for Recycling of Plastic and in compliance with the rules under the Environment (Protection) Act, 1986 as amended from time to time;
- c. Recyclers shall work with the Municipal Corporation Chandigarh to ensure that the residue generated from recycling process is disposed of in accordance with the relevant schedules under the SWM, 2016.

: Self-Compliance:

- a. Every recycler and operator of plastic treatment plants shall maintain a self-compliance register, which shall be mandatory evidence for proof of compliance with these bye-laws.
- b. Such self-compliance register shall be maintained in the format prescribed by the Municipal Corporation Chandigarh in Annexure 2 - Form 2 and shall be filled with such periodicity as to correspond to the frequency of the disposal of plastic wastes, by the maintaining entity.
- c. Persons failing to maintain the self-compliance register shall be subjected to the penalty stipulated under these rules.

10: User Charges:

All institutional waste generators shall pay such fees as may be specified as per Annexure-1 by the Municipal Corporation Chandigarh for Plastic Waste Management from time to time.

11: Prohibition of certain plastic items:

- a. No person shall carry, use or store any type of plastic carry bags including Non-woven material of Poly-propylene 100% & Non-Biodegradable plastic bags(s) and to every premises under the ownership or occupation of any person within the limits of the Municipal Corporation Chandigarh.
- b. The prohibition under clause (a) above shall not affect the use of plastic carry bags as specified under the Bio-Medical Waste Management Rules, 2016.
- c. Any such plastic carry bags or plastic articles shall be confiscated at the point of found in use or store.
- d. Any person in breach of such prohibition shall be liable to charges prescribed under the Bye-laws and any other law in force at the time being. Notice will be provided as per Form- 3.

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- e. The Municipal Commissioner/ Chief Officer may, by notification,
 - i) Extend such prohibition to any other place or premises, whether private or public, including premises owned, managed or controlled by Departments of the Central or State governments within the jurisdiction of the Municipal Corporation/Chandigarh Administration, as may be specified in such notification;
 - ii) Direct minimum standards of non-plastic carry bags, such as a minimum recycled content for paper bags provided by shopkeepers, vendors, wholesalers, retailers, hawkers etc.

12: The Municipal Corporation shall

- a. Attempt to integrate the scrap shops within the city, so far as they comply with regulations prescribed by the Municipal Commissioner from time to time and register with the Corporation. These units shall be granted registration for a period of one year, unless revoked suspended or cancelled, prior to the expiry of one year as per Form 1. No registration fee will be applicable to scrap shop recyclers.
- b. The registration of such scrap shop recycler will be renewed every year without any registration charges.
- c. Encourage the recycling of plastic wastes The Municipal Corporation Chandigarh shall encourage the adoption of suitable processing technologies such as road construction, incineration, co- processing etc, to reduce the disposal of plastic wastes into landfills.
- d. Prepare and submit an annual report in Form -V given in the PWM rules 2016 to the Secretary-in-charge of the Urban Development Department and intimate the Chandigarh Pollution Control Committee of the same.
- e. Review and amend the PWM plan once in every 5 years for purposes of ensuring their sustainability, viability, effectiveness and relevance in relation to regulatory and technological developments.

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Annexure -1

COMPOUNDING CHARGES AND ADMINISTRATIVE FEES

Offenses under Bye-Laws: Compounding Charges and Administrative Fees on certain offences are punishable with fines whoever:

- a) contravene provision of any of the rules, sub-rules and clauses mentioned in the first column of the following table or any regulation made there under; or
- b) fails to comply with any requisition lawfully made upon him under any of the said rules, sub-rules or clauses, shall be punished, for each such offense, with fine which may extend to the amount mentioned in
- c) that behalf in the second column of the table as below:

Sr. No	Bye Law Ref.	OFFENCE	Compounding Charges/Administrative Fee in Rs.
1.	Point:3	Plastic Waste Management Rules or any other regulations.	500+5000
2.	Point:4 (a), (b), & (c)	Non Segregation of plastic at source/Carrying, Using or storing any plastic carry bags or using plastic item in prohibited locations	500+5000

- The compounding charges will be decided by designated officer of Municipal Corporation Chandigarh.
- In case of challan is not disposed off within 10 days, the Commissioner, MC Chandigarh may recover the same from the defaulter by adding the amount due in the water bill/property tax or by the recovery as arrear of Land Revenue under Punjab Revenue Act as applicable to U.T., of Chandigarh along with interest as applicable on water charges bill from time to time.

Annexure-2

The below forms for Plastic Waste Management are subject to mention by the Officer as notified from time to time.

Form-1

Format for registration of informal waste collection units / scrap shop

Name of the Shop:

Name of the Owner /Occupier of the shop:.....
.....

Address:
.....

Contact. No.

Type of Legal entity:

Company ☐ Proprietor ☐ shop
Limited Firm ☐ Other(mention)

GST No.:

Shop act registration No.:

Company registration No.:

Property Tax No.:

PAN No.:

Types of waste collected at the shop:

Plastic types: Grade 1,2,3,4,5,6,7:

Plastic is sold to Wholesaler Recycler ☐ Retailer
 Dealer Other(mention)

- Municipal Corporation Chandigarh Municipalities is not liable for any legal status of the shop in regards to land holding, manner of operation, storage of waste and fire safety liabilities.
- This registration is issued solely for the purpose of ensuring environmentally sustainable recycling of plastic waste in the city of Municipal Corporation Chandigarh

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Form -2

Format for self compliance

Type of Entity-

☐ Waste Picker Recycler and operator of plastic waste treatment Other (mention):

Year-.....

Name.....

Address.....

Contact.....

Quantity of Plastic waste

	Month	Quantity of Plastic waste given to the waste picker/ Waste collection	In case of organized and un-organized retailer, street vendor- Number of Carry bags given per month
1	January		
2	February		
3	March		
4	April		
5	May		
6	June		
7	July		
8	August		
9	September		
10	October		
11	November		
12	December		
	Total		

I/We pledge to adhere to the Plastic Waste Management Rules, 2016.

Signature of Authorized Person

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Form 3

Format for notice of offence under the Rules

Notice of Offence issued under the plastic Waste Management Rules 2016 of Government of India

1	Notice No	(Pre printed no)
2	Date	
3	Time	
4	Name of Person / Agency against whom the offence is Registered	
5	Type of Waste generator / Retailer	Individual / Institutional Generator / Retailer / Street Vendor
6	Address	
7	Contact number	
8	Pan Card / Aadhar Card no	
9	Type of offence	Please tick the appropriate
	(a) Fine for Littering	
	(b) Use of non-conforming Plastic bags	
	(c) Retailer/street vendor giving plastic bags/allied items	
	(d) Non- segregation of plastic at source	
	(d) Non maintenance of self-compliance register	
10	Remarks	
11	Notice Issuing Official's Name & Designation	
	Contact no	
12	Sign	

Form 4

Form for declaration by the Organized retailers, un-organized and street vendors for not using Plastic bags.

Name of the Retailer / Street vendor-

Address of Business-.....

.....

Name of Owner / Manager-.....

Contact-.....

Date of filling the form-.....

I/We the owner of this retail / street vendor declare that I/We not use any type of plastic bags, containers, cups, plates or any other plastic product to sell, serve, and carry the goods sold at my shop.

If during any inspection we are found using any type of plastic of plastic bags, containers, cups, plates or any other plastic product to sell, serve, carry the goods; I/We would be liable to be fined as per the ULB byelaws.

I/We pledge to adhere by the Plastic Waste Management rules.

Signature of Authorized person

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