GUIDELINES FOR ASSESSMENT OF ENVIRONMENT COMPENSATION TO BE LEVIED FOR VIOLATION OF PLASTIC WASTE MANAGEMENT RULES, 2016

APRIL, 2024
CENTRAL POLLUTION CONTROL BOARD
DELHI

Contents

1.0 Background 2

2.0 Provisions of Plastic Waste Management Rules 2

3.0 Approach for Assessment of Environment compensation 8

4.0 Action to be Taken for Non- Compliance of PWM Rules 8

5.0 EC charges for Delay in EC deposition 34

6.0 Modalities for Expenditure of EC funds 35

1.0 Background

Plastic Waste Management (PWM) 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 has only compounded this problem. Ministry of Environment, Forests and Climate Change (MoEF&CC) notified Plastic Waste Management Rules, 2011 and revamped the Rules in 2016 to ensure proper plastic waste management in India.

CPCB in compliance of Hon'ble NGT order dated 10.09.20 in O.A. No. 247/2017, framed the regime for levying EC for violation of PWM Rules. Hon'ble NGT vide order dated 08.01.2021 Hon'ble had directed that "*EC and penal action regime proposed by the CPCB may be duly implemented by the CPCB, State PCBs/PCCs, State Level Monitoring Committees and all other concerned authorities".*

Four Amendments to PWM Rules have recently been notified by Mo EF&CC through notification dated August 12,2021 (**Annexure-I**), September 17,2021 (**Annexure-II**), February 16,2022 (**Annexure-III**), & July 06, 2022 (**Annexure-IV**) respectively.

As per provision 9.2 of Schedule-II notified through Amendments to PWM Rules dated February 16,2022 "*Central Pollution Control Board shall lay down guidelines for imposition and collection of environment compensation (EC) on Producers, Importers & Brand-Owners, recyclers and end of life processors, in case of nonfulfillment of obligations set out in these guidelines, and the same shall be notified. The Guidelines for Environmental Compensation shall be updated, as required*".

As per provision 18 notified through Amendments to PWM Rules dated July 06, 2022, "*The Environmental Compensation shall be levied based upon polluter pays principle, on persons who are not complying with the provisions of these rules, as per guidelines notified by the Central Pollution Control Board*."

The EC regime framed has been updated in accordance with Amendments dated August 12, 2021, February 16, 2022 & July 06, 2022 to Plastic waste Management Rules. The document details the EC regime to be levied on the violators in accordance with provisions of PWM Rules.

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

Rule	Provisions
4(1)(c)	Carry bag made of virgin or recycled plastic, shall not be less than seventy-five microns in thickness with effect from the 30th September, 2021 and one hundred twenty (120) microns in thickness with effect from the 31st December, 2022.
4(1)(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 as specified by the Central Government where the thickness of such plastic sheets impair the functionality of the product.
4(1)(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(1)(f)	Sachets using plastic material shall not be used for storing, packing or selling gutkha, tobacco and pan masala.
4(1)(h)	The manufacturers of compostable plastic and biodegradable plastics carrybags or commodities or both shall obtain a certificate from the Central Pollution Control Board before marketing or selling.
4(1)(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.
4(1)(j)	Non-woven plastic carry bag shall not be less than 60 Gram Per Square Meter (GSM).
4(2)	Manufacture, import, stocking, distribution, sale and use of following single use plastic, including polystyrene and expanded polystyrene, commodities shall be prohibited: (a) ear buds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice-cream sticks, polystyrene [Thermocol] for decoration; (b) plates, cups, glasses, cutlery such as forks, spoons, knives, straw, trays, wrapping or packing films around sweet boxes, invitation cards, and cigarette packets, plastic or PVC banners less than 100 micron, stirrers.
<u>6(1)&(7)</u>	Every local body shall be responsible for development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers.

Rule	Provisions
6(2)(a)&7(1)(a)	Ensuring segregation, collection, storage, transportation, plastic waste and channelization of recyclable plastic waste fraction to recyclers having valid registration; ensuring that no damage is caused to the environment during this process; and ensuring that open burning of plastic waste does not take place.
6(2)(g)&7(c)	Ensuring that open burning of plastic waste does not take place.
6(4)	The local body to frame bye-laws incorporating the provisions of these rules.
8(1)(a)	The waste generator shall take steps to minimize generation of plastic waste and segregate plastic waste at source.
8(1)(b)	The waste generator shall not litter the plastic waste.
10(5)	As a transitory measure, provisional certificate for biodegradable plastics, shall be issued by the Central Pollution Control Board, in cases, where an interim test report is submitted, for an on-going test, which covers the first component of the IS 17899 T:2022 relating to biodegradability given at Sl. No. (i) or Sl. No. (ii) of Table 1 or Sl. No. (i) of Table 2 of the IS 17899 T:2022:
10(6)	The interim test report shall be obtained from the Central Institute of Petrochemical Engineering and Technology or a laboratory recognised under the Laboratory Recognition Scheme, 2020, of the Bureau of Indian Standards or laboratories accredited for this purpose by the National Accreditation Board for Testing and Calibration Laboratories, and they shall certify the bio-degradation of plastic is in line with IS 17899 T:2022. Provided that where testing of biodegradable plastic had commenced prior to the registration of a laboratory, and the report is in conformity with IS 17899 T:2022, the Central Pollution Control Board shall ask the applicant for re-testing and permit the production or usage of such biodegradable plastic, till the period the test report is received from duly recognized laboratory subject to furnishing of bank guarantee equal to the amount of Environment Compensation leviable under rule 18: Provided further that the bank guarantee shall be forfeited if the result of such test does not conform to IS 17899 T:2022.

Rule	Provisions
11(1)	Name, registration number of the producer or brand owner and thickness in case of carry bag and plastic packaging: Provided that this provision shall not be applicable, - for plastic packaging used for imported goods: for cases falling under rule 26 of the Legal Metrology Packaged Commodities Rules, 2011, after the approval of the Central Pollution Control Board: for cases where it is technically not feasible to print the requisite information mandated under this Rule, as per specifications given in the —Guidelines for use of Standard Mark and labelling requirements under BIS Compulsory Registration Scheme for Electronic and IT Products after the approval of the Central Pollution Control Board; name and registration number of the producer or brand owner in case of multi-layered packaging, excluding multi-layered packaging used for imported goods: and name and certificate number of producer [Rule 4(h)] in case of carry bags made from compostable plastic. the importer or producer or brand owner of imported carry bags or multi-layered packaging or plastic packaging, alone or along with the products shall adhere to clause (a) and (b)
13(1)&13(2)	(1) No person shall manufacture carry bags or recycle plastic bags or multi-layered packaging unless the person has obtained registration from, - (i) the concerned State Pollution Control Board or Pollution Control Committee of the Union territory, if operating in one or two states or Union territories; or (ii) the Central Pollution Control Board, if operating in more than two States or Union territories. (2) Every producer or brand-owner shall, for the purpose of registration or for renewal of registration, make an application as per the guidelines specified in Schedule -II in Form-I (**ANNEXURE-III**) to: 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 ii. “The Central Pollution Control Board, if operating in more than two States or Union Territories**”.**

Rule	Provisions
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 as per the guidelines specified in Schedule –II (**ANNEXURE-III**).
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.
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.
17(1)	Every person engaged in recycling or processing of plastic waste shall prepare and submit an annual report in Form-IV to the local body concerned under intimation to the concerned State Pollution Control Board or Pollution Control Committee by the 30th April, of every year.
17(2)	Every local body shall prepare and submit an annual report in Form –V to the concerned Secretary-in-charge of the Urban Development Department under intimation to the concerned State Pollution Control Board or Pollution Control Committee by the 30th June, every year.
17(3)	Each State Pollution Control Board or Pollution Control Committee shall prepare and submit an annual report in Form VI to the CPCB on the implementation of these rules by the 31st July, of every year.

Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging	
9.1	Environmental Compensation shall be levied based upon polluter pays principle, with respect to nonfulfillment of Extended Producer Responsibility targets by Producers, Importers & Brand Owners.
10.1	The Producers, Importers & Brand-Owners shall have to register through the online centralized portal developed by Central Pollution Control Board. The certificate of registration shall be issued using the portal.

10.6	The Producers, Importers & Brand-Owners shall file annual returns on the plastic packaging waste collected and processed towards fulfilling obligations under Extended Producer Responsibility with the Central Pollution Control Board or concerned State Pollution Control Board or Pollution Control Committee as per pro forma prescribed by Central Pollution Control Board by the 30th June of the next financial year.
11.1	All plastic waste processors shall have to register with concerned State Pollution Control Board or Pollution Control Committee in accordance with provision 13(3) of Plastic Waste Management Rules, 2016 on the centralized portal developed by Central Pollution Control Board.
11.2	The Plastic waste processors shall submit annual returns after end of every financial year by 30th April of the next financial year on the quantity of plastic waste processed category-wise as per prescribed pro forma on the centralized portal developed by Central Pollution Control Board.
11.4	In case, at any stage it is found that the information provided by the plastic waste processor is false, the plastic waste processor shall be debarred by State Pollution Control Board, as per procedure laid down by Central Pollution Control Board, from operating under the Extended Producer Responsibility framework for a period of one year.
11.6	The pro forma for the certificate shall be developed by Central Pollution Control Board. In no case, the amount of plastic packaging waste recycled by the enterprise shall be more than installed capacity of the enterprise.
11.8	The Plastic Waste Processors undertaking end-of-life disposal of plastic packaging waste viz. waste to energy, waste to oil, cement kilns (co processing) shall provide information on an annual basis as per prescribed pro forma, on the centralized portal developed by Central Pollution Control Board. These entities shall ensure the disposal of plastic packaging waste as per relevant rules, guidelines framed by regulatory bodies in an environmentally sound manner.
12.4	Central Pollution Control Board by itself or through a designated agency shall verify compliance of Producers, Importers & Brand-Owners through inspection and periodic audit, as deemed appropriate. Central Pollution Control Board as required, can also verify compliance of Plastic Waste Processors through inspection and periodic audit.
13.1	State Pollution Control Board or Pollution Control Committee by itself or through a designated agency shall verify compliance of Producers, Importers & Brand-Owners through inspection and periodic audit, as deemed appropriate, of Producers, Importers & Brand-Owners as well as plastic waste processors in their jurisdiction as per the Plastic Waste Management Rule, 2016.

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 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 crores. 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.

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 2.0.**

TABLE 2.0: 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) & 4(j)	(c) Carry bag made of virgin or recycled plastic, shall not be less than seventyfive microns in thickness with effect from the 30th September, 2021 and one hundred twenty (120) microns in thickness with effect from the 31st December, 2022; (j) non-woven plastic carry bag shall not be less than 60 Gram Per Square Meter (GSM)	Producer	Manufacturing bags not meeting specifications	i. Seizure of manufactured products & closure of unit 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 later (EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation) iii. Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023 as applicable.
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	Producer	Manufacturing sheets not meeting specifications	i. Seizure of manufactured products & closure of Unit ii. EC to be levied @ Rs.5000/- per ton of packaging products from the date of inception of the unit or date of notification

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Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
	microns in thickness except as specified by the Central Government where the thickness of such plastic sheets impair the functionality of the product.			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) iii. Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable
4(f) & 4(i)	(f)Sachets using plastic material shall not be used for storing, packing or selling gutkha, tobacco and pan masala; (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.	Producer	Using plastic material for packaging	i. Seizure of products & closure of Unit 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 (EC to be levied @ Rs.10000/- per ton for 2nd violation and @

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Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
				Rs.20000/- per ton for 3rd violation) Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable time
4(h)	The manufacturers or seller of compostable plastic and biodegradable plastics carrybags or commodities or both shall obtain a certificate from the Central Pollution Control Board before marketing or selling; and	Manufacturer	Certificate not obtained	EC to be levied @ Rs.5000/- per ton of compostable and biodegradable plastic produced from the date of inception of the unit or date of notifications of PWM Rules (March 18, 2016 and July 06,2022 respectively) whichever is later
			Not complying with conditions specified in Certificate issued by CPCB	i. Cancellation of CPCB Certificate and closure of Unit (*<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).</u>*)

TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES				
Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
				Penalty for non-compliance of remaining condition shall be taken in accordance with relevant section of the PWM Rules) ii. Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable iii. EC to be levied @ Rs.5000/- per ton of compostable and biodegradable plastic produced for the period of violation or from the date of issue of certificate under 4(h) PWM Rules. (EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)

TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES				
Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
4(2) & 14(1)	4(2) Manufacture, import, stocking, distribution, sale and use of following single use plastic, including polystyrene and expanded polystyrene, commodities shall be prohibited. (a) ear buds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice-cream sticks, polystyrene [Thermocol] for decoration; (b) plates, cups, glasses, cutlery such as forks, spoons, knives, straw, trays, wrapping or packing films around sweet boxes, invitation cards, and cigarette packets, plastic or PVC banners less than 100 micron, stirrers 14(1) Retailers or street vendors shall not sell or provide commodities to	Producer	Production of prohibited SUP items	i. EC to be levied @ Rs.5000/- per ton of plastic SUP items produced from the date of inception of the unit or July 01,2022 whichever is later. (EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation) ii. Revocation of Consent
		Stockist/distributors	Stocking and distribution of prohibited SUP items or Selling products in plastic bags which are not complying with provisions of PWM Rules	i. Seizure of SUP products or bags/sheets ii. Cancellation of Commercial licence by concerned Local Authority. iii. Fine Rs.2000/- (I violation); Rs.5000/- (II violation); Rs.10,000/- (Third incident) *Above is minimum EC to be levied for the said violation by the Local body. Local already imposing fine to*

TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES				
Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
	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			*continue doing so; if the fines are more than the minimum specified fines as per details given above*
		Importer	Import of prohibited SUP items	i. Seizure of imported SUP products ii. Cancellation of Registration Certificate by Custom Authorities. iii. <u>Fine Rs.2000/- (I violation); Rs.5000/- (II violation); Rs.10,000/- (Third incident)</u>
		Commercial establishments	Selling of prohibited SUP items or Selling products in plastic bags which are not complying with provisions of PWM Rules	i. Seizure of SUP products or bags/sheets ii. Cancellation of Commercial licence by concerned Local Authority. iii. <u>Fine Rs.2000/- (I violation); Rs.5000/- (II violation); Rs.10,000/- (Third incident)</u>

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Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
				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
		Street vendor	Selling of prohibited SUP items or Selling products in plastic bags which are not complying with provisions of PWM Rules	Street vendor: Seizure of banned SUP items or bags/sheets ; Fine Rs.200/- (I violation); Rs.500/- (II violation) ; Rs.1000/- (Third incident & seizure of trade documents for violation thereafter.) *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-*

TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES				
Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
6(1) & (7); 6(2)(a) & 7(a)	Every local body shall be responsible for development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers. Ensuring segregation, collection, storage, transportation, plastic waste and channelization of recyclable plastic waste fraction to recyclers having valid registration; ensuring that no damage is caused to the environment during this process; and ensuring that open burning of plastic waste does not take place.	Municipal Commissioner, Village Panchayat,	Adequate facilities for plastic waste management (PWM) not provided	i. EC to be levied @ Rs.5000/-per ton of plastic waste. EC to be levied for mismanagement in the PW qty w.e.f March 18, 2016-date of notification of these Rules) ii. EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation) Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable
6(2)(g) & 7 (c)	Ensuring that open burning of plastic waste does not take place	Person responsible for plastic burning Industries	Burning plastic	i. Fine per incident of burning: Rs.5000/-

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Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
				ii. Fine per incident of bulk burning Rs.25000/- 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 Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable
6(4)	The local body to frame bye-laws incorporating the provisions of these rules.	Local body	Not framing bye-laws	Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable
8(1)(a)	The waste generator shall take steps to minimize generation of plastic waste and segregate plastic waste at source	Waste generator	Waste not segregated	iii. Waste generator: Spot fine - Rs.500/- (I violation); Rs.1000/- (II violation); Rs.2,000/- (Third violation & thereafter) iv. Institutional Waste Generator: Spot fine Rs.5000/- (I violation);

TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES				
Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
				Rs.10,000/- (II violation); Rs.20,000/- (Third violation & thereafter) *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* iii. Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable
8(1)(b)	The waste generator shall Not litter the plastic waste	Waste generator	Waste littered	i. Waste generator: Spot fine - Rs.500/- (I violation); Rs.1000/- (II violation); Rs.2,000/- (Third violation & thereafter) ii. Institutional Waste Generator: Spot fine Rs.5000/- (I violation); Rs.10,000/- (II violation);

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Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
				Rs.20,000/- (Third violation & thereafter) *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* iii. Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable
<u>10(6)</u>	The interim test report shall be obtained from the Central Institute of Petrochemical Engineering and Technology or a laboratory recognised under the Laboratory Recognition Scheme, 2020, of the	Manufacturer	Failure of final testing of the sample as per IS:17899 T:2022	To be determined after finalization of standards for biodegradable plastic by BIS. Until then, EC will be assessed on a case-by-case basis, similar to other plastic categories.

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Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
	Bureau of Indian Standards or laboratories accredited for this purpose by the National Accreditation Board for Testing and Calibration Laboratories, and they shall certify the bio-degradation of plastic is in line with IS 17899 T:2022. “Provided that where testing of biodegradable plastic had commenced prior to the registration of a laboratory, and the report is in conformity with IS 17899 T:2022, the Central Pollution Control Board shall ask the applicant for re-testing and permit the production or usage of such biodegradable plastic, till the period the test report is received from duly recognized laboratory subject to furnishing of bank			

TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES				
Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
	guarantee equal to the amount of Environment Compensation leviable under rule 18: Provided further that the bank guarantee shall be forfeited if the result of such test does not conform to IS 17899 T:2022.”			
11(1)	Marking or labelling. -(1) Each plastic carrybag “plastic packaging” and multi-layered packaging shall have the following information printed in English namely, - a. name, registration number of the producer or brand owner and thickness in case of carry bag and plastic packaging. b. name and registration number of the manufacturer	Manufacturer/Producer/Brand owner		i. Cancellation of Registration/CPCB certificate. ii. Fine Rs.2000/- (I violation); Rs.5000/- (II violation) ; Rs.10,000/- (Third incident)

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Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
	producer or brand owner in case of multi-layered packaging, excluding multi-layered packaging used for imported goods: and c. name and certificate number of producers [Rule 4(h)] in case of carry bags made from compostable plastic d. the importer or producer or brand owner of imported carry bags or multi-layered packaging or plastic packaging, alone or along with the products shall adhere to clause (a) and (b).			
13 (2)	Every producer or Importer or brand-owner shall, for the purpose of registration or for renewal of registration, make an application as per the guidelines specified in Schedule -II in Form-I to	Producer, Brand Owner & Importers	Registration not obtained Shortfall in EPR Target Misreporting in quantity of plastic packaging placed on market and use of recycled plastics Not filling Annual returns	i. EC to be levied as per EC provision for **Schedule-II**

TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES				
Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
	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 ii. "The Central Pollution Control Board, if operating in more than two States or Union Territories".		Submission of False information Non-compliance of conditions stipulated in Certificate	
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 as per the guidelines specified in Schedule –II	Plastic Waste Processors	Registration not obtained Misreporting in quantity of plastic packaging placed on market and use of recycled plastics Not filling Annual returns Submission of False information Non-compliance of conditions stipulated in Certificate	1. EC to be levied as per EC provision for **Schedule-II**

TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES				
Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
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. 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) iii. Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable
	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	Manufacturer	Raw material sold to producers not having registration from SPCB	i. 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,

TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES				
Rule	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
	concerned State Pollution Control Boards or Pollution Control Committee;			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 thereafter)
17(2)	Every local body shall prepare and submit an annual report in Form –V to the concerned Secretary-in-charge of the Urban Development Department under intimation to the concerned State Pollution Control Board or Pollution Control Committee by the 30th June, every year;	Municipal Commissioner	Non submission/incomplete information for Annual report with in stipulated time frame	Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable.
17(3)	Each State Pollution Control Board or Pollution Control Committee shall prepare and submit an annual report in Form VI to the CPCB on the implementation of these rules by the 31st July, of every year; and	Member Secretary	Non-submission/incomplete information for Annual report with in stipulated time frame	Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable.

Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging				
Provisions	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
9.1	Environmental Compensation shall be levied based upon polluter pays principle, with respect to nonfulfillment of Extended Producer Responsibility targets by Producers, Importers & Brand Owners	Producers, Importers & Brand Owners	Shortfall in EPR Target in following types 1. Recycling 2. End of Life Recycling 3. Mandated Use of recycled plastic 1. Reuse of Plastic (Cat I)	EC to be levied @ Rs.5000/- per ton (@ Rs.10000/- per ton for 2nd time and @ Rs.20000/- per ton for 3rd time) EC can be carried forward up to 3 years as per EPR guidelines.[1]
10.6	The Producers, Importers & Brand-Owners shall file annual returns on the plastic packaging waste collected and processed towards fulfilling obligations under Extended	Producers, Importers & Brand Owners	Annual returns not filed	i. Notice will be issued for 5 days after the last date of AR Filing; ii. Thereafter Rs. 5000/ - as EC shall be levied for next

[1] **Note:**

1. **Payment of environmental compensation shall not absolve the Producers, Importers & Brand-Owners of the obligations set out.**
   The unfulfilled EPR obligations for a particular year will be carried forward to the next year for a period of three years. In case, the shortfall of EPR obligation is addressed within three years. The environmental compensation levied shall be returned to the Producers, Importers & Brand-Owners as given below, namely
   i. **Within one year of levying of EC: 75% return;**
   ii. **Within two years 60% return;**
   iii. **Within three years 40% return,**
   After completion of three years on EC getting due the entire environmental compensation amount shall be forfeited.
2. **EC charges to be reviewed every six-months and to be kept higher (~15-20%) than the prevailing EPR Credit charges from market to ensure that it acts as deterrent.**

Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging				
Provisions	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
	Producer Responsibility with the Central Pollution Control Board or concerned State Pollution Control Board or Pollution Control Committee as per pro forma prescribed by Central Pollution Control Board by the 30th June of the next financial year			5 days (Rs.10000/- for 2nd time default and Rs.20000/- for 3rd time default) iii. Rs.10,000/- as EC shall be levied for next 10 days (Rs.20000/- for 2nd time default and Rs.40000/- for 3rd time default) iv. Thereafter Annual Report to be Auto filed on the EPR Portal and EC to be levied on shortfall in fulfilling EPR target, if any. If due to force majeure conditions, the PIBOs are not able to file Annual Report during the aforementioned (Point i-iv) period of 20 days after the last date of AR filing, then the final decision regarding levying of EC shall be taken by the Committee constituted by CPCB for the purpose.

<table>
<tr><th colspan="5">Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging</th></tr>
<tr><th>Provisions</th><th>Provisions</th><th>Violator</th><th>Violation</th><th>Environmental compensation</th></tr>
<tr><td>11.2</td><td>The Plastic waste processors shall submit annual returns after end of every financial year by 30th April of the next financial year on the quantity of plastic waste processed category-wise as per prescribed pro forma on the centralized portal developed by Central Pollution Control Board.</td><td>Plastic Waste Processors</td><td>Annual returns not filed</td><td>i. Notice will be issued for 5 days after the last date of AR Filing;
ii. Thereafter EC @ Rs. 200/ -per day for next 15 days and @ Rs. 400/- per day for the next 10 days shall be levied
iii. Thereafter Annual Report shall be Auto filed on the EPR Portal. EC shall be submitted at the time of renewal of Consent to the concerned State Board for late filing of Annual Return in such cases as per slabs as given below:
<table>
<tr><th>Plant Capacity (TPA)</th><th>EC to be levied</th></tr>
<tr><td><200 TPA</td><td>5,000</td></tr>
<tr><td>200-2000 TPA</td><td>20,000</td></tr>
<tr><td>> 2000 TPA</td><td>50,000</td></tr>
</table></td></tr>
</table>

Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging				
Provisions	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
				iv. If due to force majeure conditions, the PWPs are not able to file Annual Report during the aforementioned (Point i-iii) period of 30 days after the last date of AR filing, then the final decision regarding levying of EC shall be taken by the Committee constituted by CPCB for the purpose.
12.4, 13.1 & 11.6	12.4: Central Pollution Control Board by itself or through a designated agency shall verify compliance of Producers, Importers & Brand-Owners through inspection and periodic audit, as deemed appropriate. Central Pollution Control Board as required, can also verify compliance of Plastic Waste Processors through inspection and periodic audit. 13.1: State Pollution Control Board or Pollution Control Committee by	Producers, Importers & Brand Owners	Misreporting in quantity of plastic packaging placed on market and use of recycled plastics	Increased EPR target and EC proportional to the Penalty up to Rs 1,00,000/- (For 1st default -EC of double of application fees, for 2nd time default -EC of four times the application fees and 3rd time default -EC of eight times the application fees)

Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging				
Provisions	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
	itself or through a designated agency shall verify compliance of Producers, Importers & Brand-Owners through inspection and periodic audit, as deemed appropriate, of Producers, Importers & Brand-Owners as well as plastic waste processors in their jurisdiction as per the Plastic Waste Management Rule, 2016 11.6: The pro forma for the certificate shall be developed by Central Pollution Control Board. In no case, the amount of plastic packaging waste recycled by the enterprise shall be more than installed capacity of the enterprise.			
		Plastic Waste Processors	Misreporting in quantity of plastic procured, EPR certificate generated	EC to be levied @ Rs. 5000/T of plastic weight misreported (for 2nd time default EC to be levied @ Rs.10000/- per ton and for 3rd time default @ Rs.20000/- per ton)

Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging				
Provisions	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
10.1 & 11.4	10.1: The Producers, Importers & Brand-Owners shall have to register through the online centralized portal developed by Central Pollution Control Board. The certificate of registration shall be issued using the portal. 11.4: In case, at any stage it is found that the information provided by the plastic waste processor is false, the plastic waste processor shall be debarred by State Pollution Control Board, as per procedure laid down by Central Pollution Control Board , from operating under the Extended Producer Responsibility framework for a period of one year	Producers, Importers & Brand Owners Plastic Waste Processors	Submission of False information	Cancellation of Registration and & EC of double of Application fees proportionate Penalty up to Rs. 1,00,000/- (For 2nd time default EC of four times the application fees and 3rd time default EC of eight times the application fees)
			Do not get registered on Centralized Portal	EC to be levied @ Rs.5000/- per ton of plastic produced from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is later

Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging				
Provisions	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
				(EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)
10.1 & 11.1	10.1: The Producers, Importers & Brand-Owners shall have to register through the online centralized portal developed by Central Pollution Control Board. The certificate of registration shall be issued using the portal. 11.1: All plastic waste processors shall have to register with concerned State Pollution Control Board or Pollution Control Committee in accordance with provision 13(3) of Plastic Waste Management Rules, 2016 on the centralized portal developed by Central Pollution Control Board.	Producers, Importers & Brand Owners Plastic Waste Processors	Non-compliance of conditions stipulated in Certificate	Cancellation of Registration
11.8	The Plastic Waste Processors undertaking end-of-life disposal of plastic packaging waste viz. waste to energy, waste to oil, cement kilns	Plastic Waste Processors & Producers	Non-compliance of Environmental Norms	EC to be levied based on “Report of the CPCB In-house Committee on Methodology for Assessing Environmental

Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging				
Provisions	**Provisions**	**Violator**	**Violation**	**Environmental compensation**
	(co processing) shall provide information on an annual basis as per prescribed pro forma, on the centralized portal developed by Central Pollution Control Board. These entities shall ensure the disposal of plastic packaging waste as per relevant rules, guidelines framed by regulatory bodies in an environmentally sound manner			Compensation and Action Plan to Utilize the Fund” (**Annexure-V**)

(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 2 above) is given in Table 3.0. The above values have been assessed based on the estimated range of plastic waste and the minimum (20% for Producers/Brand owners/ Local bodies) & maximum estimated percentage violation (100% for all categories) for the different category of violators.

TABLE 3.0: Minimum & Maximum EC for violation of PWM Rules

Rule	**Violator**	**Min Population**	**Max Population**	**Minimum EC (Rs. per Annum)**	**Maximum EC (Rs. per Annum)**
6(1) &7	Village Panchayat	1000(avg.)	-	5,000	50,000
	Cities & Towns	5000	99999	50,000	2 crores
	Cities & Towns	100000	999999	5 lakhs	10 crores
	Cities & Towns	>1000000	-	50 lakhs	1000 crore
Rule	**Violator**	**Min Capacity (TPA)**	**Max Capacity (TPA)**	**Minimum EC value (Rs. per annum) (At first time violation)**	**Maximum EC value (Rs. per annum) (At third time violation)**
4 (c), 4 (d), 4(f), 4(i), 13(2),13(3)	Producer, Brand Owner, Importer & Plastic waste Processors	50	100000	0.05	200
13 (4) & 4(e)	Manufacturer	60000	4500000	2 crores	500 crores

5.0 EC charges for Delay in EC deposition

The Environmental Compensation Charges and Financial Penalty shall be deposited by the violating facility within the stipulated time period specified under directions issued by CPCB/SPCB/PCC. In case, such facility does not submit the same within the stipulated time frame the amount will be exponentially increased as per details given in **Table 4.0.**

Table 4.0: EC Charges and Financial Penalty w.r.t. non-timely submission

Sl. No.	Amount Deposition time period	Environmental Compensation and Financial Penalty Amount
1.	Within one month from the stipulated time period as directed by CPCB/SPCB/PCC	Original amount with interest @ 12% per annum for number of days delayed after the stipulated date of amount deposition
2.	After one month but within 03 months 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.	After 03 months	a. Closure of unit/facility b. Seizure of trade documents c. Action as per Section 15 (1) of EPA *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*

6.0 Modalities for Expenditure of EC funds

As per provision 9.6 of Schedule-II notified through Amendments to PWM Rules dated February 16, 2022, "*The funds collected under environmental compensation shall be kept in a separate Escrow account by Central Pollution Control Board or State Pollution Control Board or Pollution Control Committee. The funds collected shall be utilized in collection, recycling and end of life disposal of uncollected and non-recycled or non- end of life disposal of plastic packaging waste, on which the environmental compensation is levied. Modalities for utilization of the funds for plastic waste management on an annual basis would be recommended by the Committee for Extended Producer Responsibility implementation and approved by the Competent Authority in the Ministry".*

Annexure I

रजिस्ट्री सं. डी.एल.- 33004/99 REGD. No. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 12 अगस्त, 2021

सा.का.नि. 571(अ).—प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 को संशोधन करने के लिए भारत के राजपत्र, असाधारण में अधिसूचना संख्या सा.का.नि. 169 (अ) द्वारा तारीख 11 मार्च, 2021 में प्रारूप नियम प्रकाशित किए गए थे, जिसमें उन सभी लोगों से, जो उन नियमों से प्रभावित हो सकते हैं, उक्त प्रारूप नियम को अंतर्विष्ट करने वाले राजपत्र की प्रतियां जनता को उपलब्ध कराए जाने की तारीख से साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे;

और, उक्त प्रारूप नियमों को अंतर्विष्ठ करने वाले राजपत्र की प्रतियां जनता को तारीख 11 मार्च, 2021 को उपलब्ध कराई गई थी;

और, उपर्युक्त अवधि के भीतर प्राप्त आक्षेपों और सुझावों पर केंद्रीय सरकार द्वारा सम्यक रूप से विचार किया गया है;

अत:, अब केन्द्रीय सरकार पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6, धारा 8 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्द्वारा प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 में संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1. (1) इन नियमों का संक्षिप्त नाम प्लास्टिक अपशिष्ट प्रबंधन (संशोधन) नियम, 2021 कहा है।

(2) वे राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 (इसमें इसके पश्चात् उक्त नियमों को कहा गया है) में, नियम 2 में, उप-नियम (1) में, "आयातकों" शब्द के पश्चात् "ब्राण्ड स्वामी, प्लास्टिक अपशिष्ट प्रसंस्करणकर्ता (पुनर्चक्रक, सह-प्रसंस्करणकर्ता आदि)" शब्द अंत:स्थापित किया जाएगा।

उक्त नियमों में, नियम 3 में –

(i) खंड (ढ) के पश्चात, निम्नलिखित खंड अंत:स्थापित किया जाएगा, अर्थात् -

'(ढ क) "बिना बुने प्लास्टिक बैग" – से अभिप्रेत है जो यांत्रिक अथवा थर्मल अथवा रासायनिक साधनों द्वारा एक-साथ बंधे हुए जटिल प्लास्टिक फाइबरों या तंतुओं (और छिद्रित फिल्मों द्वारा) की प्लास्टिक की शीट अथवा वेब आकार के कपड़े से बने हुए बिना बुने प्लास्टिक के बैग और "बिना बुने कपड़े" से अभिप्रेत है जिसमें एक समतल अथवा गुच्छेदार छिद्रयुक्त शीट जो सीधे प्लास्टिक फाइबरों, पिघले हुए प्लास्टिक अथवा प्लास्टिक की फिल्मों से बनाया जाता है;

(ii) खंड (थ) के पश्चात, निम्नलिखित खंड अंत:स्थापित किया जाएगा, अर्थात् -

'(थ क) "प्लास्टिक अपशिष्ट प्रसंस्करण" – से अभिप्रेत है जिससे कोई ऐसी प्रक्रिया जिसके द्वारा प्लास्टिक अपशिष्ट को पुन:उपयोग, पुनर्चक्रण, सह-प्रसंस्करण अथवा नए उत्पादों में परिवर्तन के प्रयोजन के लिए प्रबंधित किया जाता है; ';

(iii) खंड (फ) के पश्चात, निम्नलिखित खंड अंत:स्थापित किया जाएगा, अर्थात् -

'(फ क) "एकल प्रयोग प्लास्टिक से बनी वस्तु" का अर्थ है – जिससे प्लास्टिक की मद, जिसके निपटान अथवा पुनर्चक्रण से पहले उसे एक ही प्रयोजन के लिए एक बार ही उपयोग किया जाना है;

(फ ख) "थर्मोसेट प्लास्टिक" से अभिप्रेत है जिसमें ऐसा प्लास्टिक जो गर्म करने पर अपरिवर्तनीय रूप से कठोर हो जाता है और इसलिए इसे वांछित आकार में नहीं बदला जा सकता है;

(फ ग) "थर्मोप्लास्टिक" से अभिप्रेत है जिसमें ऐसा प्लास्टिक जो गर्म करने पर नरम हो जाता है और इसे वांछित आकार में ढाला जा सकता है;'

4. उक्त नियमों में, नियम 4 में –

(क) उप-नियम (1) में, - (i) "आयातक भंडारण" शब्दों के स्थान पर "आयात, भंडारण" शब्द रखें जाएंगे;

(ii) खंड (ग) में, "पचास माइक्रोन की मोटाई", शब्दों के स्थान पर, शब्द आंकड़े, अक्षर और कोष्ठक "30 सितम्बर 2021 से पचहत्तर माइक्रोन की मोटाई और 31 दिसम्बर, 2022 से एक सौ बीस (120) माइक्रोन की मोटाई" शब्द रखे जाएंगे;

(iii) खंड (ज), "कैरी बैगों", शब्दों के बाद, "और वस्तु" शब्द अंतर्विष्ट किए जाएंगे;

(iv) खंड (ज), "कंपोस्ट योग्य प्लास्टिक कैरी बैगों", शब्दों के बाद, "या वस्तु या दोनों" शब्द अंतर्विष्ट किए जाएंगे;

(v) खंड (झ) के पश्चात, निम्नलिखित खंड अंत:स्थापित किया जाएगा, अर्थात् -

"(ञ) 30 सितम्बर, 2021 की तारीख से गैर-बुना हुआ प्लास्टिक कैरी बैग 60 ग्राम प्रति वर्ग मीटर (जीएसएम) से कम नहीं होगा।";

(ख) उप-नियम (1) के पश्चात, निम्नलिखित उप-नियम अंत:स्थापित किया जाएगा, अर्थात् -

"(2)" 1 जुलाई, 2022 की तारीख से पोलीस्टाइरीन और विस्तारित पोलीस्टाइरीन वस्तुओं सहित निम्नलिखित एकल-प्रयोग-प्लास्टिक वस्तुओं के विनिर्माण, आयात, भंडारण, वितरण, बिक्री और उपयोग का निषेध किया जाएगा:-

(क) प्लास्टिक स्टिक युक्त ईयर बड्स, गुब्बारों के लिए प्लास्टिक की डंडिया, प्लास्टिक के झंडे, कैंडी स्टिक, आइसक्रीम की डंडिया, पोलीस्टाइरीन (थर्मोकोल) की सजावटी सामग्री;

(ख) प्लेटें, कप, गिलास, कांटे, चम्मच, चाकू, स्ट्रॉ, ट्रे जैसे कटलरी, मिठाई के डिब्बों के इर्द-गिर्द लपेटने या पैक करने वाली फिल्में, निमंत्रण कार्ड और सिगरेट पैकेट, 100 माइक्रोन से कम मोटाई वाले प्लास्टिक या पीवीसी बैनर, स्ट्रिर।

(3) उप-नियम (2) (ख) के उपाबंध, कंपोस्ट योग्य प्लास्टिक से बनी हुई वस्तुओं पर लागू नहीं होंगे।

(4) इस अधिसूचना के बाद कैरी बैग, प्लास्टिक शीट या समान प्रकार की सामग्री या प्लास्टिक शीट और बहु-परतीय पैकेजिंग से बने कवर और पोलिस्टाइरीन और विस्तारित पोलिस्टाइरीन, वस्तुओं सहित एकल प्रयोग के प्लास्टिक के विनिर्माण, आयात, भण्डारण, वितरण, विक्रय और उपयोग को निषिद्ध करने के संबंध में, जारी की गई कोई भी अधिसूचना, इस अधिसूचना के प्रकाशन की तारीख से दस वर्ष की अवधि समाप्त होने के पश्चात लागू होगी।

5. उक्त नियमों में, नियम 5 में, उप-नियम (1) में, खण्ड (घ) में "2000" अंकों के स्थान पर "2016" रखा जाएगा।

6. उक्त नियमों, में, नियम 6 में, उप-नियम (2) में, खण्ड (क) के पश्चात निम्नलिखित खण्ड अंत-स्थापित किया जाएगा, अर्थात्:-

"(क क) सुनिश्चित करना कि इन यथा संशोधित नियमों के उपबंधों का अनुपालन किया जाए।

7. उक्त नियमों में नियम 7 में, उप-नियम (1) में, खण्ड (क) के पश्चात निम्नलिखित खण्ड अंत:स्थापित किया जाएगा, अर्थात्:-

"(क क) सुनिश्चित करना कि इन यथा संशोधित नियमों के उपबंधों का अनुपालन किया जाए।

8. उक्त नियमों में, नियम 9 में, उप-नियम (1) में, "संबंधित स्थानीय निकाय" शब्दों के पश्चात, "इन नियमों के अंतर्गत समय-समय पर जारी किए गए दिशानिर्देशों के अनुसार" शब्द अंत:स्थापित किए जाएंगे।

9. नियम 11 में, उप-नियम (1), -

(i) "प्लास्टिक कैरी बैग" शब्दों के पश्चात, "प्लास्टिक पैकिंग" शब्द अंत:स्थापित किए जाएंगे;

(ii) खंड (क) में "विनिर्माता" शब्द के पश्चात, "उत्पादक" या ब्रैंड स्वामी" शब्द जोड़े जाएंगे, और "कैरी बैग" शब्द के बाद, "और ब्रैंड के स्वामी द्वारा उपयोग प्लास्टिक पैकिंग" शब्द अंत:स्थापित किए जाएंगे;

(iii) खंड (ख), "बहु-परतीय पैकिंग" शब्दों के पश्चात, "आयातित सामग्री के लिए उपयोग बहु-परतीय पैकिंग को छोडकर" अंत:स्थापित किया जाएगा।

(iv) खंड (ग) में, "नाम और प्रमाणपत्र सं." शब्दों के पश्चात, "उत्पादक का" अंत:स्थापित किया जाएगा।

10. नियम 12 में, -

(i) उप-नियम (2) में, "अपशिष्ट जनक" शब्दों के पश्चात, "पर प्रतिबंध या निषेध" शब्द अंत:स्थापित किए जाएंगे;

(ii) उप-नियम (3) में, "अपशिष्ट जनक" शब्दों के पश्चात, "पर प्रतिबंध या निषेध" शब्द अंत:स्थापित किए जाएंगे।

11. नियम 13, में उप-नियम (1) में, "संबंधित संघ राज्यक्षेत्र" शब्दों के पश्चात, "या केंद्रीय प्रदूषण नियंत्रण बोर्ड" अंत:स्थापित किया जाएगा।

[फा. सं. 17-2/2001(पार्ट)पार्ट I-एचएसएमडी]

नरेश पाल गंगवार, संयुक्त सचिव

टिप्पण: मूल नियम, भारत के राजपत्र, असाधारण, भाग-II, खंड 3, उपखंड (i) में सा.का.नि. 320(अ) तारीख 18 मार्च, 2016 द्वारा प्रकाशित किए गए थे और तत्पश्चात इनमें अधिसूचना संख्या सा.का.नि. 285(अ) तारीख 27 मार्च, 2018 के द्वारा संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 12th August, 2021

G.S.R. 571(E).—Whereas the draft rules to amend the Plastics Waste Management Rules, 2016, were published in the Gazette of India, Extraordinary, dated the 11th March, 2021 vide notification number GSR 169 (E), inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date copies of the Gazette containing the said draft rules were made available to the public;

And whereas, copies of the Gazette containing the said draft rules were made available to the public on the 11th March, 2021;

And whereas, objections and suggestions received within the aforesaid period have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sections 6, 8 and 25 of Environment (Protection) Act 1986, (29 of 1986), the Central Government hereby makes the following rules to amend the Plastic Waste Management Rules, 2016, namely :-

1. (1) These rules may be called Plastic Waste Management (Amendment) Rules, 2021.

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

2. In the Plastic Waste Management Rules,2016 (hereinafter referred to as the said rules), in rule 2, in sub-rule (1), after the word "Importers", the words, "brand-owner, plastic waste processor (recycler, co-processor, etc.)" shall be inserted.

3. In the said rules, in rule 3,

(i) after clause (n), the following clause shall be inserted, namely :-

'(na) "Non-woven plastic bag" means Non-woven plastic bag made up of plastic sheet or web structured fabric of entangled plastic fibers or filaments (and by perforating films) bonded together by mechanical or thermal or chemical means, and the "non-woven fabric" means a flat or tufted porous sheet that is made directly from plastic fibres, molten plastic or plastic films;'

(ii) after clause (q), the following clause shall be inserted, namely: -

'(qa) "Plastic waste processing" means any process by which plastic waste is handled for the purpose of reuse, recycling, co-processing or transformation into new products;'

(iii) after clause (v), the following clauses shall be inserted, namely: -

'(va) "Single-use plastic commodity" mean a plastic item intended to be used once for the same purpose before being disposed of or recycled;'

'(vb) "Thermoset plastic" means a plastic which becomes irreversibly rigid when heated and hence cannot be remoulded into desired shape;'

'(vc) "Thermoplastic" means a plastic which softens on heating and can be moulded into desired shape;'.

4. In the said rules, in rule 4, -

(a) in sub-rule (1),–

(i) for the words "importer stocking", the words "import, stocking" shall be substituted;

(ii) in clause (c), for the words "fifty microns in thickness" , the words, figures, letters and brackets "seventy five microns in thickness with effect from the 30th September, 2021and one hundred and twenty (120) microns in thickness with effect from the 31st December, 2022" shall be substituted;

(iii) in clause (h), after the words, "carry bags", the words "and commodities" shall be inserted;

(iv) in clause (h), after the words, "compostable plastic carry bags", the words "or commodities or both" shall be inserted;

(v) after clause (i), following clause shall be inserted, namely: -

" (j) non-woven plastic carry bag shall not be less than 60 Gram Per Square Meter (GSM) with effect from the 30th September, 2021.";

(b) after sub-rule (1), the following sub-ules shall be inserted, namely:-

"(2) The manufacture, import, stocking, distribution, sale and use of following single-use plastic, including polystyrene and expanded polystyrene, commodities shall be prohibited with effect from the 1st July, 2022:-

(a) ear buds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice-cream sticks, polystyrene [Thermocol] for decoration;

(b) plates, cups, glasses, cutlery such as forks, spoons, knives, straw, trays, wrapping or packing films around sweet boxes, invitation cards, and cigarette packets, plastic or PVC banners less than 100 micron, stirrers.

(3) The provisions of sub-rule (2) (b) shall not apply to commodities made of compostable plastic.

(4) Any notification prohibiting the manufacture, import, stocking, distribution, sale and use of carry bags, plastic sheets or like, or cover made of plastic sheets and multi-layered packaging and single-use plastic, including polystyrene and expanded polystyrene, commodities, issued after this notification, shall come into force after the expiry of ten years, from the date of its publication".

5. In the said rules, in rule 5, in sub-rule (1), in clause (d), for the figures "2000", the figures "2016" shall be substituted.

6. In the said rules, in rule 6, in sub-rule (2), after clause (a), following clause shall be inserted, namely: -

"(aa) ensuring that the provisions of these rules, as amended, are adhered to;".

7. In the said rules, in rule 7, in sub-rule (1), after clause (a), following clause shall be inserted, namely : -

"(aa) ensuring that the provisions of these rules, as amended, are adhered to;".

8. In the said rules, in rule 9, in sub-rule (1), after the words, "local body concerned", the words "as per guidelines issued under these rules from time to time" shall be inserted.

9. In rule 11, sub-rule (1), −

(i) after the words "plastic carry bag", the words, "plastic packaging" shall be inserted;

(ii) in clause (a), after the word "manufacturer", the words "producer or brand-owner" shall be inserted, and after the words "carry bag", the words "and plastic packaging used by the brand owner" shall be inserted;

(iii) in clause (b), after the words "multilayered packaging", the words "excluding multi-layered packaging used for imported goods" shall be inserted;

(iv) in clause (c), after the words "name and certificate number", the words "of producer" shall be inserted.

10. In rule 12, −

(i) in sub-rule (2), after the words "waste generator," ,the words "restriction or prohibition on" shall be inserted;

(ii) in sub-rule (3), after the words "waste generator," ,the words "

restriction or prohibition on" shall be inserted.

11. In rule 13, in sub-rule (1), after the words "Union Territory concerned", the words "or the Central Pollution Control Board" shall be inserted.

[F. No. 17-2-2001 (Pt)-Part I -HSMD]

NARESH PAL GANGAWAR, Jt. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number GSR 320 (E), dated the 18th March, 2016 and subsequently amended vide notification number GSR 285 (E), dated the 27th March, 2018.

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Annexure II

रजिस्ट्री सं. डी.एल.- 33004/99 REGD. No. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 17 सितंबर, 2021

सा.का.नि. 647(अ) .—यत: प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 को पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा अधिसूचना संख्या सा.का.नि. 320 (अ), तारीख 18 मार्च, 2016 द्वारा अधिसूचित किया गया था;

उक्त नियमों के नियम 4 के उप-नियम (1) के खंड (ख) में उपाबंध किया गया है कि पुनर्चक्रित प्लास्टिक से निर्मित कैरी बैगों या पुनर्चक्रित प्लास्टिक से निर्मित उत्पादों का उपयोग तत्काल खाने या पीने योग्य खाद्य पदार्थों के भण्डारण, वहन, प्रबंधन या पैकिंग के लिए नहीं किया जाएगा;

खाद्य सुरक्षा और मानक अधिनियम, 2006 (2006 का 34) वह अधिनियम है जिसका उद्देश्य खाद्य से संबंधित कानूनों को सुदृढ़ता प्रदान करना और खाद्य सामग्री के लिए विज्ञान आधारित मानक अधिकथित करना तथा उनके विनिर्माण, भण्डारण, वितरण, विक्रय और आयात को विनियमित करना तथा मानव उपभोग के लिए सुरक्षित और स्वास्थ्यवर्धक खाद्य की उपलब्धता सुनिश्चित करना और उससे संबंधित अथवा उसके आनुषंगिक मामलों का निपटान करने के लिए भारतीय खाद्य सुरक्षा और मानक प्राधिकरण की स्थापना करना है;

अत: अब, केंद्रीय सरकार पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6, धारा 8 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग

करते हुए, उक्त नियम के नियम 5 के उप-नियम (3) के खंड (क) के तहत नोटिस की आवश्यकता को लोक हित में समाप्त करने के पश्चात्, एतद् द्वारा प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम प्लास्टिक अपशिष्ट प्रबंधन (दूसरा संशोधन) नियम, 2021 है।

(2) वे राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 में, नियम 4 में, उप-नियम (1) में, खंड (ख) के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात् :-

"(ख) पुनर्चक्रित प्लास्टिक से निर्मित कैरी बैगों या पुन्‍्चक्रित प्लास्टिक से निर्मित उत्पादों का उपयोग तत्काल खाने या पीने योग्य खाद्य पदार्थों के भंडारण, वहन, प्रबंधन या पैकिंग के लिए भारतीय खाद्य सुरक्षा और मानक प्राधिकरण द्वारा खाद्य सुरक्षा और मानक अधिनियम, 2006 (2006 का 34) के तहत उपयुक्त मानकों और समुचित विनियमन के संबंध में जारी अधिसूचना के अधीन किया जा सकता है;"।

टिप्पण: मूल नियमों को अधिसूचना संख्या सा.का.नि. 320 (अ), तारीख 18 मार्च, 2016 द्वारा भारत के राजपत्र में प्रकाशित किया गया था और तत्पश्चात् अधिसूचना संख्या सा.का.नि. 285 (अ), तारीख 27 मार्च, 2018 द्वारा संशोधित किया गया था और उसमें अंतिम संशोधन अधिसूचना संख्या सा.का.नि. 571 (अ), तारीख 12 अगस्त, 2021 द्वारा किया गया।

[फा.सं. 17/17/2021-एचएसएमडी]

नरेश पाल गंगवार, संयुक्त सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 17th September, 2021

G.S.R. 647(E).—Whereas, the Plastic Waste Management Rules, 2016 were notified by the Ministry of Environment, Forest and Climate Change vide notification number G.S.R. 320 (E), dated the 18th March, 2016;

Whereas clause (b) of sub-rule (1) of rule 4 of the said rules provides that carry bags made of recycled plastic or products made of recycled plastic shall not be used for storing, carrying, dispensing or packaging ready to eat or drink food stuff;

Whereas, Food Safety and Standards Act, 2006 (34 of 2006) is an Act to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto;

Now therefore, in exercise of powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rule in public interest, hereby makes the following rules to further amend the Plastic Waste Management Rules, 2016, namely:-

1. (1) These rules may be called the Plastic Waste Management (Second Amendment) Rules, 2021.

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

2. In the Plastic Waste Management Rules, 2016, in rule 4, in sub-rule (1), for clause (b), the following clause shall be substituted, namely: -

"(b) carry bags made of recycled plastic or products made of recycled plastic can be used for storing, carrying, dispensing, or packaging ready to eat or drink food stuff subject to the notification of appropriate standards and regulation under the Food Safety and Standards Act, 2006 (34 of 2006) by the Food Safety and Standards Authority of India;".

Note: The principal rules were published in the Gazette of India, vide number G.S.R 320 (E), dated the 18th March, 2016 and subsequently amended vide notification number G.S.R 285 (E), dated the 27th March, 2018 and last amended vide notification number G.S.R. 571 (E), dated the 12th August, 2021.

[F. No. 17/17/2021 -HSMD]

NARESH PAL GANGAWAR, Jt. Secy.

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Annexure III

रजिस्ट्री सं. डी.एल.- 33004/99 REGD. No. D. L.-33004/99

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 16 फरवरी, 2022

सा.का.नि. 133(अ).—केंद्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3, धारा 6, धारा 8 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम प्लास्टिक अपशिष्ट प्रबंधन (संशोधन) नियम, 2022 है।

(2) ये राजपत्र में प्रकाशन की तारीख से लागू होंगे।

2. प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 (जिन्हें इसमें इसके पश्चात उक्त नियम कहा गया है) के नियम 9 के उपनियम (1) में 'इन नियमों के अंतर्गत समय-समय पर जारी किए गए दिशानिर्देशों के अनुसार' शब्दों के स्थान पर ''अनुसूची-।। में विनिर्दिष्ट दिशा निर्देशों के अनुसार'' शब्द रखे जाएंगे।

3. उक्त नियमों में, अनुसूची-। के पश्चात्, निम्नलिखित अनुसूची अंत:स्थापित की जाएगी, अर्थात् :-

अनुसूची-।।

(नियम 9 (1) देखें)

प्लास्टिक पैकेजिंग के लिए विस्तारित उत्पादक उत्तरदायित्व संबंधी दिशानिर्देश

1. पृष्ठभूमि:

(1.1) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय (एमओईएफएंडसीसी), (जिसे इसमें इसके पश्चात् 'मंत्रालय' कहा गया है) ने 18 मार्च 2016 को प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 को अधिसूचित किया था। मंत्रालय ने 8 अप्रैल, 2016 को ठोस अपशिष्ट प्रबंधन नियम, 2016 को भी अधिसूचित किया था। चूंकि प्लास्टिक अपशिष्ट ठोस अपशिष्ट का हिस्सा है, इसलिए ये दोनों नियम देश में प्लास्टिक अपशिष्ट के प्रबंधन पर लागू होते हैं।

(1.2) प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016, प्लास्टिक अपशिष्ट उत्पन्न करने वालों को प्लास्टिक अपशिष्ट कम उत्पन्न कम करने, प्लास्टिक अपशिष्ट को न फैलाने, स्रोत पर ही अपशिष्ट का अलग भंडारण सुनिश्चित करने और नियमों के अनुसार अपशिष्ट को सौंपने की आज्ञा देते हैं। ये नियम प्लास्टिक अपशिष्ट के प्रबंधन के लिए स्थानीय निकायों, ग्राम पंचायतों, अपशिष्ट उत्पन्न करने वालों, खुदरा विक्रेताओं और रेहड़ी-पटरी वालों के उत्तरदायित्वों को भी आज्ञापित करते हैं।

(1.3) प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 ने प्लास्टिक पैकेजिंग अपशिष्ट के संग्रहण और पुनर्चक्रण के लिए उत्पादक, आयातक, ब्रांड स्वामी पर विस्तारित उत्पादक उत्तरदायित्व (विस्तारित उत्पादक) डाला है। विस्तारित उत्पादक उत्तरदायित्व (विस्तारित उत्पादक) पूर्व-उपभोक्ता और पश्च उपभोक्ता के प्लास्टिक पैकेजिंग अपशिष्ट दोनों पर लागू होगा।

(1.4) ये दिशानिर्देश विस्तारित उत्पादक उत्तरदायित्व के कार्यान्वयन के लिए रूपरेखा प्रदान करते हैं। विस्तारित उत्पादक उत्तरदायित्व (विस्तारित उत्पादक) के प्रभावी कार्यान्वयन के लिए दिशानिर्देश उत्पादकों, आयातकों, ब्रांड स्वामियों, केन्द्रीय प्रदूषण नियंत्रण बोर्ड या राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समितियों, पुनर्चक्रणकर्ताओं और अपशिष्ट प्रसंस्करणकर्ताओं की भूमिकाओं और उत्तरदायित्वों को निर्धारित करते हैं। प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 में दी गई परिभाषाएं इन दिशानिर्देशों में विशेष रूप से उल्लिखित होने तक लागू होती हैं।

2. प्रभावी होने की तारीख :

ये दिशानिर्देश तत्काल प्रभाव से लागू होंगे। विस्तारित उत्पादक उत्तरदायित्वों से संबंधित चल रही प्रक्रियाओं को इन दिशानिर्देशों के साथ जोड़ा जाएगा।

3. परिभाषाएं :

(क) “**जैव-अवक्रमणीय प्लास्टिक**” से कम्पोस्टेबल प्लास्टिक से भिन्न ऐसा प्लास्टिक अभिप्रेत है जो भारतीय मानक ब्यूरो द्वारा अधिकथित और केन्द्रीय प्रदूषण नियंत्रण ब्यूरो द्वारा प्रमाणित मानकों का अनुपालन करते हुए कोई भी माइक्रो प्लास्टिक, या दृश्य, विशिष्ट या विषाक्त अवशिष्ट, जिसके प्रतिकूल पर्यावरणीय प्रभाव पड़ते हों, छोड़े बिना विविनिर्दिष्ट समयाविधियों में परिवेशी पर्यावरणीय (स्थलीय या जल में) परिस्थितियों में जैविक प्रक्रियाओं द्वारा पूर्ण अवक्रमण की प्रक्रिया से होकर गुजरता है;

(ख) "ब्रांड स्वामी" से ऐसा व्यक्ति या कंपनी अभिप्रेत है जो किसी रजिस्ट्री ब्रांड लेबल या व्यापार चिन्ह से कोई वस्तु बेचता है;

(ग) "कैरी बैग्स" (प्लास्टिक पैकेजिंग की कोटि II के अंतर्गत आने वाले - खंड 5.1 (II)) से प्लास्टिक सामग्री या कंपोस्ट हो सकने योग्य प्लास्टिक सामग्री से बने बैग अभिप्रेत हैं, जिनका उन वस्तुओं को ले जाने या वितरित करने के उद्देश्य से उपयोग किया जाता है, जिनमें स्वयं ले जाने की सुविधा होती है, किन्तु इसमें ऐसे बैग शामिल नहीं है जो पैकेजिंग का एक अभिन्न अंग हो जिसमें उपयोग करने से पहले माल को सील कर दिया जाता है;

(घ) "समय अवसान होने पर निपटान" से ऊर्जा उत्पादन के लिए प्लास्टिक अपशिष्ट का उपयोग करना अभिप्रेत है और इसमें सह-प्रसंस्करण (जैसे सीमेंट भट्टों में) या अपशिष्ट से तेल या भारतीय सड़क कांग्रेस के दिशानिर्देशों के अनुसार सड़क निर्माण आदि के लिए उपयोग करना शामिल हैं।

(ड.) **"विस्तारित उत्पादक** उत्तरदायित्व (ईपीआर)**"** से उत्पाद के समय अवसान तक पर्यावरण के अनुकूल प्रबंधन के लिए एक उत्पादक का उत्तरदायित्व अभिप्रेत है;

(च) **"आयातक"** से वह व्यक्ति अभिप्रेत है जो प्लास्टिक पैकेजिंग उत्पाद या प्लास्टिक पैकेजिंग या कैरी बैग या मल्टीलेयर पैकेजिंग या प्लास्टिक शीट या इसी तरह के उत्पादों का आयात करता है;

(छ) **"प्लास्टिक"** से ऐसी सामग्री अभिप्रेत है जिसमें एक आवश्यक घटक के रूप में एक उच्च बहुलक होता है जैसे पॉलीइथाइलीन टेरेफ्थेलेट, उच्च घनत्व वाला पॉलीइथाइलीन, विनाइल, कम घनत्व वाला पॉलीइथाइलीन, पॉलीप्रोपाइलीन, पॉलीस्टाइन रेजिन और एक्रिलोनिट्राइल ब्यूटाडीन स्टाइरीन, पॉलीफेनिलीन ऑक्साइड, पॉली कार्बोनेट, पॉलीब्यूटिलीन टेरेफ्थेलेट जैसी बहु-सामग्री होती हैं;

(ज) **''प्लास्टिक पैकेजिंग''** से विभिन्न तरीकों से उत्पादों की सुरक्षा, परिरक्षण, भंडारण और परिवहन करने के लिए प्लास्टिक का प्रयोग करके बनायी गई पैकेजिंग सामग्री अभिप्रेत है।

(झ) **"प्लास्टिक शीट"** से ऐसी प्लास्टिक शीट अभिप्रेत है जो प्लास्टिक से बनी शीट होती है;

(ञ) **"प्लास्टिक अपशिष्ट प्रसंस्करणकर्ता"** से ऊर्जा के लिए प्लास्टिक अपशिष्ट का उपयोग (अपशिष्ट से ऊर्जा) और इसे तेल (अपशिष्ट से तेल), औद्योगिक कम्पोस्टिंग में परिवर्तित करने में लगे पुनर्चक्रणकर्ता और संस्थाएं अभिप्रेत हैं।

(ट) **"पूर्व-उपभोक्ता प्लास्टिक पैकेजिंग अपशिष्ट"** से प्लास्टिक पैकेजिंग के विनिर्माण के चरण में रिजेक्ट या डिस्कार्ड के रूप में उत्पन्न प्लास्टिक पैकेजिंग अपशिष्ट और उत्पादक के अंतिम-उपयोगकर्ता उपभोक्ता तक प्लास्टिक पैकेजिंग के पहुंचने से पहले अस्वीकृत करने और फेंकने सहित उत्पाद की पैकेजिंग के दौरान उत्पन्न प्लास्टिक पैकेजिंग अपशिष्ट अभिप्रेत है।

(ठ) **"पश्च-उपभोक्ता प्लास्टिक पैकेजिंग अपशिष्ट"** से अंतिम-उपयोगकर्ता उपभोक्ता द्वारा पैकेजिंग का इच्छित उपयोग पूर्ण होने और अपने आशयित प्रयोजन के लिए और अधिक प्रयोग न किए जाने के पश्चात् उत्पन्न प्लास्टिक पैकेजिंग अपशिष्ट अभिप्रेत है।

(ड) **"उत्पादक"** से कैरी बैग या मल्टीलेयर पैकेजिंग या प्लास्टिक शीट या इसी तरह के विनिर्माण या आयात में लगा व्यक्ति अभिप्रेत है और इसमें पैकेजिंग या वस्तु को लपेटने के लिए पैकेजिंग के लिए प्लास्टिक शीट या समान सामग्री या प्लास्टिक शीट या मल्टीलेयर पैकेजिंग से बने कवर का उपयोग करने वाले उद्योग या व्यक्ति शामिल हैं;

(ढ) **"पुनर्चक्रणकर्ता"** वे संस्थाएं हैं जो प्लास्टिक अपशिष्ट के पुनर्चक्रण की प्रक्रिया में लगी हुई हैं;

(ण) **"पुनर्चक्रण"** से अलग-अलग प्लास्टिक अपशिष्ट को नए उत्पाद या कच्चे माल में नए उत्पादों के उत्पादन के लिए बदलने की प्रक्रिया अभिप्रेत है;

(त) **"पुन: उपयोग"** से किसी वस्तु या संसाधन सामग्री का फिर से उसी उद्देश्य या किसी अन्य उद्देश्य के लिए वस्तु की संरचना को बदले बिना उपयोग करना अभिप्रेत है;

(थ) **"पुनर्चक्रित प्लास्टिक का उपयोग"** से वर्जिन प्लास्टिक के बजाय पुनर्चक्रित प्लास्टिक को, विनिर्माण प्रक्रिया में कच्चे माल के रूप में उपयोग किया जाना अभिप्रेत है;

(द) **"अपशिष्ट प्रबंधन"** से पर्यावरण की दृष्टि से सुरक्षित रीति में प्लास्टिक अपशिष्ट का संग्रहण, भंडारण, परिवहन में कमी, पुन: उपयोग, पुनर्प्राप्ति, पुनर्चक्रण, खाद बनाना या निपटान करना अभिप्रेत है;

(ध) **"अपशिष्ट से ऊर्जा"** से ऊर्जा उत्पादन के लिए प्लास्टिक अपशिष्ट का उपयोग करना अभिप्रेत है और इसमें सह-प्रसंस्करण (जैसे सीमेंट भट्टों में) शामिल है।

4. बाध्यकारी इकाइयां

निम्नलिखित ईकाइयों को विस्तारित उत्पादक दायित्वों और इस अधिसूचना के उपबंधों के अंतर्गत रखा जाएगा अर्थात्:

(i) प्लास्टिक पैकेजिंग के उत्पादक (पी);

(ii) सभी आयातित प्लास्टिक पैकेजिंग और/या आयातित उत्पादों की प्लास्टिक पैकेजिंग का आयातक (आई);

(iii) ब्रांड स्वामी (बीओ) जिसमें ऐसे ऑनलाइन प्लेटफॉर्म / मार्केटप्लेस और सुपरमार्केट / खुदरा श्रृंखला शामिल है, जो सूक्ष्म, लघु, और मध्यम उद्यम मंत्रालय, भारत सरकार के मानदंडों के अनुसार सूक्ष्म, लघु, और मध्यम उद्यम से भिन्न हैं।

(iv) प्लास्टिक अपशिष्ट प्रसंस्करणकर्ता

5. विस्तारित उत्पादक दायित्व की व्याप्ति

(5.1) निम्नलिखित प्लास्टिक पैकेजिंग कोटि विस्तारित उत्पादक दायित्व के अंतर्गत आती हैं,

(i) कोटि I

सख्त प्लास्टिक पैकेजिंग

(ii) कोटि II

सिंगल लेयर या मल्टीलेयर (विभिन्न प्रकार की प्लास्टिक के साथ एक से अधिक लेयर) की लचीली प्लास्टिक पैकेजिंग, प्लास्टिक शीट या समान सामग्री और प्लास्टिक शीट से बने कवर, कैरी बैग, प्लास्टिक सैशे या पाउच

(iii) कोटि III

मल्टीलेयर प्लास्टिक पैकेजिंग (प्लास्टिक की कम से कम एक परत और प्लास्टिक भिन्न अन्य सामग्री की कम से कम एक परत)

(iv) कोटि IV

पैकेजिंग के लिए प्रयुक्त प्लास्टिक शीट या समान सामग्री के साथ-साथ कम्पोस्टेबल प्लास्टिक से बने कैरी बैग।

(5.2) प्लास्टिक पैकेजिंग के संबंध में विस्तारित उत्पादक दायित्व दिशानिर्देश में निम्नलिखित शामिल हैं, अर्थात् :

I. पुन: उपयोग

II. पुनर्चक्रण

III. पुनर्चक्रित प्लास्टिक सामग्री का उपयोग

IV. समय अवसान सीमा होने पर निपटान।

6. रजिस्ट्रीकरण

(6.1) (क) निम्नलिखित संस्थाएं केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित केंद्रीकृत पोर्टल पर रजिस्ट्रीकृत होंगी :

(i) उत्पादक (पी)

(ii) आयातक (आई)

(iii) ब्रांड स्वामी (बीओ)

(iv) प्लास्टिक अपशिष्ट के प्रसंस्करणकर्ता जो (क) पुनर्चक्रण, (ख) अपशिष्ट से ऊर्जा, (ग) अपशिष्ट से तेल बनाने और (iv) औद्योगिक कम्पोस्टिंग के काम में लगे हैं,

(ख) उत्पादक, आयातक और ब्रांड स्वामियों (एक या दो राज्यों में काम कर रहे) और प्लास्टिक अपशिष्ट प्रसंस्करणकर्ताओं का रजिस्ट्रीकरण राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति द्वारा केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित केंद्रीकृत विस्तारित उत्पादक दायित्व पोर्टल के माध्यम से किया जाएगा। उत्पादक, आयातक और ब्रांड स्वामियों (दो राज्यों से अधिक में काम कर रहे) का रजिस्ट्रीकरण केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित केंद्रीकृत विस्तारित उत्पादक उत्तदायित्व पोर्टल के माध्यम से किया जाएगा।

(ग) इन दिशानिर्देशों के प्रभावी होने के पश्चात् किसी वर्ष विशेष में अपना व्यवसाय शुरू करने और उसी वर्ष में बाजार में अपने उत्पादों को उतारने वाली इकाइयों के संबंध में उनकी विस्तारित उत्पादक उत्तरदायित्व लक्ष्य की बाध्यताएं अगले वर्ष से होंगी।

(6.2) खंड (6.1) के अंतर्गत आने वाली संस्थाएं केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित ऑनलाइन केंद्रीकृत पोर्टल के माध्यम से रजिस्ट्रीकरण प्राप्त किए बिना कोई व्यवसाय नहीं करेंगी।

(6.3) खंड (6.1) के अंतर्गत आने वाली संस्थाएं केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित ऑनलाइन केंद्रीकृत पोर्टल के माध्यम से प्राप्त रजिस्ट्रीकृत किसी भी इकाई के साथ काम नहीं करेंगी।

(6.4) ऐसे मामले, जिसमें यह पाया या अभिनिर्धारित किया जाता है कि ऑनलाइन पोर्टल पर रजिस्ट्रीकृत किसी इकाई ने विस्तारित उत्पादक उत्तरदायित्व दिशानिर्देशों के अधीन रजिस्ट्रीकरण कराते समय गलत सूचना दी है या जानबूझकर सूचना छिपायी है या विविनिर्दिष्ट शर्तों के अनुपालन में कोई अनियमितता पायी गई या उनसे विचलन किया गया है, तब ऐसी इकाई का रजिस्ट्रीकरण, सुनवाई का एक अवसर दिए जाने के पश्चात्, एक वर्ष की अवधि के लिए प्रतिसंह्त कर दिया जाएगा। इकाइयां, जिनका रजिस्ट्रीकरण प्रतिसंह्त कर दिया गया है, प्रतिसंहरण की अवधि तक नया रजिस्ट्रीकरण कराने में समर्थ नहीं रहेंगी।

(6.5) यदि कोई संस्था खंड (6.1) में उल्लिखित एक से अधिक उप-कोटि में आती है, तो ऐसी संस्था उन प्रत्येक उप-कोटियों के अधीन अलग से रजिस्ट्रीकृत होगी। इसके अलावा, ऐसे मामलों में, जहां संस्था की खंड 6.1 में उल्लिखित एक विशेष उप-कोटि में अलग-अलग राज्यों में इकाइयां हैं, तो इन इकाइयों को भी अलग से रजिस्ट्रीकृत किया जाएगा। तथापि, एक राज्य में एक उपकोटि के अधीन केवल एक रजिस्ट्रीकरण की आवश्यकता होगी, भले ही, एक राज्य में एक से अधिक इकाइयां स्थित हों। यह रजिस्ट्रीकरण, इन दिशानिर्देशों के अनुसार, इस उद्देश्य के लिए केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा अधिकथित मानक संचालन प्रक्रिया के अनुसार होगा।

(6.6) रजिस्ट्रीकरण करते समय, संस्थाओं को पैन संख्या, जीएसटी संख्या, कम्पनी का सीआईएन संख्या और आधार संख्या और प्राधिकृत व्यक्ति या प्रतिनिधि के पैन संख्या और यथा अपेक्षित कोई अन्य आवश्यक जानकारी प्रदान करनी होगी।

7. विस्तारित उत्पादक उत्तरदायित्व के लिए लक्ष्य और उत्पादकों, आयातकों और ब्रांड स्वामियों की बाध्यताएं :

(7.1) उत्पादकों, आयातकों और ब्रांड स्वामियों के लिए विस्तारित उत्पादक उत्तरदायित्व लक्ष्य कोटि-वार निर्धारित किए जाएंगे

(7.2) उत्पादक (पी)

(क) विस्तारित उत्पादक उत्तरदायित्व लक्ष्य (उपाबंध में उदाहरण 1 से 3 देखें)

मीट्रिक टन (पहली तिमाही) में पात्र मात्रा पिछले दो वित्तीय वर्षों में बेची गई प्लास्टिक पैकेजिंग सामग्री (कोटि-वार) का औसत वजन होगा (क) इसमें पिछले दो वित्तीय वर्षों में पूर्व-उपभोक्ता प्लास्टिक पैकेजिंग अपशिष्ट की औसत मात्रा को जोड़ा जाएगा और (ख) पिछले वित्तीय वर्ष में उप-खंड 4 (iii) के अंतर्गत आने वाली संस्थाओं को आपूर्ति की गई वार्षिक मात्रा (ग) निम्नानुसार घटाई जाएगी :

क्यू 1 (एमटी में) = (क + ख) - ग

विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) लक्ष्य, कोटि-वार निर्धारित किया जाएगा, जैसा कि नीचे दिया गया है:

सारणी - विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) लक्ष्य

	वर्ष	विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) लक्ष्य (पहली तिमाही के प्रतिशत के रूप में - कोटि-वार)
I.	**2021 - 22**	**25 %**
II.	**2022 - 23**	**70 %**
III.	**2023 - 24**	**100 %**

कोटि-वार मीट्रिक टन में विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) लक्ष्य, जैसा भी लागू हो, केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित केंद्रीकृत पोर्टल पर कार्य योजना के हिस्से के रूप में उत्पादक द्वारा प्रदान किया जाएगा।

(ख) पुनर्चक्रण के लिए बाध्यता (उपाबंध में उदाहरण 1 से 3 देखें)

उत्पादक नीचे दिए गए अनुसार विस्तारित उत्पादक उत्तरदायित्व (विस्तारित उत्पादक) लक्ष्य के अधीन एकत्रित प्लास्टिक पैकेजिंग अपशिष्ट के पुनर्चक्रण का न्यूनतम स्तर (समय अवसान सीमा होने पर निपटान को छोड़कर) सुनिश्चित करेगा, अर्थात्:-

प्लास्टिक पैकेजिंग अपशिष्ट के पुनर्चक्रण का न्यूनतम स्तर (समय अवसान सीमा होने पर निपटान को छोड़कर)

(विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) लक्ष्य का %)

प्लास्टिक पैकेजिंग की कोटि	**2024-25**	**2025-26**	**2026-27**	**2027-28 और उसके पश्चात्**
कोटि I	50	60	70	80
कोटि II	30	40	50	60
कोटि III	30	40	50	60
कोटि IV	50	60	70	80

कोटि IV प्लास्टिक पैकेजिंग कोटि (पैकेजिंग के लिए प्रयुक्त प्लास्टिक शीट या समान सामग्री और कम्पोस्टेबल प्लास्टिक से बने कैरी बैग) के मामले में पुनर्चक्रण के न्यूनतम स्तर से, औद्योगिक कम्पोस्टिंग सुविधाओं के माध्यम से कम्पोस्टिंग के लिए प्लास्टिक पैकेजिंग अपशिष्ट का प्रसंस्करण करना अभिप्रेत है।

(ग) समय अवसान सीमा होने पर निपटान (उपाबंध में उदाहरण 1 से 3 देखें)

(i) केवल ऐसी प्लास्टिक, जिनका पुनर्चक्रण नहीं किया जा सकता है, को ही सड़क निर्माण, अपशिष्ट से ऊर्जा, अपशिष्ट से तेल, सीमेंट भट्टों (सह प्रसंस्करण के लिए) आदि जैसे समय अवसान सीमा निपटान के लिए समय-समय पर भारतीय सड़क कांग्रेस अथवा केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी प्रासंगिक दिशा-निर्देशों के अनुसार भेजा जाएगा।

(ii) उत्पादक यह सुनिश्चित करेंगे कि प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 के नियम 5(1)(ख) में विनिर्दिष्ट तरीके से ही प्लास्टिक पैकेजिंग अपशिष्ट का अंतिम निपटान हो।

(घ) पुनर्चक्रित प्लास्टिक सामग्री के उपयोग के लिए बाध्यता (उपाबंध में उदाहरण 6 देखें)

उत्पादक नीचे दिए गए अनुसार कोटि-वार प्लास्टिक पैकेजिंग में पुनर्चक्रित प्लास्टिक का उपयोग सुनिश्चित करेगा, अर्थात्:-

प्लास्टिक पैकेजिंग में पुनर्चक्रित प्लास्टिक का आज्ञापक उपयोग

(वर्ष में विनिर्मित प्लास्टिक का %)

प्लास्टिक पैकेजिंग की कोटि	2025-26	2026-27	2027-28	2028-29 और उसके पश्चात्
कोटि I	30	40	50	60
कोटि II	10	10	20	20
कोटि III	5	5	10	10

ऐसे मामलों में, जहां वैधानिक अपेक्षाओं के कारण पुनर्चक्रित प्लास्टिक सामग्री के संबंध में बाध्यता को पूरा करना संभव नहीं है, केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा मामला-दर-मामला आधार पर छूट प्रदान की जाएगी। तथापि, ऐसे मामलों में, उत्पादक, आयातक और ब्रांड स्वामी को ऐसे उत्पादक, आयातक और ब्रांड स्वामी से समकक्ष मात्रा के प्रमाण पत्र की खरीद के माध्यम से पुनर्चक्रित सामग्री (मात्रात्मक निबंधनों में) के उपयोग की अपनी बाध्यता को पूरा करना होगा, जिन्होंने अपने बाध्यता से अधिक पुनर्चक्रित सामग्री का उपयोग किया है। केन्द्रीय प्रदूषण नियंत्रण बोर्ड केंद्रीकृत ऑनलाइन पोर्टल पर इस तरह के आदान-प्रदान के लिए तंत्र विकसित करेगा।

7.3 आयातक (आई)

(क) विस्तारित उत्पादक उत्तरदायित्व लक्ष्य (उपाबंध में उदाहरण 1 से 3 देखें)

मीट्रिक टन (दूसरी तिमाही) में पात्र मात्रा पिछले दो वित्तीय वर्षों में बेची गई प्लास्टिक पैकेजिंग सामग्री और/या आयात किए गए उत्पादों की प्लास्टिक पैकेजिंग (कोटि-वार) का औसत वजन होगा (क) इसमें पिछले दो वित्तीय वर्षों में पूर्व-उपभोक्ता प्लास्टिक पैकेजिंग अपशिष्ट की औसत मात्रा को जोड़ा जाएगा और (ख) पिछले वित्तीय वर्ष में उप-खंड 4(iii) के अंतर्गत आने वाली संस्थाओं को आपूर्ति की गई वार्षिक मात्रा में से अपशिष्ट की मात्रा (ग) निम्नानुसार घटाई जाएगी।

क्यू 2 (एमटी में) = (क + ख) – ग

और विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) लक्ष्य, कोटि-वार निर्धारित किया जाएगा, जैसा कि नीचे दिया गया है, अर्थात् :-

	वर्ष	विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) लक्ष्य (दूसरी तिमाही के प्रतिशत के रूप में - कोटि-वार)
I.	2021 - 22	25 %
II.	2022 - 23	70 %
III.	2023 - 24	100 %

मीट्रिक टन में कोटि-वार विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) लक्ष्य, जैसा भी लागू हो, केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित केंद्रीकृत पोर्टल पर कार्य योजना के हिस्से के रूप में आयातक द्वारा प्रदान किया जाएगा।

(ख) पुनर्चक्रण के लिए बाध्यता (उपाबंध में उदाहरण 1 से 3 देखें)

आयातक, विस्तारित उत्पादक उत्तरदायित्व लक्ष्य के अधीन एकत्रित प्लास्टिक पैकेजिंग अपशिष्ट के पुनर्चक्रण का न्यूनतम स्तर (समय अवसान सीमा निपटान को छोड़कर) सुनिश्चित करेगा, जैसा कि नीचे दिया गया है, अर्थात्:-

प्लास्टिक पैकेजिंग अपशिष्ट के पुनर्चक्रण का न्यूनतम स्तर (समय अवसान सीमा निपटान को छोड़कर)

(विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) लक्ष्य का %)

प्लास्टिक पैकेजिंग की कोटि	2024-25	2025-26	2026-27	2027-28 और उसके पश्चात् से
कोटि I	50	60	70	80
कोटि II	30	40	50	60
कोटि III	30	40	50	60
कोटि IV	50	60	70	80

कोटि IV प्लास्टिक पैकेजिंग कोटि (पैकेजिंग के लिए प्रयुक्त प्लास्टिक शीट या समान सामग्री और कम्पोस्टेबल प्लास्टिक से बने कैरी बैग) के मामले में पुनर्चक्रण के न्यूनतम स्तर से, औद्योगिक कम्पोस्टिंग सुविधाओं के माध्यम से कम्पोस्टिंग के लिए प्लास्टिक पैकेजिंग अपशिष्ट का प्रसंस्करण करना अभिप्रेत है।

(ग) समय अवसान सीमा पर निपटान (उपाबंध में उदाहरण 1 से 3 देखें)

(i) केवल ऐसी प्लास्टिक, जिनका पुनर्चक्रण नहीं किया जा सकता है, को ही सड़क निर्माण, अपशिष्ट से ऊर्जा, अपशिष्ट से तेल, सीमेंट भट्टों (सह प्रसंस्करण के लिए) आदि जैसे मियाद समाप्ति निपटान के लिए समय-समय पर भारतीय सड़क कांग्रेस अथवा केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी प्रासंगिक दिशा-निर्देशों के अनुसार भेजा जाएगा।

(ii) उत्पादक, यह सुनिश्चित करेंगे कि प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 के नियम 5(1)(ख) में विनिर्दिष्ट तरीके से ही प्लास्टिक पैकेजिंग अपशिष्ट का अंतिम निपटान हो।

(घ) पुनर्चक्रित प्लास्टिक सामग्री के उपयोग के लिए बाध्यता (उपाबंध में उदाहरण 6 देखें)

उत्पादक नीचे दिए गए अनुसार कोटि-वार प्लास्टिक पैकेजिंग में पुनर्चक्रित प्लास्टिक का उपयोग सुनिश्चित करेगा, अर्थात्:-

प्लास्टिक पैकेजिंग में पुनर्चक्रित प्लास्टिक का आज्ञापक उपयोग

(वर्ष में आयातित प्लास्टिक का %)

प्लास्टिक पैकेजिंग की कोटि	2025-26	2026-27	2027-28	2028-29 और उसके पश्चात्
कोटि I	30	40	50	60
कोटि II	10	10	20	20
कोटि III	5	5	10	10

आयातित सामग्री में प्रयुक्त किसी भी पुनर्चक्रित प्लास्टिक को दायित्व की पूर्ति के लिए नहीं गिना जाएगा। आयातक को ऐसे उत्पादक, आयातक, ब्रांड स्वामी से समकक्ष मात्रा के प्रमाण पत्र की खरीद के माध्यम से पुनर्चक्रित सामग्री (मात्रात्मक निबंधनों में) के उपयोग के अपनी बाध्यता को पूरा करना होगा, जिन्होंने अपनी बाध्यता से अधिक पुनर्चक्रित सामग्री का

उपयोग किया है। केन्द्रीय प्रदूषण नियंत्रण बोर्ड केंद्रीकृत ऑनलाइन पोर्टल पर इस तरह के आदान-प्रदान के लिए तंत्र विकसित करेगा।

7.4 ब्रांड स्वामी (बीओ)

(क) विस्तारित उत्पादक उत्तरदायित्व लक्ष्य (उपाबंध में उदाहरण 1 से 3 देखें)

मीट्रिक टन में (तीसरी तिमाही) में पात्र मात्रा पिछले दो वित्तीय वर्षों में बाजार में खरीदी और पेश की गई ताजा प्लास्टिक पैकेजिंग सामग्री (कोटि-वार) का औसत वजन होगा (क) इसमें पिछले दो वित्तीय वर्षों में उपभोक्ता पूर्व प्लास्टिक पैकेजिंग की (ख) औसत मात्रा निम्नानुसार जोड़ी जाएगी।

क्यू 3 (एमटी में) = क + ख

विस्तारित उत्पादक उत्तरदायित्व (विस्तारित उत्पादक) लक्ष्य, कोटि-वार नीचे दिए गए अनुसार निर्धारित किया जाएगा :

	वर्ष	**विस्तारित उत्पादक उत्तरदायित्व (विस्तारित उत्पादक) लक्ष्य (तीसरी तिमाही के प्रतिशत के रूप में - कोटि-वार)**
I.	2021 - 22	25 %
II.	2022 - 23	70 %
III.	2023 - 24	100 %

मीट्रिक टन में कोटि-वार विस्तारित उत्पादक उत्तरदायित्व (विस्तारित उत्पादक) लक्ष्य, जैसा भी लागू हो, केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित केंद्रीकृत पोर्टल पर कार्य योजना के हिस्से के रूप में ब्रांड स्वामी द्वारा प्रदान किया जाएगा।

(ख) पुन: उपयोग के लिए बाध्यता (उपाबंध में उदाहरण 4 और 5 देखें)

I. अपने उत्पादों के लिए कोटि I (सख्त) प्लास्टिक पैकेजिंग का उपयोग करने वाले ब्रांड स्वामी पर नीचे दिए गए अनुसार ऐसी पैकेजिंग का पुन: उपयोग करने की न्यूनतम बाध्यता होगी।

परंतु कि फूड कॉन्टेक्ट एप्लीकेशन में कोटि I सख्त प्लास्टिक पैकेजिंग का पुन: प्रयोग भारतीय खाद्य सुरक्षा और मानक प्राधिकरण के विनियमन के अधीन होगा।

(II) कोटि I (सख्त प्लास्टिक पैकेजिंग) के लिए पुन: उपयोग के लिए न्यूनतम बाध्यता।

	वर्ष	**लक्ष्य (वर्ष में बेचे जाने वाले उत्पाद में कोटि I के सख्त प्लास्टिक पैकेजिंग के प्रतिशत के रूप में)**
क	कोटि I सख्त प्लास्टिक पैकेजिंग यथास्थिति, जिसकी मात्रा या वजन 0.9 लीटर या किग्रा के बराबर या अधिक लेकिन 4.9 लीटर या किग्रा से कम हो।	
I.	2025 – 26	10
II.	2026 – 27	15
III.	2027 – 28	20
IV.	2028 – 29 और उसके पश्चात्	25

ख	कोटि I की सख्त प्लास्टिक पैकेजिंग जिसका वजन 4.9 लीटर या किग्रा से अधिक या बराबर है।	
I.	2025 – 26	70
II.	2026 – 27	75
III.	2027 – 28	80
IV.	2028 – 29 और उसके पश्चात्	85

(III) ब्रांड स्वामी द्वारा पुन: उपयोग की जाने वाली सख्त पैकेजिंग की मात्रा की गणना ब्रांड स्वामी की बिक्री से उस वर्ष में निर्मित/आयातित/खरीदी गई ताजा प्लास्टिक पैकेजिंग को कम करके की जाएगी। ब्रांड स्वामी यह जानकारी केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित केंद्रीकृत पोर्टल पर उपलब्ध कराएगा।

(IV) कोटि I की सख्त प्लास्टिक पैकेजिंग की पुन: उपयोग की मात्रा को बाध्य संस्थाओं (ब्रांड स्वामी) द्वारा कोटि I के अधीन उपयोग की जाने वाली कुल प्लास्टिक पैकेजिंग से कम किया जाएगा।

III. वर्ष 2022-23 और 2023-24 के दौरान पुन: उपयोग की गई कोटि I सख्त प्लास्टिक पैकेजिंग की मात्रा कोटि I के अधीन उपयोग की जाने वाली कुल प्लास्टिक पैकेजिंग से कम हो जाएगी।

(ग) पुनर्चक्रण के लिए बाध्यता (उपाबंध में उदाहरण 1 से 3 देखें)

ब्रांड स्वामी विस्तारित उत्पादक उत्तरदायित्व (विस्तारित उत्पादक) लक्ष्य के अधीन एकत्रित प्लास्टिक पैकेजिंग अपशिष्ट के पुनर्चक्रण का न्यूनतम स्तर (समय अवसान सीमा होने पर किए गए निपटान को छोड़कर) सुनिश्चित करेगा, जैसा कि नीचे दिया गया है।

प्लास्टिक पैकेजिंग अपशिष्ट के पुनर्चक्रण का न्यूनतम स्तर (समय अवसान सीमा होने पर किए गए निपटान को छोड़कर)

(विस्तारित उत्पादक उत्तरदायित्व (विस्तारित उत्पादक) लक्ष्य का %)

प्लास्टिक पैकेजिंग की कोटि	**2024-25**	**2025-26**	**2026-27**	**2027-28 और उसके पश्चात्**
कोटि I	50	60	70	80
कोटि II	30	40	50	60
कोटि III	30	40	50	60
कोटि IV	50	60	70	80

कोटि IV प्लास्टिक पैकेजिंग कोटि (पैकेजिंग के लिए प्रयुक्त प्लास्टिक शीट या समान सामग्री और कम्पोस्टेबल प्लास्टिक से बने कैरी बैग) के मामले में पुनर्चक्रण के न्यूनतम स्तर से, औद्योगिक कम्पोस्टिंग सुविधाओं के माध्यम से कम्पोस्टिंग के लिए प्लास्टिक पैकेजिंग अपशिष्ट का प्रसंस्करण करना अभिप्रेत है।

(घ) समय अवसान सीमा पर निपटान (उपाबंध में उदाहरण 1 से 3 देखें)

(i) केवल ऐसी प्लास्टिक, जिनका पुनर्चक्रण नहीं किया जा सकता है, को ही सड़क निर्माण, अपशिष्ट से ऊर्जा, अपशिष्ट से तेल, सीमेंट भट्टों (सह प्रसंस्करण के लिए) आदि जैसे समय अवसान सीमा निपटान के लिए समय-समय पर भारतीय सड़क कांग्रेस अथवा केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी प्रासंगिक दिशा-निर्देशों के अनुसार भेजा जाएगा।

(ii) ब्रांड स्वामी यह सुनिश्चित करेगा कि, प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 के नियम 5(1)(ख) में विनिर्दिष्ट तरीके से ही प्लास्टिक पैकेजिंग अपशिष्ट का अंतिम निपटान हो।

(ङ) पुनर्चक्रित प्लास्टिक सामग्री के उपयोग के लिए दायित्व (उपाबंध में उदाहरण 6 देखें)

(i) ब्रांड स्वामी कोटि-वार प्लास्टिक पैकेजिंग में पुनर्चक्रित प्लास्टिक का उपयोग नीचे दिए अनुसार सुनिश्चित करेगा।

प्लास्टिक पैकेजिंग में पुनर्चक्रित प्लास्टिक का आज्ञापक उपयोग

(वर्ष में विनिर्मित प्लास्टिक का %)

प्लास्टिक पैकेजिंग की कोटि	2025-26	2026-27	2027-28	2028-29 और उसके पश्चात्
कोटि I	30	40	50	60
कोटि II	10	10	20	20
कोटि III	5	5	10	10

(ii) ऐसे मामलों में, जहां वैधानिक अपेक्षाओं के कारण पुनर्चक्रित प्लास्टिक सामग्री के संबंध में बाध्यता को पूरा करना संभव नहीं है, केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा मामला-दर-मामला आधार पर छूट प्रदान की जाएगी। तथापि, ऐसे मामलों में, उत्पादक, आयातक, ब्रांड स्वामी को ऐसे उत्पादक आयातक ब्रांड स्वामी से समकक्ष मात्रा के प्रमाण पत्र की खरीद के माध्यम से पुनर्चक्रित सामग्री (मात्रात्मक निबंधनों में) के उपयोग की अपनी बाध्यता को पूरा करना होगा, जिन्होंने अपनी बाध्यता से अधिक पुनर्चक्रित सामग्री का उपयोग किया है। केन्द्रीय प्रदूषण नियंत्रण बोर्ड, केंद्रीकृत ऑनलाइन पोर्टल पर इस तरह के आदान-प्रदान के लिए तंत्र विकसित करेगा।

(iii) ऐसे मामले में, जहां ब्रांड स्वामी प्लास्टिक पैकेजिंग सामग्री का उत्पादक और/या आयातक भी है, तो खंड 7.2 और 7.3 भी क्रमशः उत्पादक और/या आयातक के रूप में उनके विस्तारित उत्पादक उत्तरदायित्व (विस्तारित उत्पादक) लक्ष्यों और बाध्यताओं को निर्धारित करने के लिए लागू होंगे।

(7.5) मीट्रिक टन में कोटि-वार विस्तारित उत्पादक उत्तरदायित्व (विस्तारित उत्पादक) लक्ष्य, जैसा भी लागू हो, सभी उत्पादकों, आयातकों और ब्रांड स्वामियों द्वारा केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित केंद्रीकृत पोर्टल पर कार्य योजना के हिस्से के रूप में प्रदान किया जाएगा।

(7.6) विनिर्दिष्ट लक्ष्यों को पूरा करने के लिए उपलब्ध प्रौद्योगिकियों के आधार पर पुन: उपयोग, अपशिष्ट के पुनर्चक्रण और पैकेजिंग में पुनर्नवीनीकरण प्लास्टिक सामग्री के उपयोग की बाध्यताओं का पुनर्विलोकन प्रत्येक पांच वर्ष में किया जाएगा।

(7.7) प्लास्टिक पैकेजिंग पर विस्तारित उत्पादक उत्तरदायित्व (ईपीआर), अन्य बातों के साथ-साथ, निम्नलिखित मानदंडों के आधार पर केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा तैयार किए गए दिशानिर्देशों के अनुसार टिकाऊ पैकेजिंग को बढ़ावा देगा :

(i) पुन: उपयोग को बढ़ावा देने वाली पैकेज डिजाइनिंग,

(ii) पुनर्चक्रण के लिए उपयुक्त पैकेज डिजाइनिंग,

(iii) प्लास्टिक पैकेजिंग सामग्री में पुनर्चक्रित प्लास्टिक मात्रा और (iv) पर्यावरण के लिए पैकेज डिजाइनिंग।

(7.8) यदि बाध्य संस्था ऐसी प्लास्टिक पैकेजिंग का उपयोग करती है जो परिवेशी वातावरण में 100% जैव अपघटनीय है, और उसका स्वास्थ्य या पर्यावरण पर कोई प्रतिकूल प्रभाव नहीं पड़ता है, या कोई सूक्ष्म प्लास्टिक या रासायनिक अवशेष या कोई भी अन्य निशान नहीं रहता है, जो केन्द्रीय प्रदूषण नियंत्रण बोर्ड, भारतीय मानक ब्यूरो, केन्द्रीय पेट्रो रसायन इंजीनियरिंग और प्रौद्योगिकी संस्थान जैसी नियामक संस्थाओं द्वारा प्रमाणित है। ऐसी सामग्री के लिए विस्तारित उत्पादक उत्तरदायित्व लक्ष्य लागू नहीं होगा।

8. अधिशेष विस्तारित उत्पादक उत्तरदायित्व प्रमाणपत्रों को बनाना, पिछले वर्ष के विस्तारित उत्पादक उत्तरदायित्व लक्ष्यों और दायित्वों की तुलना में अग्रेषित और मुजरा करना, और अधिशेष विस्तारित उत्पादक उत्तरदायित्व प्रमाणपत्रों की बिक्री और खरीद करना

(8.1) ऐसा ब्रांड स्वामी जिसने अपने विस्तारित उत्पादक उत्तरदायित्व (विस्तारित उत्पादक) लक्ष्यों को कोटि-वार पूरा कर लिया है, निम्नलिखित के लिए अधिशेष का उपयोग कर सकता है, अर्थात् :-

(i) खंड 9.5 के अधीन पिछले वर्ष की कमी की मुजराई,

(ii) आगामी वर्ष में उपयोग के लिए अग्रेषित करना

(iii) इसे अन्य उत्पादकों, आयातकों और ब्रांड स्वामियों को बेचना

(8.2) एक कोटि में अधिशेष का उपयोग केवल उसी कोटि में मुजराई, अग्रेषण और बिक्री के लिए किया जा सकता है। पुन: उपयोग के अंतर्गत अधिशेष का उपयोग पुन: उपयोग, पुनर्चक्रण और समय अवसान सीमा होने पर निपटान के लिए उपरोक्त के लिए किया जा सकता है। पुनर्चक्रण के अंतर्गत अधिशेष का उपयोग पुनर्चक्रण और समय अवसान सीमा होने पर निपटान के लिए किया जा सकता है। समय अवसान सीमा होने वाले किसी अधिशेष का पुन: उपयोग या पुनर्चक्रण के लिए उपयोग नहीं किया जा सकता है।

(8.3) कोई उत्पादक, आयातक और ब्रांड स्वामी उसी कोटि के अन्य उत्पादकों, आयातकों और ब्रांड स्वामियों से अधिशेष विस्तारित उत्पादक उत्तरदायित्व प्रमाणपत्र खरीदकर एक कोटि के अधीन अपने विस्तारित उत्पादक उत्तरदायित्व बाध्यता को भी पूरा कर सकता है।

(8.4) विस्तारित उत्पादक उत्तरदायित्व ढांचे के अंतर्गत वार्षिक विवरणी फाइल करते समय ऐसे संव्यवहार को उत्पादकों, आयातकों और ब्रांड स्वामियों द्वारा ऑनलाइन पोर्टल पर अभिलिखित और प्रस्तुत किया जाएगा। केन्द्रीय प्रदूषण नियंत्रण बोर्ड, केंद्रीकृत पोर्टल पर इस तरह के आदान-प्रदान के लिए तंत्र विकसित करेगा।

9. पर्यावरणीय प्रतिकर का अधिरोपण

(9.1) पर्यावरण की गुणवत्ता को बनाए रखने और उसमें सुधार करने तथा पर्यावरण प्रदूषण के निवारण, नियंत्रण और उपशमन के प्रयोजन के लिए उत्पादकों, आयातकों और ब्रांड मालिकों द्वारा ईपीआर लक्ष्यों को पूरा न कर पाने के संबंध में 'प्रदूषणकर्ता द्वारा भुगतान' के सिद्धांत के आधार पर पर्यावरणीय क्षतिपूर्ति उद्‌गृहीत की जाएगी।

(9.2) केन्द्रीय प्रदूषण नियंत्रण बोर्ड इन दिशानिर्देशों में संघ राज्य क्षेत्रों के द्वारा निर्धारित बाध्यताओं को पूरा न करने के मामले में उत्पादकों, आयातकों और ब्रांड मालिकों, पुनर्चक्रणकर्ताओं और मियाद समाप्ति निपटान करने वाले प्रसंस्करणकर्ता पर पर्यावरण क्षतिपूर्ति के अधिरोपण और संग्रहण के लिए दिशानिर्देश अधिकथित करेगा और इन्हें अधिसूचित किया जाएगा। पर्यावरणीय क्षतिपूर्ति संबंधी दिशानिर्देशों को अपेक्षित अनुसार अद्यतन किया जाएगा।

(9.3) इन दिशानिर्देशों में संघ राज्य क्षेत्र द्वारा निर्धारित विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) लक्ष्यों, उत्तरदायित्वों और बाध्यताओं को पूरा न करने के संबंध में दो से अधिक राज्यों में संचालित उत्पादकों, आयातकों और ब्रांड मालिकों पर केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा पर्यावरण क्षतिपूर्ति, यथा लागू, उद्‌गृहीत की जाएगी।

(9.4) पर्यावरण क्षतिपूर्ति संबंधित राज्य प्रदूषण नियंत्रण बोर्ड द्वारा उनकी अधिकारिता में काम कर रहे उत्पादकों, आयातकों और ब्रांड मालिकों (दो से अधिक राज्यों/संघ राज्य क्षेत्रों में काम नहीं कर रहे उत्पादकों, आयातकों और ब्रांड मालिकों के लिए), प्लास्टिक अपशिष्ट प्रसंस्करणकर्ता जिसमें पुनर्चक्रणकर्ता और अन्य अपशिष्ट प्रसंस्करणकर्ता - अपशिष्ट से ऊर्जा, अपशिष्ट से तेल, सह-प्रसंस्करणकर्ताओं पर उस स्थिति में लगाया जाएगा, जब वे इन दिशानिर्देशों के अधीन निर्धारित किए गए अपने विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) लक्ष्यों/उत्तरदायित्वों और बाध्यताओं को पूरा नहीं करते हैं। यदि राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति उचित समय पर कार्रवाई नहीं करती है तो केन्द्रीय प्रदूषण नियंत्रण बोर्ड, राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति को निर्देश जारी करेगा।

(9.5) पर्यावरणीय क्षतिपूर्ति के भुगतान से उत्पादक, आयातक और ब्रांड मालिक इन दिशानिर्देशों में निर्धारित बाध्यता से मुक्त नहीं होगा। किसी विशेष वर्ष के लिए अपूर्ण विस्तारित उत्पादक उत्तरदायित्व बाध्यता अगले वर्ष के लिए तीन वर्ष

की अवधि के लिए आगे बढ़ाया जाएगा। ऐसे मामले में, विस्तारित उत्पादक उत्तरदायित्व बाध्यता की कमी को पश्चातवर्ती के वर्षों के भीतर तीन वर्षों के भीतर पूरा किया जाता है। लगाई गई पर्यावरणीय क्षतिपूर्ति उत्पादकों, आयातकों और ब्रांड मालिकों को निम्नानुसार वापस कर दी जाएगी, अर्थात् :-

(i) ईसी लगाने के एक वर्ष के भीतर : 75% रिटर्न

(ii) दो वर्ष के भीतर 60% रिटर्न

(iii) तीन वर्ष के भीतर 40% रिटर्न

पर्यावरणीय क्षतिपूर्ति के देय होने पर 3 वर्ष पूरे होने के पश्चात् पर्यावरणीय क्षतिपूर्ति की पूरी रकम अभिग्रहण कर ली जाएगी। यह व्यवस्था पश्चात्वर्ती वर्षों में भी उत्पादकों, आयातकों और ब्रांड मालिकों द्वारा प्लास्टिक पैकेजिंग अपशिष्ट के संग्रहण और पुनर्चक्रण की अनुमति देगी।

(9.6) पर्यावरण क्षतिपूर्ति के अधीन एकत्र की गई निधि को केन्द्रीय प्रदूषण नियंत्रण बोर्ड या राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति द्वारा एक अलग एस्क्रो खाते में रखा जाएगा। एकत्र की गई निधि का उपयोग प्लास्टिक पैकेजिंग अपशिष्ट के असंग्रहीत और गैर-पुनर्चक्रित या मियाद समाप्ति निपटान के संग्रहण और पुनर्चक्रण/मियाद समाप्ति में उपयोग किया जाएगा, जिस पर पर्यावरणीय क्षतिपूर्ति लगाई जाती है। प्लास्टिक अपशिष्ट प्रबंधन के लिए वार्षिक आधार पर निधियों के उपयोग के तौर-तरीकों की सिफारिश विस्तारित उत्पादक उत्तरदायित्व कार्यान्वयन समिति द्वारा की जाएगी और इसे मंत्रालय में सक्षम प्राधिकारी द्वारा अनुमोदन दिया जाएगा।

10. उत्पादकों, आयातकों और ब्रांड मालिकों की भूमिका

(10.1) उत्पादकों, आयातकों और ब्रांड मालिकों को केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित ऑनलाइन केंद्रीकृत पोर्टल के माध्यम से रजिस्ट्रीकरण कराना होगा। रजिस्ट्रीकरण का प्रमाण पत्र पोर्टल का उपयोग करके जारी किया जाएगा।

(10.2) उत्पादक, आयातक और ब्रांड मालिक केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित ऑनलाइन केंद्रीकृत पोर्टल के माध्यम से प्लास्टिक अपशिष्ट प्रबंधन (पीडब्ल्यूएम) नियम, 2016 के अधीन रजिस्ट्रीकरण या नवीनीकरण के लिए आवेदन के साथ विस्तारित उत्पादक उत्तरदायित्व लक्ष्य, श्रेणी-वार जहां लागू हो, पर जानकारी युक्त कार्य योजना प्रदान करेगा। यह कार्य योजना प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 के उपबंधों के अनुसार रजिस्ट्रीकरण की अवधि को कवर करेगी। रजिस्ट्रीकरण के लिए मानक संचालन प्रक्रिया और कार्य योजना प्रोफॉर्मा इन दिशानिर्देशों के अनुसार केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित किया जाएगा।

(10.3) खंड 4(iii) के अधीन आने वाला ब्रांड मालिक किसी उत्पादक और/या आयातक से खरीदी गई प्लास्टिक पैकेजिंग का विवरण खंड 4(i) और 4(ii) के अधीन अलग से प्रदान करेगा। ब्रांड मालिक पर लागू होने वाला खंड 4(i) और 4(ii) के अधीन आने वाले प्रत्येक उत्पादक और आयातक के लिए मात्रा को उत्पादक और आयातक की बाध्यता से घटाया जाएगा। ब्रांड मालिक द्वारा खरीदी गई श्रेणी-वार मात्रा सहित ऐसी खरीद का रिकॉर्ड अलग से रखा जाएगा।

(10.4) खंड 4(i) और 4(ii) के अधीन आने वाले उत्पादक और आयातक खंड 4(iii) के अधीन आने वाले ब्रांड मालिक को उपलब्ध कराई गई प्लास्टिक पैकेजिंग सामग्री की मात्रा का रिकॉर्ड रखना होगा। श्रेणीवार विक्रीत मात्रा सहित ऐसे विक्रय का रिकॉर्ड उत्पादक और आयातक द्वारा अलग-अलग रखा जाएगा। यदि ऐसे रिकॉर्ड नहीं बनाए जाते हैं, तो उन्हें पूरा विस्तारित उत्पादक उत्तरदायित्व बाध्यता पूरा करना होगा। ऑनलाइन प्लेटफॉर्म उत्पादक, आयातक और ब्रांड मालिक के बीच संव्यवहार की घोषणा को क्रॉस-चेक करेगा।

(10.5) विस्तारित उत्पादक उत्तरदायित्व बाध्याताओं को सीधे पूरा करने के लिए प्लास्टिक पैकेजिंग अपशिष्ट के संग्रहण के लिए एक अलग अपशिष्ट धारा विकसित करने के लिए, उत्पादक, आयातक और ब्रांड मालिक जमा

वापसी प्रणाली या पुन: खरीद (बाय बैक) या कोई अन्य मॉडल जैसी योजना संचालित कर सकता है। यह कदम प्लास्टिक पैकेजिंग अपशिष्ट को ठोस अपशिष्ट के साथ मिलाने से रोकेगा।

(10.6) उत्पादक, आयातक और ब्रांड मालिक अगले वित्तीय वर्ष के 30 जून (अप्रैल-विलोपित) तक केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विहित प्रोफार्मा के अनुसार संबंधित केन्द्रीय प्रदूषण नियंत्रण बोर्ड या राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति के साथ विस्तारित उत्पादक उत्तरदायित्व के अधीन बाध्यताओं को पूरा करने के लिए एकत्र और प्रसंस्कृत प्लास्टिक पैकेजिंग अपशिष्ट पर वार्षिक विवरणी दाखिल करेगा। पैकेजिंग उद्देश्यों के लिए उपयोग किए जाने वाले पुन: उपयोग और/या पुनर्चक्रित सामग्री के बारे में भी जानकारी प्रदान की जाएगी। उन रजिस्ट्रीकृत पुनर्चक्रणकर्ताओं का विवरण भी दिया जाएगा जिनसे पुनर्चक्रित प्लास्टिक की खरीद की गई है।

11. प्लास्टिक अपशिष्ट प्रसंस्करणकर्ताओं की भूमिका (औद्योगिक कम्पोस्टिंग सुविधाओं सहित पुनर्चक्रणकर्ता या अन्य अपशिष्ट प्रसंस्करणकर्ता) :

(11.1) सभी प्लास्टिक अपशिष्ट प्रसंस्करणकर्ताओं को केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित केंद्रीकृत पोर्टल पर प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 के उपबंध 13(3) के अनुसार संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति के साथ रजिस्ट्रीकरण कराना होगा। केन्द्रीय प्रदूषण नियंत्रण बोर्ड, इन दिशानिर्देशों के प्रकाशन के तीन महीने के भीतर रजिस्ट्रीकरण के लिए एक समान प्रक्रिया अधिकथित करेगा।

(11.2) प्लास्टिक अपशिष्ट प्रसंस्करणकर्ता प्रत्येक वित्तीय वर्ष की समाप्ति के पश्चात् अगले वित्तीय वर्ष की 30 अप्रैल तक केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित केंद्रीकृत पोर्टल पर विहित प्रोफार्मा के अनुसार प्रसंस्कृत प्लास्टिक अपशिष्ट की मात्रा की श्रेणी-वार वार्षिक विवरणी प्रस्तुत करेंगे।

(11.3) प्लास्टिक अपशिष्ट प्रसंस्करणकर्ता द्वारा प्रसंस्कृत और उत्पादक, आयातक और ब्रांड मालिक की प्लास्टिक अपशिष्ट की कुल मात्रा, वार्षिक आधार पर, केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित केंद्रीकृत पोर्टल और प्लास्टिक अपशिष्ट प्रसंस्करणकर्ता की वेबसाइट पर भी उपलब्ध कराई जाएगी।

(11.4) यदि किसी भी स्तर पर यह पाया जाता है कि प्लास्टिक अपशिष्ट प्रसंस्करणकर्ता द्वारा प्रदान की गई जानकारी झूठी है, तो प्लास्टिक अपशिष्ट प्रसंस्करणकर्ता को राज्य प्रदूषण नियंत्रण बोर्ड द्वारा केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा अधिकथित प्रक्रिया के अनुसार, विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) ढांचे के अधीन संचालन से एक वर्ष की अवधि के लिए प्रतिबंधित कर दिया जाएगा।

(11.5) प्लास्टिक अपशिष्ट प्रबंधन (पीडब्ल्यूएम) नियम, 2016 के अधीन रजिस्ट्रीकृत प्लास्टिक अपशिष्ट प्रसंस्करणकर्ता, सड़क निर्माण में प्लास्टिक अपशिष्ट के उपयोग के मामले को छोड़कर, प्लास्टिक अपशिष्ट प्रसंस्करण के लिए प्रमाण पत्र प्रदान करेगा। ऐसे मामले में जहां सड़क निर्माण में प्लास्टिक अपशिष्ट का उपयोग किया जाता है, उत्पादक, आयातक और ब्रांड मालिक केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित प्रोफॉर्मा में एक स्व-घोषणा प्रमाण पत्र प्रदान करेगा। उत्पादक, आयातक और ब्रांड मालिक द्वारा विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) बाध्यताओं को पूरा करने के लिए केवल रजिस्ट्रीकृत प्लास्टिक अपशिष्ट प्रसंस्करणकर्ता द्वारा प्रदान किया गया प्रमाण पत्र मान्य होगा।

(11.6) प्रमाण पत्र के लिए प्रोफार्मा केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित किया जाएगा। किसी भी मामले में, उद्यम द्वारा पुनर्चक्रित प्लास्टिक पैकेजिंग अपशिष्ट की मात्रा उद्यम की स्थापित क्षमता से अधिक नहीं होगी। प्रमाण पत्र प्लास्टिक पैकेजिंग श्रेणी-वार होंगे और इसमें उद्यम का जीएसटी डेटा सम्मिलित होगा।

(11.7) रजिस्ट्रीकृत प्लास्टिक अपशिष्ट प्रसंस्करणकर्ता द्वारा प्रदान किए गए प्लास्टिक पैकेजिंग अपशिष्ट के लिए प्रमाण पत्र रजिस्ट्रीकृत उत्पादक, आयातक और ब्रांड मालिक या स्थानीय अधिकारियों के नाम पर, जैसा लागू हो, सहमत तौर-तरीकों के आधार पर होना चाहिए। केन्द्रीय प्रदूषण नियंत्रण बोर्ड, ऐसे प्रमाण पत्र को केंद्रीकृत पोर्टल पर जारी करने के लिए तंत्र विकसित करेगा।

(11.8) प्लास्टिक पैकेजिंग अपशिष्ट की मियाद समाप्ति पर निपटान अर्थात अपशिष्ट से ऊर्जा, अपशिष्ट से तेल, सीमेंट भट्टे (सह प्रसंस्करण) का कार्य करने वाले प्लास्टिक अपशिष्ट प्रसंस्करणकर्ता, केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित केंद्रीकृत पोर्टल पर वार्षिक आधार पर विहित प्रोफॉर्मा के अनुसार जानकारी प्रदान करेंगे। ये संस्थाएं पर्यावरणीय रूप से सुदृढ़ रीति से नियामक निकायों द्वारा बनाए गए दिशानिर्देशों, सुसंगत नियमों के अनुसार प्लास्टिक पैकेजिंग अपशिष्ट का निपटान सुनिश्चित करेंगी।

12. केन्द्रीय प्रदूषण नियंत्रण बोर्ड की भूमिका

(12.1) केन्द्रीय प्रदूषण नियंत्रण बोर्ड ऑनलाइन पोर्टल के माध्यम से दो से अधिक राज्यों में काम कर रहे उत्पादक, आयातक और ब्रांड मालिक और प्लास्टिक अपशिष्ट प्रसंस्करणकर्ताओं को रजिस्ट्रीकृत करेगा। केन्द्रीय प्रदूषण नियंत्रण बोर्ड प्लास्टिक अपशिष्ट प्रबंधन (पीडब्ल्यूएम) नियम, 2016 के अधीन पीआईबीओ के रजिस्ट्रीकृत के लिए मानक संचालन प्रक्रिया विहित करेगा।

(12.2) केन्द्रीय प्रदूषण नियंत्रण बोर्ड अपने द्वारा विहित प्रक्रिया के अनुसार रजिस्ट्रीकरण के लिए आवेदनों पर कार्यवाही के लिए फीस और विवरणी की कार्यवाही के लिए वार्षिक फीस ले सकता है। ऐसे मामले में, जहां उत्पादक, आयातक और ब्रांड मालिक, राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति की अधिकारिता में काम कर रहे हैं, केन्द्रीय प्रदूषण नियंत्रण बोर्ड इस प्रकार तय किए गए दिशानिर्देशों के अनुसार संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति के साथ आवेदन फीस साझा कर सकता है।

(12.3) रजिस्ट्रीकरण, उत्पादक, आयातक और ब्रांड मालिक द्वारा ऑनलाइन पूर्ण आवेदन जमा करने के दो सप्ताह के भीतर किया जाएगा। रजिस्ट्रीकरण की अवधि, प्लास्टिक अपशिष्ट प्रबंधन (पीडब्ल्यूएम) नियम, 2016 के अनुसार होगी।

(12.4) केन्द्रीय प्रदूषण नियंत्रण बोर्ड स्वयं या किसी नामनिर्दिष्ट अभिकरण, जैसा भी उचित समझा जाएगा, के माध्यम से निरीक्षण और आवधिक लेखापरीक्षा के माध्यम से उत्पादक, आयातक और ब्रांड मालिक के अनुपालन का सत्यापन करेगा। केन्द्रीय प्रदूषण नियंत्रण बोर्ड, आवश्यकतानुसार, निरीक्षण और आवधिक लेखापरीक्षा के माध्यम से प्लास्टिक अपशिष्ट प्रोसेसर के अनुपालन का सत्यापन भी कर सकता है। प्लास्टिक अपशिष्ट प्रसंस्करणकर्ता और राज्य या संघ राज्य क्षेत्र में काम करने वाले पीआईबीओ के मामले में, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, यदि आवश्यक हो, राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति को कार्रवाई करने का निर्देश दे सकता है। (12.5)

केन्द्रीय प्रदूषण नियंत्रण बोर्ड उन उत्पादक, आयातक और ब्रांड मालिक की सूची प्रकाशित करेगा जो अगले वित्तीय वर्ष की 30 सितम्बर तक वार्षिक आधार पर पूर्ववर्ती वित्तीय वर्ष में विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) लक्ष्य और बाध्यताओं को पूरा करने में विफल रहे हैं।

(12.6) केन्द्रीय प्रदूषण नियंत्रण बोर्ड प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 के अधीन प्लास्टिक के लिए विस्तारित उत्पादक उत्तरदायित्व बाध्यताओं की पूर्ति में अंतर्वलित पणधारियों के मध्य नियमित संवाद सुनिश्चित करने के लिए एक तंत्र स्थापित करेगा।

(12.7) केन्द्रीय प्रदूषण नियंत्रण बोर्ड, अर्ध-वार्षिक आधार पर प्लास्टिक अपशिष्ट के साथ-साथ प्लास्टिक पैकेजिंग सामग्री की विभिन्न श्रेणियों के अंश का अवधारण करने के लिए एकत्रित मिश्रित नगरीय अपशिष्ट का संघटनात्मक सर्वेक्षण करेगा।

(12.8) केन्द्रीय प्रदूषण नियंत्रण बोर्ड, विशेष रूप से खंड 7.6 के संबंध में तकनीकी-आर्थिक व्यवहार्यता और उपयुक्तता का पता लगाने के लिए प्लास्टिक पैकेजिंग और प्लास्टिक अपशिष्ट प्रबंधन से संबंधित प्रौद्योगिकियों की समीक्षा करेगा।

13. राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति की भूमिका

(13.1) संबंधित राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति, केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित ऑनलाइन पोर्टल के माध्यम से उत्पादक, आयातक और ब्रांड मालिक (एक या दो राज्यों में कार्यरत) और प्लास्टिक अपशिष्ट प्रसंस्करणकर्ताओं को रजिस्ट्रीकृत करेगी। रजिस्ट्रीकरण के लिए उपबंध विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) पोर्टल पर किया जाएगा। राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति, स्वयं या नामनिर्दिष्ट अभिकरण के माध्यम से प्लास्टिक अपशिष्ट प्रबंधन (पीडब्ल्यूएम) नियम, 2016 के अनुसार अपनी अधिकारिता में उत्पादक, आयातक और ब्रांड मालिक के साथ-साथ प्लास्टिक अपशिष्ट प्रसंस्करणकर्ताओं के निरीक्षण और आवधिक लेखा परीक्षा के माध्यम से उत्पादक, आयातक और ब्रांड मालिक के अनुपालन को सत्यापित करती है।

(13.2) राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति, उन संस्थाओं (अपवाद रिपोर्ट) की सूची प्रस्तुत करेगा जिन्होंने वार्षिक आधार पर अपनी विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) जिम्मेदारियों को पूरा नहीं किया है और इसे अपनी वेबसाइट पर प्रकाशित करेंगे। राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति अपनी अधिकारिता में उत्पादक, आयातक और ब्रांड मालिक और प्लास्टिक अपशिष्ट प्रसंस्करणकर्ताओं द्वारा प्रस्तुत वार्षिक रिपोर्ट, केन्द्रीय प्रदूषण नियंत्रण बोर्ड को प्रस्तुत करेगी और उसे ऑनलाइन विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) पोर्टल पर अपलोड करेगी।

(13.3) राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति, प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 के अधीन प्लास्टिक के लिए विस्तारित उत्पादक उत्तरदायित्व बाध्यताओं को पूरा करने में अंतवर्लित सुसंगत पणधारियों के मध्य नियमित संवाद सुनिश्चित करने के लिए एक तंत्र स्थापित करेगी।

(13.4) राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति, अर्ध-वार्षिक आधार पर प्लास्टिक अपशिष्ट के साथ-साथ प्लास्टिक पैकेजिंग सामग्री की विभिन्न श्रेणियों के अंश का अवधारण करने के लिए एकत्र किए गए मिश्रित नगरीय अपशिष्ट का एक संघटनात्मक सर्वेक्षण करेगी।

14. उत्पादक, आयातक और ब्रांड मालिक द्वारा प्लास्टिक पैकेजिंग अपशिष्ट संग्रहण प्रणाली

(14.1) उत्पादक, आयातक और ब्रांड मालिक, अपने विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) बाध्यताओं को पूरा करते हुए प्लास्टिक की श्रेणी के आधार पर आवश्यकतानुसार प्लास्टिक पैकेजिंग अपशिष्ट के संग्रहण और पृथक्करण के बुनियादी ढांचे का विकास कर सकता है। इसमें उत्पादक, आयातक और ब्रांड मालिक द्वारा अपनाए गए विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) के कार्यान्वयन के तौर-तरीकों के आधार पर निम्नलिखित सम्मिलित हो सकते हैं:

(क) अपशिष्ट प्लास्टिक संग्रहण केन्द्रों और सामग्री रिकवरी सुविधाएं (एमआरएफ) स्थापित करना;

(ख) संग्रहण केन्द्रों से प्लास्टिक पैकेजिंग अपशिष्ट का संग्रहण सुनिश्चित करना, इसमें ऐसी आवृत्ति होनी चाहिए जो आच्छादित किए गए क्षेत्र और मात्रा के अनुपात में है;

(ग) यूएलबी, ग्राम पंचायतों, अन्य सार्वजनिक प्राधिकरणों या अपशिष्ट प्रबंधन करने वाले तीसरे पक्ष जैसी संस्थाओं से प्लास्टिक के संग्रहण की पेशकश करना, और उन सभी संस्थाओं से संग्रहण के लिए व्यवस्था प्रदान करना जिन्होंने उस प्रस्ताव का उपयोग किया है; संग्रहण और परिवहन के लिए आवश्यक व्यावहारिक व्यवस्था प्रदान करना;

(घ) यह सुनिश्चित करना कि संग्रहण केंद्रों से एकत्र किए गए प्लास्टिक पैकेजिंग अपशिष्ट को पश्चात्वर्ती किसी पुनर्चक्रणकर्ता द्वारा एक रजिस्ट्रीकृत सुविधा में पुनर्चक्रण के अधीन किया जाता है या सम्मानजनक रीति से इसके अंतिम उपयोग की अनुमति दी जाती है।

(14.2) उत्पादक, आयातक और ब्रांड मालिक यह सुनिश्चित करें कि संग्रहण केन्द्रों का नेटवर्क जनसंख्या के आकार, प्लास्टिक या पैकेजिंग अपशिष्ट की अपेक्षित मात्रा, पहुंच और अंतिम उपयोगकर्ताओं के लिए आसपास के क्षेत्रों को ध्यान में रखते हुए, उन क्षेत्रों तक सीमित नहीं होगा जहां संग्रहण और पश्चात् का प्रबंधन लाभदायक है।

(14.3) अपशिष्ट संग्रहण में अंतवर्लित संस्थाएं अपशिष्ट को शोधन और पुनर्चक्रण या पहचान किए गए अंतिम उपयोग हेतु सौंप देंगी।

(14.4) स्वैच्छिक संग्रहण केन्द्रों की भागीदारी - स्वैच्छिक संग्रहण केन्द्र प्लास्टिक पैकेजिंग अपशिष्ट को उनके शोधन और पुनर्चक्रण या उनके पहचाने गए अंतिम उपयोग की दृष्टि से पीआईबीओ या उनकी ओर से कार्य करने वाली तृतीय पक्ष अभिकरणों को सौंप देंगे।

15. विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) दायित्वों की पूर्ति

उत्पादक, आयातक और ब्रांड मालिक को ऑनलाइन पोर्टल पर वार्षिक विवरणी दाखिल करते समय अगले वित्तीय वर्ष की 30 जून तक मियाद समाप्ति के लिए भेजी गई मात्रा के विवरण के साथ केवल रजिस्ट्रीकृत पुनर्चक्रणकर्ताओं से प्राप्त पुनर्चक्रण प्रमाण पत्र का विवरण प्रदान करना होगा। उत्पादक, आयातक और ब्रांड मालिक और रजिस्ट्रीकृत प्लास्टिक अपशिष्ट प्रसंस्करणकर्ताओं द्वारा प्रदान किए गए विवरण की ऑनलाइन पोर्टल द्वारा जांच की जाएगी। अंतर के मामले में, उत्पादक, आयातक और ब्रांड मालिक के विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) बाध्यता को पूरा करने के लिए निचले/कम आंकड़े पर विचार किया जाएगा। ऐसे प्रमाणपत्र केन्द्रीय प्रदूषण नियंत्रण बोर्ड/राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति, यथास्थिति, द्वारा सत्यापन के अधीन होंगे।

16. केंद्रीकृत ऑनलाइन पोर्टल

(16.1) केन्द्रीय प्रदूषण नियंत्रण बोर्ड, उत्पादक, आयातक रजिस्ट्रीकरण और ब्रांड मालिक, प्लास्टिक पैकेजिंग अपशिष्ट के प्लास्टिक अपशिष्ट के प्रसंस्करणकर्ताओं द्वारा रजिस्ट्रीकरण के साथ-साथ तारीख 31 मार्च 2022 तक विवरणियां (त्रैमासिक या वार्षिक) दाखिल करने के लिए एक ऑनलाइन प्रणाली तंत्र स्थापित करेगा:-

(16.2) उत्पादक, आयातक और ब्रांड मालिक, प्लास्टिक पैकेजिंग के प्लास्टिक अपशिष्ट प्रसंस्करणकर्ताओं द्वारा रजिस्ट्रीकरण के साथ-साथ विवरणियां (त्रैमासिक/वार्षिक) दाखिल करने के लिए केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित की गई ऑनलाइन प्रणाली के द्वारा ऐसा कार्य तंत्र सुनिश्चित किया जाएगा जिसके अंतर्गत किसी वित्तीय वर्ष में प्लास्टिक पैकेजिंग सामग्री के विनिर्माता और पीआईबीओ द्वारा बाजार में लाए गए प्लास्टिक पैकेजिंग का सामग्री संतुलन परिलक्षित होता है। यह पीआईबीओ और प्लास्टिक पैकेजिंग अपशिष्ट के पुनर्चक्रणकर्ताओं/अन्य अपशिष्ट प्रसंस्करणकर्ताओं की लेखा परीक्षा के बारे में विवरण भी दिखलाएगा।

(16.3)राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति भी पीआईबीओ के रजिस्ट्रीकरण के साथ-साथ पुनर्चक्रणकर्ताओं/अपशिष्ट प्रसंस्करणकर्ताओं के लिए एक ही वेब पोर्टल का उपयोग करेंगी। यह वेब पोर्टल प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 के अधीन प्लास्टिक पैकेजिंग अपशिष्ट के लिए विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) के कार्यान्वियन से संबंधित आदेशों और दिशानिर्देशों के संबंध में एकल बिंदु डेटा भंडार के रूप में कार्य करेगा। पीआईबीओ, यदि वे चाहें, तो ऑनलाइन वेब पोर्टल या प्लेटफॉर्म के विकास की सुविधा प्रदान कर सकते हैं।

(16.3) ऑनलाइन वेब पोर्टल विकसित होने तक प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 के अधीन विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) के कार्यान्वियन से संबंधित सभी क्रियाकलापों को ऑफलाइन रीति से संचालित किया जाएगा।

17. निगरानी

राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति, राज्य/संघ राज्य क्षेत्र में उत्पादक, आयातक और ब्रांड मालिक (जिसमें प्लास्टिक पैकेजिंग सामग्री के उत्पादक सम्मिलित हैं) और प्लास्टिक अपशिष्ट प्रसंस्करणकर्ताओं द्वारा

विस्तारित उत्पादक उत्तरदायित्व की पूर्ति के संबंध में विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) पोर्टल पर वार्षिक रिपोर्ट केन्द्रीय प्रदूषण नियंत्रण बोर्ड को प्रस्तुत करेंगे। यह रिपोर्ट प्लास्टिक अपशिष्ट प्रबंधन नियम 2016 के अधीन गठित राज्य स्तरीय निगरानी समिति को भी प्रस्तुत की जाएगी। राज्य प्रदूषण नियंत्रण बोर्ड, राज्य/संघ राज्य क्षेत्र में पुनर्चक्रण/मियाद समाप्ति के निपटान के संबंध में केन्द्रीय प्रदूषण नियंत्रण बोर्ड को अगले वर्ष की 31 जुलाई तक वार्षिक रिपोर्ट भी प्रस्तुत करेगा।

18. प्लास्टिक अपशिष्ट प्रबंधन (पीडब्ल्यूएम) नियम के अधीन विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) के लिए समिति

(18.1) विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) दिशानिर्देशों में संशोधन सहित विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) के प्रभावी कार्यान्वियन के लिए पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को उपायों की सिफारिश करने के लिए अध्यक्ष, केंद्रीय प्रदूषण नियंत्रण बोर्ड की अध्यक्षता में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा एक समिति का गठन किया जाएगा। यह समिति विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) के कार्यान्वियन की निगरानी करेगी और इसमें आने वाली कठिनाइयों को दूर करने के लिए आवश्यक उपाय भी करेगी। इस समिति को ऑनलाइन पोर्टल के मार्गदर्शन और पर्यवेक्षण का कार्य भी सौंपा जाएगा, जिसमें अपेक्षित प्ररूपों/प्रोफॉर्मों को अनुमोदित देना भी सम्मिलित है।

(18.2) इस समिति में संबंधित मंत्रालयों/विभागों के प्रतिनिधि जैसे आवासन और शहरी कार्य मंत्रालय, सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय, पेयजल और स्वच्छता विभाग, रसायन और पेट्रोकेमिकल विभाग, भारतीय मानक ब्यूरो, तीन राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समितियां, केंद्रीय प्लास्टिक अभियांत्रिकी और प्रौद्योगिकी संस्थान (सीपेट), राष्ट्रीय पर्यावरणीय अभियांत्रिकी अनुसंधान संस्थान (नीरी) और तीन औद्योगिक संघों, समिति के अध्यक्ष द्वारा तय किए गए अनुसार कोई भी अन्य आमंत्रित व्यक्ति सिम्मलित होंगे।

उपाबंध

खंड 7 के उदाहरण

विस्तारित उत्पादक उत्तरदायित्व के लक्ष्य और प्लास्टिक पैकेजिंग अपशिष्ट के पुनर्चक्रण का न्यूनतम स्तर [खंड 7.2 (क), (ख) और (ग), खंड 7.3 (क), (ख) और (ग), और खंड 7.4 (क), (ख) और (ग) देखें]

उदाहरण 1 :

वर्ष 2022-23	
बाजार में पेश की गई श्रेणी-वार प्लास्टिक पैकेजिंग (श्रेणी II लचीली प्लास्टिक पैकेजिंग)	100 मीट्रिक टन
70% की दर से ईपीआर लक्ष्य	70 मीट्रिक टन
ईपीआर के अधीन एकत्रित प्लास्टिक पैकेजिंग अपशिष्ट पुनर्चक्रण का न्यूनतम स्तर की दर से कोई सीमा विहित नहीं है	वास्तविक आंकड़ों के अनुसार, ईपीआर के अधीन एकत्रित किए गए और पुनर्चक्रित प्लास्टिक पैकेजिंग अपशिष्ट की मात्रा वास्तविक आंकड़ों के अनुसार, ईपीआर के अधीन एकत्रित किए गए प्लास्टिक पैकेजिंग अपशिष्ट की मात्रा और ऊर्जा रिकवरी, सह-प्रसंस्करण, सड़क निर्माण, अपशिष्ट से तेल आदि के लिए उपयोग की गई मात्रा

उदाहरण 2 :

वर्ष 2024-25	
बाजार में पेश की गई श्रेणी-वार प्लास्टिक पैकेजिंग (श्रेणी II लचीली प्लास्टिक पैकेजिंग)	100 मीट्रिक टन
100% की दर से ईपीआर लक्ष्य	100 मीट्रिक टन
ईपीआर के अधीन एकत्रित प्लास्टिक पैकेजिंग अपशिष्ट पुनर्चक्रण के न्यूनतम स्तर 30 प्रतिशत की दर से	ईपीआर के अधीन एकत्रित किए गए कम से कम 30 मीट्रिक टन प्लास्टिक पैकेजिंग अपशिष्ट को पुनर्चक्रित करने की आवश्यकता है। एकत्रित किए गए शेष प्लास्टिक पैकेजिंग अपशिष्ट (अधिकतम 70 मीट्रिक टन) का उपयोग ऊर्जा रिकवरी, सह-प्रसंस्करण, सड़क निर्माण, अपशिष्ट से तेल आदि के लिए किया जा सकता है।

उदाहरण 3 :

वर्ष 2028-29	
बाजार में पेश की गई श्रेणी-वार प्लास्टिक पैकेजिंग (श्रेणी II लचीली प्लास्टिक पैकेजिंग)	100 मीट्रिक टन
100% की दर से ईपीआर लक्ष्य	100 मीट्रिक टन
ईपीआर के अधीन एकत्रित प्लास्टिक पैकेजिंग अपशिष्ट पुनर्चक्रण का न्यूनतम स्तर 60 प्रतिशत की दर से	ईपीआर के अधीन एकत्र किए गए कम से कम 60 मीट्रिक टन प्लास्टिक पैकेजिंग अपशिष्ट को पुनर्चक्रित करने की आवश्यकता है। एकत्रित किए गए शेष प्लास्टिक पैकेजिंग अपशिष्ट (अधिकतम 40 मीट्रिक टन) का उपयोग ऊर्जा रिकवरी, सह-प्रसंस्करण, सड़क निर्माण, अपशिष्ट से तेल आदि के लिए किया जा सकता है।

पुन: उपयोग

[खंड 7.4 (ख) का संदर्भ लें]

उदाहरण 4 :

वर्ष 2025-26 (पुन: उपयोग के लिए न्यूनतम बाध्यता लागू होती है)	
बाजार में श्रेणी-वार प्लास्टिक पैकेजिंग पेश की गई (श्रेणी I सख्त प्लास्टिक पैकेजिंग)	100 मीट्रिक टन
श्रेणी I सख्त प्लास्टिक पैकेजिंग के पुन: उपयोग की मात्रा 0.9 लीटर या किलोग्राम के वजन या आयतन के बराबर या अधिक लेकिन 4.9 लीटर या किलोग्राम से कम	15 मीट्रिक टन (पुन: उपयोग 15% की दर से पुन: उपयोग के लिए न्यूनतम दायित्व 10%)
पेश की गई नई प्लास्टिक पैकेजिंग (क)	85 मीट्रिक टन

(क) के 100% अनुपालन के लिए ईपीआर लक्ष्य	85 मीट्रिक टन
60% की दर से ईपीआर के अधीन एकत्रित श्रेणी I प्लास्टिक पैकेजिंग अपशिष्ट के पुनर्चक्रण का न्यूनतम स्तर	ईपीआर के अधीन एकत्रित किए गए प्लास्टिक पैकेजिंग अपशिष्ट के न्यूनतम 51 मीट्रिक टन को पुनर्चक्रित करने की आवश्यकता है। एकत्रित किए गए अधिकतम 34 मीट्रिक टन प्लास्टिक पैकेजिंग अपशिष्ट का उपयोग ऊर्जा रिकवरी, सह-प्रसंस्करण, सड़क निर्माण, अपशिष्ट से तेल आदि के लिए किया जा सकता है।

उदाहरण 5 :

2022-23 के लिए	
बाजार में श्रेणी-वार प्लास्टिक पैकेजिंग पेश की गई (श्रेणी I सख्त प्लास्टिक पैकेजिंग)	100 मीट्रिक टन
श्रेणी I सख्त प्लास्टिक पैकेजिंग के पुन: उपयोग की मात्रा या 0.9 लीटर या किलोग्राम के वजन या आयतन के बराबर या अधिक लेकिन 4.9 लीटर या किलोग्राम से कम	10 मीट्रिक टन
पेश की गई नई प्लास्टिक पैकेजिंग (क)	90 मीट्रिक टन
(क) के 35% अनुपालन के लिए ईपीआर लक्ष्य	31.5 मीट्रिक टन

<u>पुनर्चक्रित प्लास्टिक सामग्री का उपयोग</u>
<u>[खंड 7.2 (घ), 7.3 (घ) का संदर्भ लें]</u>

उदाहरण 6 :

वर्ष 2025-26	
बाजार में श्रेणी-वार प्लास्टिक पैकेजिंग पेश की गई (श्रेणी II लचीली प्लास्टिक पैकेजिंग)	100 मीट्रिक टन
खण्ड 5.1 के अनुसार ईपीआर लक्ष्य 100% की दर से	100 मीट्रिक टन
पैकेजिंग में पुनर्चक्रित प्लास्टिक की न्यूनतम मात्रा 10% की दर से	पैकेजिंग में 10 मीट्रिक टन प्लास्टिक सामग्री को पुनर्चक्रित प्लास्टिक होना चाहिए। पैकेजिंग में 90 मीट्रिक टन वर्जिन प्लास्टिक सामग्री

[फा. सं. 17/2/2001-पार्ट I-एचएसएमडी]

नरेश पाल गंगवार, अपर सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II खंड 3 उपखंड (i) सा.का.नि. 320 (अ) दिनांक 18 मार्च, 2016 में प्रकाशित किए गए थे और तत्पश्चात् अधिसूचना संख्यांक सा.का.नि. 285 (अ) दिनांक 27 मार्च, 2018, सा.का.नि. 571 (अ) दिनांक 12 अगस्त 2021 और सा.का.नि. 647 (अ) दिनांक 17 सितंबर, 2021 द्वारा संशोधित किए गए थे।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the16th February, 2022

G.S.R. 133(E).—In exercise of the powers conferred by sections 3, 6, and 25 of the Environment (Protection) Act 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Plastic Waste Management Rules, 2016, namely: -

1. (1) These rules may be called the Plastic Waste Management (Amendment) Rules, 2022.

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

2. In the Plastic Waste Management Rules, 2016 (hereinafter referred to as the said rules), in rule 9, in sub-rule (1), for the words "as per guidelines issued under these rules from time to time", the words "as per guidelines specified in SCHEDULE – II" shall substituted.

3. In the said rules, after SCHEDULE – I, the following Schedule shall be inserted namely:-

'SCHEDULE-II

[See Rule 9 (1)]

Guidelines on Extended Producer Responsibility for Plastic Packaging

1. **Background:**

(1.1) The Ministry of Environment, Forest and Climate Change (MoEFCC), (hereinafter referred to as 'The Ministry'), notified the Plastic Waste Management Rules, 2016 on 18th March, 2016. The Ministry also notified the Solid Waste Management Rules, 2016 on 8th April, 2016. As plastic waste is part of solid waste, therefore, both the rules apply to managing plastic waste in the country.

(1.2) The Plastic Waste Management Rules, 2016, mandate the generators of plastic waste to take steps to minimize generation of plastic waste, not to litter the plastic waste, ensure segregated storage of waste at source and hand over segregated waste in accordance with rules. The rules also mandate the responsibilities of local bodies, gram panchayats, waste generators, retailers and street vendors to manage plastic waste. (1.3) The Plastic Waste Management Rules, 2016 cast Extended Producer Responsibility on Producer, Importer, and Brand Owner. Extended Producer Responsibility shall be applicable to both pre-consumer and post-consumer plastic packaging waste. (1.4) These guidelines provides framework for implementation of Extended Producer Responsibility. The Guidelines provide the roles and responsibilities of Producers, Importers, Brand Owners, Central Pollution Control Board, State Pollution Control Board or Pollution Control Committees, recyclers and waste processors for effective implementation of Extended Producer Responsibility. The definitions given in Plastic Waste Management Rules, 2016, apply until, specifically mentioned in these guidelines;

2. Date of Coming into Effect:

These guidelines shall come into force with immediate effect. The on-going processes related to Extended Producer Responsibility obligations will be aligned with these guidelines.

3. Definitions:

(a) "**Biodegradable plastics**" means that plastics, other than compostable plastics, which undergoes complete degradation by biological processes under ambient environment (terrestrial or in water) conditions, in specified time periods, without leaving any micro plastics, or visible, distinguishable or toxic residue, which have adverse environment impacts, adhering to laid down standards of Bureau of Indian Standards and certified by Central Pollution Control Board.

(b) **"Brand Owner"** means a person or company who sells any commodity under a registered brand label or trade mark;

(c) "**Carry Bags**" (covered under Category II of plastic packaging – Clause (5.1) (II)) means 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 ;

(d) "**End of Life disposal**" means using plastic waste for generation of energy and includes co-processing (e.g. in cement kilns) or waste to oil or for road construction as per Indian Road Congress guidelines, etc;

(e) "**Extended Producer Responsibility**" means the responsibility of a producer for the environmentally sound management of the product until the end of its life;

(f) "**Importer**" means a person who imports plastic packaging product or products with plastic packaging or carry bags or multilayered packaging or plastic sheets or like;

(g) "**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;

(h) "**Plastic Packaging**" means packaging material made by using plastics for protecting, preserving, storing and transporting of products in a variety of ways.

(i) "**Plastic Sheet**" means plastic sheet is the sheet made of plastic;

(j) "**Plastic Waste Processors**" means recyclers and entities engaged in using plastic waste for energy (waste to energy), and converting it to oil (waste to oil), industrial composting.

(k) "**Pre-consumer plastic packaging waste**" means plastic packaging waste generated in the form of reject or discard at the stage of manufacturing of plastic packaging and plastic packaging waste generated during the packaging of product including reject, discard, before the plastic packaging reaches the end-use consumer of the product.

(l) "**Post-consumer plastic packaging waste"** means plastic packaging waste generated by the end-use consumer after the intended use of packaging is completed and is no longer being used for its intended purpose.

(m) "**Producer**" means person 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;

(n) "**Recyclers**" are entities who are engaged in the process of recycling of plastic waste;

(o) "**Recycling**" means the process of transforming segregated plastic waste into a new product or raw material for producing new products;

(p) "**Reuse**" means using an object or resource material again for either the same purpose or another purpose without changing the object's structure;

(q) "**Use of recycled plastic**" means recycled plastic, instead of virgin plastic, is used as raw material in the manufacturing process;

(r) "**Waste Management**" means the collection, storage, transportation reduction, re-use, recovery, recycling, composting or disposal of plastic waste in an environmentally sound manner;

(s) "**Waste to Energy**" means using plastic waste for generation of energy and includes co-processing (e.g. in cement kilns).

4. Obligated Entities:

The following entities shall be covered under the Extended Producer Responsibility obligations and provisions of these guidelines namely: -

(i) Producer (P) of plastic packaging;

(ii) Importer (I) of all imported plastic packaging and / or plastic packaging of imported products;

(iii) Brand Owners (BO) including online platforms/marketplaces and supermarkets/retail chains other than those, which are micro and small enterprises as per the criteria of Ministry of Micro, Small and Medium Enterprises, Government of India.;

(iv) Plastic Waste Processors

5. Coverage of Extended Producer Responsibility:

(5.1) The following plastic packaging categories are covers under Extended Producer Responsibility:

(i) **Category I**

Rigid plastic packaging;

(ii) **Category II**

Flexible plastic packaging of single layer or multilayer (more than one layer with different types of plastic), plastic sheets or like and covers made of plastic sheet, carry bags, plastic sachet or pouches;

(iii) **Category III**

Multilayered plastic packaging (at least one layer of plastic and at least one layer of material other than plastic);

(iv) **Category IV**

Plastic sheet or like used for packaging as well as carry bags made of compostable plastics.

(5.2) The Extended Producer Responsibility Guidelines covers the following with respect to plastic packaging namely: -

(i) Reuse;

(ii) Recycling;

(iii) Use of recycled plastic content;

(iv) End of life disposal.

6. Registration:

(6.1) (a)The following entities shall register on the centralized portal developed by Central Pollution Control Board namely: -

(i) Producer (P);

(ii) Importer (I);

(iii) Brand owner (BO);

(iv) Plastic Waste Processor engaged in (a) recycling, (b) waste to energy, (c) waste to oil, and (iv) industrial composting,

(b) Registration of Producers, Importers & Brand-Owners (operating in one or two states) and Plastic Waste processors shall be done by State Pollution Control Board or Pollution Control Committee through the centralized Extended Producer Responsibility portal developed by Central Pollution Control Board.

(c) After these guidelines have come into effect, with respect to, entities starting their business in a particular year and placing their products in market in that year, they shall have Extended Producer Responsibility target obligations from the next year.

(6.2) The entities covered under clause 6.1 shall not carry any business without registration obtained through on-line centralized portal developed by Central Pollution Control Board.

(6.3) The entities covered under clause (6.1) shall not deal with any entity not registered through on-line centralized portal developed by Central Pollution Control Board.

(6.4) In case, it is found or determined that any entity registered on the on-line portal has provided false information or has willfully concealed information or there is any irregularity or deviation from the conditions stipulated while obtaining registration under Extended Producer Responsibility guidelines, then the registration of such an entity would be revoked for a one -year period after giving an opportunity to be heard. The entities whose registration has been revoked shall not be able to register afresh for the period of revocation.

(6.5) In case any entity falls in more than one sub-category mentioned in the clause (6.1) then the entity shall register under each of those sub-categories separately. Further, in cases, where the entity has units in different states, in a particular sub-category mentioned in clause 6.1, then these units shall also be registered separately. However, only one registration under a sub category in a state would be needed, even if, more than one unit are located in a state. The registration shall be as per Standard Operating Procedure laid down by Central Pollution Control Board for the purpose, as per these Guidelines.

(6.6) While registering, the entities shall have to provide PAN Number, GST Number, CIN Number of the company and Aadhar Number and PAN Number of authorized person or representative and any other necessary information as required.

7. Targets for Extended Producer Responsibility and obligations of Producers, Importers & Brand-Owners:

(7.1) The Extended Producer Responsibility targets for the Producers, Importers & Brand-Owners shall be determined category-wise.

(7.2) Producer (P):

(a) Extended Producer Responsibility target (Refer example 1 to 3 in Annexure):

Eligible Quantity in MT (Q 1) shall be the average weight of plastic packaging material (category-wise) sold in the last two financial years (A) plus average quantity of pre-consumer plastic packaging waste in the last two financial years (B) minus the annual quantity (C) supplied to the entities covered under sub-clause 4 (iii) in the previous financial year as under: -

Q 1 (in MT) = (A + B) -

and the Extended Producer Responsibility target shall be determined category-wise , as given below

Extended Producer Responsibility target

	Year	Extended Producer Responsibility target (as a percentage of Q1 - category-wise)
I	**2021 - 22**	**25 %**
II	**2022 - 23**	**70 %**
III	**2023 - 24**	**100 %**

The Extended Producer Responsibility target in MT category-wise, as applicable, shall be provided by Producer, as part of Action Plan on the centralized portal developed by Central Pollution Control Board.

(b) Obligation for recycling (Refer example 1 to 3 in Annexure):

The Producer shall ensure minimum level of recycling (excluding end of life disposal) of plastic packaging waste collected under Extended Producer Responsibility Target, category-wise, as given below namely: -

Minimum level of recycling (excluding end of life disposal) of plastic packaging waste

(% of Extended Producer Responsibility Target)

Plastic packaging category	2024-25	2025-26	2026-27	2027-28 and onwards
Category I	**50**	**60**	**70**	**80**
Category II	**30**	**40**	**50**	**60**
Category III	**30**	**40**	**50**	**60**
Category IV	**50**	**60**	**70**	**80**

In case of Category IV plastic packaging category (plastic sheet or like used for packaging and carry bags made of compostable plastics), the minimum level of recycling means processing plastic packaging waste for composting through industrial composting facilities.

(c) End of life disposal (refer examples 1 to 3 in Annexure):

(i) Only those plastics, which cannot be recycled will be sent for end of life disposal such as road construction, waste to energy, waste to oil, cement kilns (for co processing) etc. as per relevant guidelines issued by Indian Road Congress or Central Pollution Control Board from time to time.

(ii) The producers shall ensure end of life disposal of the plastic packaging waste only through methodologies specified in Rule 5 (1) (b) of Plastic Waste Management Rules, 2016,

(d) Obligation for use of recycled plastic content (Refer example 6 in Annexure)

The Producer shall ensure use of recycled plastic in plastic packaging category-wise as given below namely: -

Mandatory use of recycled plastic in plastic packaging

(% of plastic manufactured for the year)

Plastic packaging category	2025-26	2026-27	2027-28	2028-29 and onwards
Category I	30	40	50	60
Category II	10	10	20	20
Category III	5	5	10	10

In cases, where it is not possible to meet the obligation in respect of recycled plastic content on account of statutory requirements, the exemption will be granted by Central Pollution Control Board on case-to-case basis. However, in such cases, the Producers, Importers & Brand-Owners will have to fulfil its obligation of use of recycled content (in quantitative terms) through purchase of certificate of equivalent quantity from such Producers, Importers & Brand-Owners who have used recycled content in excess of their obligation. Central Pollution Control Board will develop mechanism for such exchange on the centralized online portal.

7.3 Importer (I):

(a) Extended Producer Responsibility Target (Refer example 1 to 3 in Annexure)

Eligible Quantity in MT (Q 2) shall be the average weight of all plastic packaging material and / or plastic packaging of imported products (category-wise) imported and sold in the last two financial years (A) plus average quantity of pre-consumer plastic packaging in the last two financial years (B) waste minus the annual quantity (C) supplied to the entities covered under sub-clause 4 (iii) in the previous financial years as under: -

Q 2 (in MT) = (A + B) - C
and the Extended Producer Responsibility target shall be determined, category-wise , as given below namely: -

	Year	Extended Producer Responsibility target (as a percentage of Q 2 - category-wise)
I	**2021 - 22**	**25 %**
II	**2022 - 23**	**70 %**
III	**2023 - 24**	**100 %**

The Extended Producer Responsibility target in MT category-wise, as applicable, shall be provided by Importer as part of Action Plan on the centralized portal developed by Central Pollution Control Board.

(b) Obligation for recycling (Refer example 1 to 3 in Annexure)

The Importer shall ensure minimum level of recycling (excluding end of life disposal) of plastic packaging waste collected under extended producer responsibility Target, category-wise, as given below.

Minimum level of recycling (excluding end of life disposal) of plastic packaging waste

(% of extended producer responsibility Target)

Plastic packaging category	**2024-25**	**2025-26**	**2026-27**	**2027-28 and onwards**
Category I	**50**	**60**	**70**	**80**
Category II	**30**	**40**	**50**	**60**
Category III	**30**	**40**	**50**	**60**
Category IV	**50**	**60**	**70**	**80**

In case of Category IV plastic packaging category (plastic sheet or like used for packaging and carry bags made of compostable plastics), the minimum level of recycling means processing plastic packaging waste for composting through industrial composting facilities.

(c) End of life disposal (refer examples 1 to 3 in Annexure)

(i) Only those plastics, which cannot be recycled will be sent for end of life disposal such as road construction, waste to energy, waste to oil as per relevant guidelines issued by Indian Road Congress or Central Pollution Control Board from time to time.

(ii) The importer shall ensure end of life disposal of the plastic packaging waste only through methodologies specified in rule 5 (1) (b) of Plastic Waste Management Rules, 2016, as amended.

(d) Obligation for use of recycled plastic content (Refer example 6 in Annexure)

The Importer shall ensure use of recycled plastic in plastic packaging category-wise as given below.

Mandatory use of recycled plastic in plastic packaging

(% of imported plastic for the year)

Plastic packaging category	2025-26	2026-27	2027-28	2028-29 and onwards
Category I	30	40	50	60
Category II	10	10	20	20
Category III	5	5	10	10

Any recycled plastic used in imported material shall not be counted towards fulfilment of obligation. The importer will have to fulfil its obligation of use of recycled content (in quantitative terms) through purchase of certificate of equivalent quantity from such Producers, Importers & Brand-Owners who have used recycled content in excess of their obligation. Central Pollution Control Board will develop mechanism for such exchange on the centralized online portal.

7.4 Brand Owner (BO):

a) Extended Producer Responsibility target (refer examples 1 to 3 in Annexure)

Eligible Quantity in MT (Q 3) shall be the average weight of virgin plastic packaging material (category-wise) purchased and introduced in market in the last two financial years (A) plus average quantity of (B) of pre-consumer plastic packaging in the last two financial years as under: -

Q 3 (in MT) = A + B

The Extended Producer Responsibility target shall be determined, category-wise , as given below namely: -

	Year	Extended Producer Responsibility Target (as a percentage of Q3 - category-wise)
I	**2021 - 22**	**25 %**
II	**2022 - 23**	**70 %**
III	**2023 - 24**	**100 %**

The Extended Producer Responsibility target in MT category-wise, as applicable, shall be provided by Brand Owner as part of the Action Plan on the centralized portal developed by Central Pollution Control Board.

(b) Obligation for reuse (refer examples 4 and 5 in Annexure):

I. The Brand Owner using Category I (rigid) plastic packaging for their products shall have minimum obligation to reuse such packaging as given below: -

Provided that the reuse of Category I rigid plastic packaging in food contact applications shall be subject to regulation of Food Safety and Standards Authority of India.

(II) Minimum obligation to reuse for Category I (rigid plastic packaging).

	Year	Target (as percentage of Category I rigid plastic packaging in products sold annually)

A	Category I rigid plastic packaging with volume or weight equal or more than 0.9 liter or kg but less than 4.9 litres or kg, as the case may be	
I	2025 – 26	10
II	2026 – 27	15
III	2027-28	20
IV	2028-29 and onwards	25
B	Category I rigid plastic packaging with volume of weight equal or more than 4.9 litres or kg.	
I	2025 – 26	70
II	2026 – 27	75
III	2027-28	80
IV	2028-29 and onwards	85

(III) The quantity of rigid packaging reused by brand Owner shall be calculated by reducing virgin plastic packaging manufactured/imported/purchased in that year from the sales of the Brand Owner. The brand owner shall provide this information on the centralized portal developed by Central Pollution Control Board.

(IV) The quantity of Category I rigid plastic packaging reused shall be reduced from the total plastic packaging used under Category I by the obligated entities (Brand Owners).

III. The quantity of Category I rigid plastic packaging reused during the year 2022 – 2023 and 2023-2024, shall be reduced from the total plastic packaging used under Category I.

(c) Obligation for recycling (refer examples 1 to 3 in Annexure):

The Brand Owner shall ensure minimum level of recycling (excluding end of life disposal) of plastic packaging waste collected under Extended Producer Responsibility target, category-wise, as given below.

Minimum level of recycling (excluding end of life disposal) of plastic packaging waste

(% of Extended Producer Responsibility Target)

Plastic packaging category	2024-25	2025-26	2026-27	2027-28 and onwards
Category I	**50**	**60**	**70**	**80**
Category II	**30**	**40**	**50**	**60**
Category III	**30**	**40**	**50**	**60**
Category IV	**50**	**60**	**70**	**80**

In case of Category IV plastic packaging category (plastic sheet or like used for packaging and carry bags made of compostable plastics), the minimum level of recycling means processing plastic packaging waste for composting through industrial composting facilities.

(d) End of life disposal (refer examples 1 to 3 in Annexure)

(i) Only those plastics, which cannot be recycled will be sent for end of life disposal such as road construction, waste to energy, waste to oil, as per relevant guidelines issued by Indian Road Congress or Central Pollution Control Board from time to time.

(ii) The Brand Owner shall ensure end of life disposal of the plastic packaging waste only through methodologies specified in rule 5 (1) (b) of the Plastic Waste Management Rules, 2016, as amended.

(e) Obligation for use of recycled plastic content (refer examples 6 in Annexure)

(i) The Brand Owner shall ensure use of recycled plastic in plastic packaging, category-wise, as given below namely:

Mandatory use of recycled plastic in plastic packaging

(% of manufactured plastic for the year)

Plastic packaging category	2025-26	2026-27	2027-28	2028-29 and onwards
Category I	30	40	50	60
Category II	10	10	20	20
Category III	5	5	10	10

(ii) In cases, where it is not possible to meet the obligation in respect of recycled plastic content on account of statutory requirements, the exemption will be granted by Central Pollution Control Board on case-to-case basis. However, in such cases, the Producers, Importers & Brand-Owners will have to fulfil its obligation of use of recycled content (in quantitative terms) through purchase of certificate of equivalent quantity from such Producers, Importers & Brand-Owners who have used recycled content in excess of their obligation. Central Pollution Control Board will develop mechanism for such exchange on the centralized online portal.

(iii) In case, where Brand Owner is also Producer and/or Importer of plastic packaging material, the clause 7.2 and 7.3 shall also apply for determining their Extended Producer Responsibility targets and obligations as Producer and /or Importer, respectively.

(7.5) The Extended Producer Responsibility target in MT category-wise, as applicable, shall be provided by all Producers, Importers & Brand-Owners as part of Action Plan on the centralized portal developed by Central Pollution Control Board.

(7.6) The obligations for reuse, recycling of waste and use of recycled plastic content in packaging shall be reviewed every five years based upon available technologies for meeting the Targets specified.

(7.7) Extended Producer Responsibility on plastic packaging will promote sustainable packaging, as per guidelines prepared by Central Pollution Control Board, inter alia based on the following criteria,

(i) package designing promoting reuse;

(ii) package designing amenable for recycling;

(iii) recycled plastic content in plastic packaging material and; (iv) package designing for environment.

(7.8) In case, the obligated entity utilizes plastic packaging which is 100% biodegradable in the ambient environment leaving no traces of micro plastics or chemical residue or any other traces having adverse environmental and health impacts as certified by regulatory entities Central Pollution Control Board, Bureau of Indian Standards, Central Institute of Petrochemicals Engineering & Technology, the Extended Producer Responsibility target will not be applicable for such material.

8. Generation of surplus Extended Producer Responsibility certificates, carry forward and offsetting against previous year Extended Producer Responsibility targets and obligations, and sale and purchase of surplus Extended Producer Responsibility certificates:

(8.1) A Brand Owner who has fulfilled their Extended Producer Responsibility targets, category-wise, can use the surplus for the following namely: -

(i) Off setting previous year shortfall subject to clause 9.5;

(ii) Carry forward for use in succeeding year;

(iii) Sell it to other Producers, Importers & Brand-Owners.

(8.2) Surplus in one category can only be used for off-setting, carry forward and sale in the same category. A surplus under reuse can be used for against reuse, recycling and also end of life disposal. A surplus under recycling can be used for recycling and end of life disposal. A surplus under end of life disposal cannot be used for reuse or recycle.

(8.3) Producers, Importers & Brand-Owners can also meet their Extended Producer Responsibility obligations under a category by purchasing surplus Extended Producer Responsibility certificates from other Producers, Importers & Brand-Owners of the same category.

(8.4) Such transactions shall be recorded and submitted by the Producers, Importers & Brand-Owners on the online portal while filing annual returns under the Extended Producer Responsibility framework. Central Pollution Control Board will develop mechanism for such exchange on the centralized portal.

9. Imposition of Environmental Compensation:

(9.1) Environmental Compensation shall be levied based upon polluter pays principle, with respect to non-fulfilment of Extended Producer Responsibility targets by Producers, Importers &

Brand Owners, for the prupose of protecting and improving the quality of the environment and preventing, controlling and abating environment pollution .

(9.2) Central Pollution Control Board shall lay down guidelines for imposition and collection of environment compensation on Producers, Importers & Brand-Owners, recyclers and end of life processors, in case of non-fulfilment of obligations set out in these guidelines, and the same shall be notified. The Guidelines for Environmental Compensation shall be updated, as required.

(9.3) The Environment Compensation, as applicable, shall be levied by Central Pollution Control Board on the Producers, Importers & Brand-Owners operating in more than two states with respect to non-fulfillment of their Extended Producer Responsibility targets, responsibilities and obligations in these guidelines.

(9.4) The Environment Compensation, as applicable, shall be levied by respective State Pollution Control Board on the Producers, Importers & Brand-Owners operating in their jurisdiction (for Producers, Importers & Brand-Owners not operating in more than two states/Union Territory's), Plastic Waste Processors which includes recyclers and other waste processors – waste to energy, waste to oil, co-processors, with respect to non-fulfillment of their Extended Producer Responsibility targets or responsibilities and obligations set out under these guidelines. In case, the State Pollution Control Board or Pollution Control Committee does not take action in reasonable time, the Central Pollution Control Board shall issue directions to the State Pollution Control Board /Pollution Control Committee.

(9.5) Payment of environmental compensation shall not absolve the Producers, Importers & Brand-Owners of the obligations set out in these guidelines. The unfulfilled Extended Producer Responsibility obligations for a particular year will be carried forward to the next year for a period of three years. In case, the shortfall of Extended Producer Responsibility obligation is addressed within three years. The environmental compensation levied shall be returned to the Producers, Importers & Brand-Owners as given below, namely

(i) Within one year of levying of EC: 75% return;

(ii) Within two years 60% return;

(iii) Within three years 40% return,

After completion of three years on environmental compensation getting due the entire environmental compensation amount shall be forfeited. This arrangement shall allow for collection and recycling of plastic packaging waste by Producers, Importers & Brand-Owners in later years as well.

(9.6) The funds collected under environmental compensation shall be kept in a separate Escrow account by Central Pollution Control Board or State Pollution Control Board or Pollution Control Committee. The funds collected shall be utilized in collection, recycling and end of life disposal of uncollected and non-recycled or non- end of life disposal of plastic packaging waste, on which the environmental compensation is levied. Modalities for utilization of the funds for plastic waste management on an annual basis would be recommended by the Committee for Extended Producer Responsibility implementation and approved by the Competent Authority in the Ministry.

10. Role of Producers, Importers & Brand-Owners:

(10.1) The Producers, Importers & Brand-Owners shall have to register through the online centralized portal developed by Central Pollution Control Board. The certificate of registration shall be issued using the portal.

(10.2) Producers, Importers & Brand-Owners shall provide Action Plan containing information on the Extended Producer Responsibility Target, category-wise, where applicable, through the online centralized portal developed by Central Pollution Control Board, along with application for registration or renewal of registration under Plastic Waste Management Rules, 2016. The Action Plan shall cover tenure of the Registration as per the provisions of Plastic Waste Management Rules, 2016. The standard operating procedure for registration and the action plan pro forma shall be developed by Central Pollution Control Board as per these guidelines.

(10.3) Brand Owner covered under clause 4 (iii) shall provide details of plastic packaging purchased from Producers and/or Importers covered under clause 4 (i) and 4 (ii) separately. The quantities attributed to each Producer and Importer covered under clause 4 (i) and 4 (ii) obligated upon Brand Owner shall be deducted from the obligation of Producers and Importers. The record of such purchase including category-wise quantity purchased, shall be maintained separately by Brand Owner.

(10.4) The Producers and Importers covered under clauses 4 (i) and 4 (ii) will maintain the record of the quantity of plastic packaging material made available to Brand Owner covered under clause 4 (iii). The record of such sale including category-wise quantity sold, will be maintained separately by Producers and Importers. In case such records are not maintained, they will have to fulfil the complete Extended Producer Responsibility obligation. The online platform shall cross-check the declaration of transactions among Producers, Importers & Brand-Owners.

(10.5) In order to develop a separate waste stream for collection of plastic packaging waste for directly fulfilling Extended Producer Responsibility obligations, the Producers, Importers & Brand-Owners may operate schemes such as deposit refund system or buy back or any other model. This will prevent mixing of plastic packaging waste with solid waste.

(10.6) The Producers, Importers & Brand-Owners shall file annual returns on the plastic packaging waste collected and processed towards fulfilling obligations under Extended Producer Responsibility with the Central Pollution Control Board or concerned State Pollution Control Board or Pollution Control Committee as per pro forma prescribed by Central Pollution Control Board by the 30th June of the next financial year. Information on the reuse and/or recycled content used for packaging purposes will also be provided. The details of the registered recyclers from whom the recycled plastic has been procured will also be provided.

11. Role of Plastic Waste Processors (Recyclers or Other Waste Processors including industrial composting facilities)

(11.1) All plastic waste processors shall have to register with concerned State Pollution Control Board or Pollution Control Committee in accordance with provision 13(3) of Plastic Waste Management Rules, 2016 on the centralized portal developed by Central Pollution Control Board. Central Pollution Control Board shall lay down uniform procedure for registration within three months of the publication of these guidelines.

(11.2) The Plastic waste processors shall submit annual returns after end of every financial year by 30th April of the next financial year on the quantity of plastic waste processed category-wise as per prescribed pro forma on the centralized portal developed by Central Pollution Control Board.

(11.3) The total quantity of plastic waste processed by plastic waste processors and attributed to Producers, Importers & Brand-Owners, on an annual basis, will be made available on the centralized portal developed by Central Pollution Control Board as also on the website of Plastic waste processors.

(11.4) In case, at any stage it is found that the information provided by the plastic waste processor is false, the plastic waste processor shall be debarred by State Pollution Control Board, as per procedure laid down by Central Pollution Control Board , from operating under the Extended Producer Responsibility framework for a period of one year.

(11.5) Only plastic waste processors registered under Plastic Waste Management Rules, 2016, as amended**,** shall provide certificates for plastic waste processing, except in case of use of plastic waste in road construction. In case where plastic waste is used in road construction the Producers, Importers & Brand-Owners shall provide a self-declaration certificate in pro forma developed by Central Pollution Control Board. The certificate provided by only registered plastic waste processors shall be considered for fulfilment of Extended Producer Responsibility obligations by Producers, Importers & Brand-Owners.

(11.6) The pro forma for the certificate shall be developed by Central Pollution Control Board. In no case, the amount of plastic packaging waste recycled by the enterprise shall be more than installed capacity of the enterprise. The certificates will be for plastic packaging category-wise and shall include GST data of the enterprise.

(11.7) The certificate for plastic packaging waste provided by registered plastic waste processors shall be in the name of registered Producers, Importers & Brand-Owners or Local authorities, as applicable, based upon agreed modalities. Central Pollution Control Board will develop mechanism for issuance of such certificate on the centralized portal.

(11.8) The Plastic Waste Processors undertaking end-of-life disposal of plastic packaging waste viz. waste to energy, waste to oil, cement kilns (co processing) shall provide information on an annual basis as per prescribed pro forma, on the centralized portal developed by Central Pollution Control Board. These entities shall ensure the disposal of plastic packaging waste as per relevant rules, guidelines framed by regulatory bodies in an environmentally sound manner.

12. Role of Central Pollution Control Board

(12.1) The Central Pollution Control Board shall register Producers, Importers & Brand-Owners who are operating in more than two states and plastic waste processors, through online portal. Central Pollution Control Board shall prescribe the standard operating procedure for registration of Producers, Importers & Brand-Owners under Plastic Waste Management Rules, 2016.

(12.2) The Central Pollution Control Board may charge fee for processing of applications for registration and an annual fee for processing of returns, as per procedure prescribed by CPCB. In case, where Producers, Importers & Brand-Owners, are operating in the jurisdiction of a State Pollution Control Board or Pollution Control Committee, the Central Pollution Control Board as per guidelines so decided, will share the application fee with the concerned State Pollution Control Board or Pollution Control Committee.

(12.3) The registration shall be done within two weeks from the submission of a complete application online by the Producers, Importers & Brand-Owners. The tenure of registration shall be as per Plastic Waste Management Rules, 2016.

(12.4) Central Pollution Control Board by itself or through a designated agency shall verify compliance of Producers, Importers & Brand-Owners through inspection and periodic audit, as deemed appropriate. Central Pollution Control

Board, as required, can also verify compliance of Plastic Waste Processors through inspection and periodic audit. In case of plastic waste processors and Producers, Importers & Brand-Owners operating in a State or Union Territory, Central Pollution Control Board may, if required, direct State Pollution Control Board or Pollution Control Committee to take action.

(12.5) Central Pollution Control Board shall publish the list of Producers, Importers & Brand-Owners who have failed to meet Extended Producer Responsibility targets and obligations in the previous financial year, on an annual basis, by 30th September of the next financial year.

(12.6) The Central Pollution Control Board will establish a mechanism to ensure a regular dialogue between relevant stakeholders involved in the fulfilment of extended producer responsibility obligations for plastics under the Plastic Waste Management Rule, 2016.

(12.7) The Central Pollution Control Board shall carry out a compositional survey of collected mixed municipal waste to determine the share of plastic waste as well as different categories of plastics packaging material on a half-yearly basis.

(12.8) The Central Pollution Control Board shall carry out review of technologies related to plastic packaging and plastic waste management for techno-economic viability and feasibility specifically with respect to clause 7.6.

13. Role of State Pollution Control Board or Pollution Control Committee:

(13.1) The concerned State Pollution Control Board or Pollution Control Committee shall register Producers, Importers & Brand-Owners (operating in one or two states) and plastic waste processors, through the online portal developed by Central Pollution Control Board. Provision for registration shall be made on the Extended Producer Responsibility portal. State Pollution Control Board or Pollution Control Committee by itself or through a designated agency shall verify compliance of Producers, Importers & Brand-Owners through inspection and periodic audit, as deemed appropriate, of Producers, Importers & Brand-Owners as well as plastic waste processors in their jurisdiction as per the Plastic Waste Management Rule, 2016.

(13.2) The State Pollution Control Board or Pollution Control Committee shall bring out a list of entities (Exception Report) who have not fulfilled their Extended Producer Responsibility responsibilities on annual basis and publish the same on their website. The State Pollution Control Board or Pollution Control Committee shall submit the Annual Reports submitted by Producers, Importers & Brand-Owners and plastic waste processors in their jurisdiction to Central Pollution Control Board and upload the same on the online Extended Producer Responsibility portal.

(13.3) State Pollution Control Board or Pollution Control Committee will establish a mechanism to ensure a regular dialogue between relevant stakeholders involved in the fulfilment of extended producer responsibility obligations under the Plastic Waste Management Rule, 2016.

(13.4) State Pollution Control Board or Pollution Control Committee shall carry out a compositional survey of collected mixed municipal waste to determine the share of plastic waste as well as different categories of plastics packaging material on a half-yearly basis.

14. Plastic Packaging Waste Collection System by Producers, Importers & Brand-Owners

(14.1) Producers, Importers & Brand-Owners while fulfilling their Extended Producer Responsibility obligations may develop collection and segregation infrastructure of plastic packaging waste, as required, based on the category of plastics. It may include the following based on implementation modality of Extended Producer Responsibility adopted by Producers, Importers & Brand-Owners: -(a) establish waste plastic collection points and Material Recovery Facilities (MRFs);

(b) ensure the collection of the plastic packaging waste from the collection points, with a frequency that is proportionate to the area covered and the volume;

(c) offer the collection of plastic, from the entities like urban local bodies, gram panchayats, other public authorities or third parties carrying out waste management, and provide for the collection from all entities that have made use of that offer; provide for the necessary practical arrangements for collection and transport;

(d) ensure that the plastic packaging waste collected from the collection points are subsequently subject to recycling in a registered facility by a recycler or its permitted end use in the designated manner.

(14.2) Producers, Importers & Brand-Owners may ensure the network of collection points taking into account population size, expected volume of plastic or packaging waste, accessibility and vicinity to end-users, not being limited to areas where the collection and subsequent management is profitable.

(14.3) The entities involved in waste collection will hand over the waste for treatment and recycling or for identified end uses.

(14.4) Participation of voluntary collection points - voluntary collection points will hand over plastic packaging waste to the Producers, Importers & Brand-Owners or third party agencies acting on their behalf with a view to their treatment and recycling or their identified end use.

15. Fulfilment of Extended Producer Responsibility Obligations

The Producers, Importers & Brand-Owners shall have to provide the details of recycling certificate only from registered recyclers along with the details of quantity sent for end of life disposal, by 30th June of next financial year while filing annual returns on the online portal. The details provided by Producers, Importers & Brand-Owners and registered plastic waste processors will be cross-checked by the online portal. In case of difference, the lower figure would be considered towards fulfilment of Extended Producer Responsibility obligation of Producers, Importers & Brand-Owners. The certificates shall be subject to verification by Central Pollution Control Board or State Pollution Control Board or Pollution Control Committee, as the case may be.

16. Centralized Online Portal

(16.1) Central Pollution Control Board shall establish an online system for the registration as well as for filing of annual returns by Producers, Importers & Brand-Owners, plastic waste processors of plastic packaging waste by 31st March 2022:-

(16.2) The online system developed by Central Pollution Control Board for the registration as well as for filing of returns by Producers, Importers & Brand-Owners shall reflect the plastic packaging material introduced in the market Producers, Importers & Brand-Owners in a financial year. It shall also reflect the details regarding the audit of the Producers, Importers & Brand-Owners as well as recyclers or other waste processors of plastic packaging waste.

(16.3) The State Pollution Control Board or Pollution Control Committee shall also use the centralized portal developed by Central Pollution Control Board for registration of Producers, Importers & Brand-Owners as well as recyclers/waste processors. The centralized portal would act as the single point data repository with respect to orders and guidelines related to implementation of Extended Producer Responsibility for plastic packaging under Plastic Waste Management Rule, 2016 Producers, Importers & Brand-Owners may, if they so desire, facilitate the development of online web portal or platform.

(16.3) Till the online web portal is developed all activities related to implementation of Extended Producer Responsibility under the Plastic Waste Management Rules, 2016 will be done in an offline manner.

17. Monitoring

State Pollution Control Board or Pollution Control Committee shall submit annual report on Extended Producer Responsibility portal with respect to fulfilment of Extended Producer Responsibility by Producers, Importers & Brand-Owners (which include manufacturers of plastic packaging material) and plastic waste processors in the State/Union Territory to Central Pollution Control Board. The report shall also be submitted to the State Level Monitoring Committee constituted under the Plastic Waste Management Rules, 2016. State Pollution Control Board or Pollution Control Committee shall also submit annual report with respect to recyclers or end of life disposal in the State or Union Territory to Central Pollution Control Board by 31st July of the next year.

18. Committee for Extended Producer Responsibility under PWM Rules

(18.1) A committee shall be constituted by the Central Pollution Control Board under chairpersonship of Chairman, Central Pollution Control Board to recommend measures to Ministry of Environment, Forest and Climate Change for effective implementation of Extended Producer Responsibility including amendments to Extended Producer Responsibility guidelines. The committee shall monitor the implementations of Extended Producer Responsibility and also take such measures as required for removal of difficulties. The Committee shall also be tasked with the guiding and supervision of the online portal including approval of requisite forms or pro forma.

(18.2) The committee shall comprise of representative from concerned line Ministries/Departments such as Ministry of Housing and Urban Affairs, Ministry of Micro, Small and Medium Enterprises, Department of Drinking Water and Sanitation, Department of Chemical and Petrochemicals; Bureau of Indian Standards, three State Pollution Control Board or Pollution Control Committee, Central Institute of Plastic Engineering and Technology (CIPET), National Environmental Engineering Research Institute (NEERI), and three industry associations, and any other invitee as decided by the chairperson of the committee.

ANNEXURE

Examples for Clause 7

Extended Producer Responsibility Target and Minimum level of recycling of plastic packaging waste

[Refer Clause 7.2 (a), (b) & (c), Clause 7.3 (a), (b) & (c), and Clause 7.4 (a), (b) & (c)]

Example 1:

Year 2022-23	
Plastic packaging introduced in the market category-wise (Category II Flexible plastic packaging*)*	*100 MT*
Extended Producer Responsibility Target @ 70 %	*70 MT*
Minimum level of recycling of plastic packaging waste collected under Extended Producer Responsibility - no threshold has been prescribed	*Quantity of plastic packaging waste collected under Extended Producer Responsibility and recycled as per actuals* *Quantity of plastic packaging waste collected under Extended Producer Responsibility and used for energy recovery, co-processing, road construction, waste to oil etc. as per actuals*

Example 2:

Year 2024-25	
Plastic packaging introduced in the market category-wise (Category II Flexible plastic packaging*)*	*100 MT*
Extended Producer Responsibility Target @ 100 %	*100 MT*
Minimum level of recycling of plastic packaging waste collected under Extended Producer Responsibility @ 30%	*Minimum 30 MT of plastic packaging waste collected under Extended Producer Responsibility needs to be recycled.* *Remaining plastic packaging waste collected(Maximum 70 MT) may be used for energy recovery, co-processing, road construction, waste to oil etc.*

Example 3:

Year 2028-29	
Plastic packaging introduced in the market category-wise (Category II Flexible plastic packaging*)*	*100 MT*
Extended Producer Responsibility Target @ 100 %	*100 MT*
Minimum level of recycling of plastic packaging waste collected under Extended Producer Responsibility @ 60 %	*Minimum 60 MT of plastic packaging waste collected under Extended Producer Responsibility needs to be recycled.* *Remaining plastic packaging waste collected(Maximum 40 MT) may be used for energy recovery, co-processing, road construction, waste to oil etc.*

Reuse

[Refer Clause 7.4 (b)]

Example 4:

Year 2025 – 26 (Minimum obligation for reuse comes into effect)	
Plastic packaging introduced in the market category-wise (Category I Rigid Plastic Packaging)	*100 MT*
Reuse of Category I rigid plastic packaging with volume or weight equal or more than 0.9 litres or	*15 MT*

kilogrammes bUnion Territory less than 4.9 litres or kilogrammes	*(Reuse @ 15 %; minimum obligation for reuse 10 %)*
Fresh plastic packaging introduced (A)	*85 MT*
Extended Producer Responsibility target for compliance @ 100% of (A)	*85 MT*
Minimum level of recycling of Category I plastic packaging waste collected under Extended Producer Responsibility @ 60%	*Minimum 51 MT of plastic packaging waste collected under Extended Producer Responsibility needs to be recycled.* *A maximum of 34 MT plastic packaging waste collected may be used for energy recovery, co-processing, road construction, waste to oil etc.*

Example 5:

For Year 2022 - 23	
Plastic packaging introduced in the market category-wise (Category I Rigid Plastic Packaging)	*100 MT*
Reuse of Category I rigid plastic packaging with volume or weight equal or more than 0.9 litres or kilogrammes bUnion Territory less than 4.9 litres or kilogrammes	*10 MT*
Fresh plastic packaging introduced (A)	*90 MT*
Extended Producer Responsibility Target @ 35 % of (A)	*31.5 MT*

Use of recycled plastic content

[Refer Clause 7.2 (d), 7.3 (d)]

Example 6:

Year 2025-26	
Plastic packaging introduced in the market category-wise (Category II Flexible plastic packaging*)*	*100 MT*
Extended Producer Responsibility Target as per clause 5.1 @ 100 %	*100 MT*
Minimum content of recycled plastic in packaging @ 10%	*10 MT of plastic content in the packaging should be recycled plastic* *90 MT of virgin plastic content in packaging*

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[F. No. 17/2/2001 – Part I - HSMD]

NARESH PAL GANGWAR, Addl. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II Section 3, Sub-Section (i) vide number G.S.R 320 (E) dated the 18th March, 2016 and subsequently amended *vide notification numbers G.S.R 285 (E) dated the 27th March, 2018, G.S.R. 571 (E) dated the 12th August, 2021 and G.S.R. 647 (E) dated the 17th September, 2021.*

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Annexure IV

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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

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अधिसूचना

नई दिल्ली, 6 जुलाई, 2022

सा.का.नि. 522(अ).—प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 का और संशोधन करने के लिए प्रारूप नियम अधिसूचना सं. सा.का.नि. 22(अ) तारीख 18 जनवरी, 2022 *द्वारा* भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में तारीख 18 जनवरी, 2022 को प्रकाशित की गई थी, जिसमें उन सभी व्यक्तियों से जिनकी प्रभावित होने की संभावना उक्त प्रारूप नियमों को अंतर्विष्ट करने वाले राजपत्र की प्रतियां जनता को उपलब्ध कराई गई थी जिसके साठ दिनों के भीतर आपत्तियां और सुझाव आमंत्रित किए गए थे;

और, उक्त प्रारूप नियमों अंतर्विष्ट करने वाले राजपत्र की प्रतियां जनता को तारीख 18 जनवरी, 2022 को उपलब्ध कराई गईं;

और, उपरोक्त अवधि के भीतर प्राप्त आपत्तियों एवं सुझावों पर केंद्रीय सरकार द्वारा सम्यक रूप से विचार किया गया है;

अत: अब, केंद्रीय सरकार पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3, धारा 6 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात:-

1. संक्षिप्त नाम और प्रारंभ:- (1) इन नियमों का संक्षिप्त नाम प्लास्टिक अपशिष्ट प्रबंधन (द्वितीय संशोधन) नियम, 2022 है।

(2) वे राजपत्र में अपने प्रकाशन की तारीख से प्रवृत्त होंगे।

2. प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 (जिसे इसके पश्चात् उक्त नियम कहा गया है), नियम 3 में,-

(i) खंड (कख) के पश्चात्, निम्नलिखित खंड अंत:स्थापित किया जाएगा, अर्थात्:-

'(कग) "जैव-अवक्रमणीय प्लास्टिकों" से, कंपोस्टेबल प्लास्टिक के सिवाय ऐसे प्लास्टिक अभिप्रेत है, जो केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा प्रमाणित और भारतीय मानक ब्यूरो के अधिकांशत: मानकों का अनुपालन करते हुए, किन्हीं माइक्रो प्लास्टिकों, या स्पष्ट रूप से दृश्य या अलग करने योग्य या विषाक्त अवशेष, जिनका पर्यावरण पर प्रतिकूल प्रभाव पड़ता है, छोड़े बिना, परिवेशी पर्यावरणीय (स्थलीय या जलीय) दशाओं के अधीन जैविक प्रक्रियाओं द्वारा अवक्रमित हो जाता है-;';

(ii) खण्ड (ख) में, "ब्रांड लेवल्स;" शब्द, के पश्चात् "और ट्रेडमार्क।" शब्द अंत:स्थापित किया जाएगा;

(iii) खंड (ग) में "अर्थात् तैयार की गई थैलियां" शब्दों से पूर्व "(अनुसूची-2 में दिए गए खंड (5.1) (ii) – प्लास्टिक पैकेजिंग की श्रेणी-।। के अधीन शामिल)" शब्द और कोष्ठक अंत:स्थापित किए जाएंगे।

(iv) खण्ड (छक) को "(छख)" के रूप में पुन:संख्यांकित किया जाएगा और इस प्रकार पुन:क्रमांकित किए गए खंड (छख) से पूर्व निम्नलिखित खण्ड अंत:स्थापित किया जाएगा, अर्थात्:-

'(छक) "उपयोग की अवधि समाप्त होने पर निपटान" से प्रवृत्त सुसंगत दिशानिर्देशों के अध्यधीन ऊर्जा उत्पादन के लिए प्लास्टिक अपशिष्ट का उपयोग, जिसमें सह-प्रसंस्करण (उदाहरण के लिए सीमेंट, इस्पात या कोई अन्य ऐसे उद्योग में) या अपशिष्ट से तेल उत्पादन, उन मामलों को छोड़कर जिनमें फीडस्टॉक रसायनों का उत्पादन प्लास्टिक के उत्पादन में पुन: उपयोग हेतु किया जाता है जिस पर पुनर्चक्रण के अधीन विचार किया जा सकता है, या भारतीय सड़क कांग्रेस द्वारा जारी मार्गदर्शी सिद्धांतों के अनुसार सड़क निर्माण के लिए उपयोग संबंधित है।"

(v) खण्ड (ट) के स्थान पर निम्न खंड रखा जाएगा, अर्थात् :-

'(ट) "आयातक" से वह व्यक्ति अभिप्रेत है जो प्लास्टिक पैकेजिंग या प्लास्टिक पैकेजिंग वाले उत्पादों या कैरी बैगों या बहु-परतीय पैकेजिंग या प्लास्टिक शीटों या इस प्रकार की अन्य सामग्रियों का आयात करता है;' ;

(vi) खण्ड (ण) के पश्चात्, निम्नलिखित खंड अंत:स्थापित किया जाएगा, अर्थात्:-

'णक' "प्लास्टिक पैकेजिंग" से विभिन्न तरीकों से उत्पादों का संरक्षण करने, उनका परिरक्षण करने, भंडारण करने, परिवहन करने के लिए प्लास्टिकों का प्रयोग करके बनाई गई पैकेजिंग सामग्री अभिप्रेत है;' ;

(vii) खण्ड (थक) के पश्चात् निम्नलिखित खण्ड अंत:स्थापित किया जाएगा, अर्थात्:-

'(थख) "प्लास्टिक अपशिष्ट प्रसंस्करणकर्ताओं" से ऊर्जा के लिए (अपशिष्ट से ऊर्जा उत्पादन) प्लास्टिक अपशिष्ट का उपयोग करने में लगी इकाइयों के साथ प्लास्टिक अपशिष्ट का पुनर्चक्रण अभिप्रेत है। जिसमें सह-प्रसंस्करण या प्लास्टिक अपशिष्ट को तेल में परिवर्तित करना (अपशिष्ट से तेल उत्पादन), उन मामलों को छोड़कर जिनमें फीडस्टॉक रसायनों का उत्पादन प्लास्टिक के उत्पादन में पुन: उपयोग हेतु किया जाता है जिस पर पुनर्चक्रण करने, औद्योगिक खाद बनाने के अधीन विचार किया जा सकता है;' ;

(viii) खंड (थख) के पश्चात् निम्नलिखित खंड अंत:स्थापित किया जाएगा, अर्थात्:-

'(थग) "पश्च-उपभोक्ता प्लास्टिक पैकेजिंग का अपशिष्ट" से उत्पाद का अंतिम उपयोग करने वाले उपभोक्ता द्वारा, पैकेजिंग का आशयित उपयोग पूर्ण होने के पश्चात् सृजित किया गया प्लास्टिक पैकेजिंग अपशिष्ट अभिप्रेत है और अब इसका उपयोग अपने आशयित प्रयोजन के लिए नहीं किया जा रहा है;' ;

(ix) खंड (द) के पश्चात्, निम्नलिखित खंड अंत:स्थापित किया जाएगा, अर्थात्:-

'(दक) "पश्च–उपभोक्ता प्लास्टिक पैकेजिंग अपशिष्ट" से प्लास्टिक पैकेजिंग के विनिर्माण के चरण पर अस्वीकार या पृथक किए जाने के रूप में सृजित प्लास्टिक पैकेजिंग अपशिष्ट और उत्पाद का अंतिम उपयोग करने वाले उपभोक्ता तक प्लास्टिक पैकेजिंग पहुंचने से पूर्व, उत्पाद की पैकेजिंग के दौरान सृजित प्लास्टिक पैकेजिंग अपशिष्ट अभिप्रेत है जिसमें अस्वीकृत, पृथक किए गए उत्पाद सम्मिलित हैं;' ;

(x) खंड (ध) के पश्चात्, निम्नलिखित खंड अंत:स्थापित किया जाएगा, अर्थात्:-

'(धक) "पुनर्चक्रक" वे इकाईयां हैं जो प्लास्टिक अपशिष्ट के पुनर्चक्रण की प्रक्रिया में कार्यरत हैं;';

(xi) खंड (प) के पश्चात्; निम्नलिखित खंड अंत:स्थापित किया जाएगा, अर्थात्:-

(पक) "पुन: उपयोग से किसी सामान की संरचना में परिवर्तन किए बिना समान प्रयोजन या अन्य प्रयोजन के लिए कोई प्रयोग किया जाने वाला सामान या संसाधन सामग्री अभिप्रेत है;",

(xii) खंड (ब) के पश्चात् निम्नलिखित खंड अंत:स्थापित किया जाएगा, अर्थात्:-

'(बक) "पुन:चक्रित प्लास्टिक का प्रयोग" से, विनिर्माण प्रक्रिया में कच्चे माल के रूप में वर्जिन प्लास्टिक के बजाय प्रयुक्त पुनर्चक्रित प्लास्टिक अभिप्रेत है;' ;

(xiii) खंड (कक) के पश्चात् निम्नलिखित खंड अंत:स्थापित किया जाएगा, अर्थात्:-

'(ककख) "अपशिष्ट से ऊर्जा उत्पादन" से, ऊर्जा के उत्पादन के लिए प्लास्टिक अपशिष्ट का प्रयोग करना अभिप्रेत है और इसमें सह-प्रसंस्करण (अर्थात् सीमेंट, इस्पात या कोई अन्य ऐसे उद्योग में) सम्मिलित है;'

3. उक्त नियम के नियम 4 में, -

(i) उप-नियम (1) में,

(क) खंड (घ) में, "-के सिवाय मोटाई" शब्दों के पश्चात् "केंद्रीय सरकार द्वारा यथा विनिर्दिष्ट" शब्द अंत:स्थापित किए जाएंगे"

(ख) उप-नियम (1) में, खंड (ज) में,-

(क) "कम्पोस्टेबल प्लास्टिक से निर्मित" शब्दों के पश्चात् "और जैव-अवक्रमणीय प्लास्टिकों" शब्द अंतस्थापित किए जाएंगे;

(ख) "आईएस 17088:2008" शब्दों और आंकड़ों के स्थान पर "आईएस/आईएसओ 17088:2021" शब्द और आंकड़े रखे जाएंगे

(ग) "कम्पोस्टेबल प्लास्टिक के विक्रेता" शब्दों के पश्चात् "और जैव-अवक्रमणीय प्लास्टिकों" शब्द अंतस्थापित किए जाएंगे;-

(ii) उप-नियम (3) में, "कम्पोस्टेबल प्लास्टिक" शब्दों के पश्चात् "और जैव-अवक्रमणीय प्लास्टिकों।" शब्द अंतस्थापित किए जाएंगे।

4. उक्त नियम के नियम 9 में, -

(i) उप-नियम (1) के स्थान पर, निम्नलिखित उप-नियम रखा जाएगा, अर्थात्-

"(1) उत्पादक, आयातक और ब्राण्ड मालिक अनुसूची-II में विनिर्दिष्ट दिशा-निर्देशों के अनुसार प्लास्टिक पैकेजिंग हेतु विस्तारित उत्पादक उत्तरदायित्व को पूरा करेंगे।"

(ii) उप नियम (2) में, "एकत्रण की योजना" शब्दों से आरंभ होने वाले और "इसके पश्चात् दो वर्ष-" से अंत होने वाले।" शब्दों का लोप किया जाएगा;

(iii) उप-नियम (4) में,- "प्रदूषण नियंत्रण बोर्ड" शब्दों से पूर्व "केंद्रीय प्रदूषण नियंत्रण बोर्ड और राज्य" शब्द अंत:स्थापित किए जाएंगे।-;

(iv) उप-नियम (5) में,

(क) "रजिस्ट्रीकरण फॉर्म के बिना" शब्दों के पश्चात् "केंद्रीय प्रदूषण नियंत्रण बोर्ड यदि दो से अधिक राज्यों या संघ राज्य क्षेत्रों में प्रचालन कर रहा हो" शब्द अंतस्थापित किए जाएंगे।

(ख) "प्रदूषण नियंत्रण समितियों-" शब्दों के पश्चात् "नियम 13 का उप-नियम (2) के अनुसार।" शब्द अंतस्थापित किए जाएंगे।

5. उक्त नियम के नियम 10 के स्थान पर, निम्नलिखित नियम रखा जाएगा, अर्थात्.-

"10 कंपोस्टेबल और जैवअवक्रमणीय प्लास्टिक सामग्रियों के लिए नयाचार.- (1) प्लास्टिक सामग्री की अवक्रमणीयता के परिमाण और अपघटन के परिमाण का अवधारण अनुसूची I में सूचीबद्ध भारतीय मानकों के नयाचारों के अनुसार होगा।

(2) कंपोस्टेबल प्लास्टिक सामग्रियां, आईएस/आईएसओ 17088:2021, समय-समय पर यथासंशोधित, के अनुरूप होंगी।

(3) जैवअवक्रमणीय प्लास्टिक, भारतीय मानक ब्यूरो द्वारा अधिसूचित और केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा प्रमाणित किए गए इन मानकों के अनुरूप होगा।

(4) जब तक भारतीय मानक ब्यूरो द्वारा उप-नियम (3) में निर्दिष्ट मानक अधिसूचित नहीं किया जाता, तब तक जैव-अवक्रमणीय प्लास्टिक भारतीय मानक ब्यूरो द्वारा यथाअधिसूचित अनंतिम भारतीय मानक आईएस 17899 टी:2022 के अनुरूप होंगे।

(5) एक अस्थायी उपाय के रूप में, जैव अवक्रमणीय प्लास्टिकों के लिए उन मामलों में, जहां किसी वर्तमान परीक्षण के लिए अंतरिम परीक्षण रिपोर्ट प्रस्तुत की जाती है, केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा अनंतिम प्रमाण पत्र जारी किया जाएगा, जिसमें आईएस 17899 टी:2022 की टी 1 में क्र.सं. (i) या क्र.सं. (ii) या टी 2 की क्र. सं. (i) पर दिए गए जैव-अवक्रमणीय संबंधी आईएस 17899 टी:2022 का पहला घटक सम्मिलित होगा:-

परंतु जैवअवक्रमणीय प्लास्टिक का उत्पादन या आयात दिनांक 31 मार्च, 2023 के बाद बंद हो जाएगा इस शर्त के साथ अनंतिम प्रमाणपत्र 30 जून, 2023 तक वैध रहेगा।

(6) अंतरिम परीक्षण रिपोर्ट केन्द्रीय पेट्रो-रासायनिक अभियंत्रण और प्रौद्योगिकी या भारतीय मानक ब्यूरो की प्रयोगशाला मान्यता स्कीम, 2020 के अधीन मान्यता प्राप्त किसी प्रयोगशाला से या प्रयोगशालाओं के परीक्षण एवं अंशाकन हेतु राष्ट्रीय प्रत्यायन बोर्ड द्वारा इस प्रयोजन हेतु मान्यता प्राप्त प्रयोगशालाओं से प्राप्त की जाएगी, और वे यह प्रमाणित करेंगे कि प्लास्टिक का जैव-अवक्रमण आईएस 17899 टी:2022 के अनुरूप है।

6. उक्त नियम के नियम 11 के उप-नियम (1) में ,–

(i) खंड (क) के स्थान पर, निम्नलिखित खंड रखा जाएगा, अर्थात्:-

"(क) उत्पादक या ब्राण्ड मालिक का नाम, रजिस्ट्रीकरण संख्या और कैरी बैग तथा प्लास्टिक पैकेजिंग के मामले में मोटाई।

परंतु, यह उपबंध लागू नहीं होगा,-

(i) आयातित वस्तुओं के लिए प्रयुक्त प्लास्टिक पैकेजिंग हेतु

(ii) केंद्रीय प्रदूषण नियंत्रण बोर्ड के अनुमोदन के पश्चात्, विधिक माप विज्ञान पैकेज्ड सामग्री नियम, 2011 के नियम 26 के अंतर्गत आने वाले मामलों के लिए:

(iii) उन मामलों में, जहां इस संबंध में केंद्रीय प्रदूषण नियंत्रण बोर्ड के अनुमोदन के पश्चात् "इलैक्ट्रॉनिक और आईटी उत्पादों हेतु बीआईएस अनिवार्य रजिस्ट्रीकरण स्कीम के अधीन मानक चिन्ह के उपयोग और लेबल लगाने की अपेक्षाओं के लिए मार्गदर्शी सिद्धांतों" में दिए गए विनिर्देशों के अनुसार, इस नियम के अधीन अधिदेशित अपेक्षित सूचना को मुद्रित करना तकनीकी रूप से साध्य नहीं है।

(ii) खंड (ख) में, '1 जनवरी, 2023 से' "विनिर्माता" शब्द के स्थान पर "उत्पादक या ब्रांड स्वामी" शब्द रखे जाएंगे।

(iii) खंड (ग) के बाद, निम्नलिखित खंड अंत:स्थापित किया जाएगा, अर्थात्:-

"(घ) आयातित कैरी बैगों या बहु-परतीय पैकेजिंग या प्लास्टिक पैकेजिंग का आयातकर्ता या उत्पादक या ब्रांड स्वामी, एक मात्र रूप से या उत्पादों सहित खंड (क) और (ख) का पालन करेगा।"

7. उक्त नियम के नियम 12 के उप-नियम (1) में,- "राज्य प्रदूषण नियंत्रण बोर्ड" शब्दों से पहले "केंद्रीय प्रदूषण नियंत्रण बोर्ड या" शब्द अंत:स्थापित किए जाएंगे।

8. उक्त नियम के नियम 13 में,-

(i) उप-नियम (1) के स्थान पर, निम्नलिखित उप-नियम रखा जाएगा, अर्थात.-

"(1) कोई भी व्यक्ति कैरी बैगों या पुनर्चक्रित प्लास्टिक बैगों या बहुपरतीय पैकेजिंग का तब तक विनिर्माण नहीं करेगा जब तक कि उस व्यक्ति ने निम्नलिखित से रजिस्ट्रीकरण प्राप्त न कर लिया हो,-

(i) संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्य क्षेत्र की प्रदूषण नियंत्रण समिति, यदि एक या दो राज्यों या संघ राज्य क्षेत्रों में प्रचालन कर रहे हों; या

(ii) केंद्रीय प्रदूषण नियंत्रण बोर्ड, यदि दो से अधिक राज्यों या संघ राज्य क्षेत्रों में प्रचालन कर रहे हों,"

(ii) उप-नियम (2) में,

(क) "उत्पादक" शब्द के पश्चात्, ",-या आयातकर्ता" शब्द अंत:स्थापित किए जाएंगे;

(ख) "आवेदन करना" शब्दों के पश्चात्, "अनुसूची-2 में विनिर्दिष्ट मार्गदर्शी सिद्धांतों के अनुसार" शब्द और अंक अंत:स्थापित किए जाएंगे।

(iii) उप-नियम (3) में, "प्रपत्र 2 में" शब्दों-, और अंकों के पश्चात्, "अनुसूची-2 में विनिर्दिष्ट मार्गदर्शी सिद्धांतों के अनुसार" शब्द अंक अंत:स्थापित किए जाएंगे-;

(iv) उप-नियम (6) का लोप किया जाएगा।

(v) उप-नियम (7) में, अंत में आने वाले "पंजीकरण निबंधन" शब्दों के पश्चात्, "और पंजीकरण, अनुसूची-2 में विनिर्दिष्ट प्लास्टिक पैकेजिंग हेतु विस्तारित उत्पादक उत्तरदायित्व से संबंधी मार्गदर्शी सिद्धांतों के अनुसार बाध्यताओं को पूरा करने के अध्यधीन होगा" शब्द और अंक अंत:स्थापित किए जाएंगे।

9. उक्त नियम के नियम 17 के बाद, निम्नलिखित नियम अंत:स्थापित किया जाएगा, अर्थात्,-:-

"18. पर्यावरणीय प्रतिकर का अधिरोपण - पर्यावरणीय प्रतिकर का अधिरोपण उन व्यक्तियों पर, जो केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा अधिसूचित मार्गदर्शी सिद्धांतों के अनुसार इन नियमों के उपबंधों का अनुपालन नहीं कर रहे हैं/ रहे हैं, प्रदूषक द्वारा संदाय किए जाने के सिद्धांत के आधार पर उद्गृहीत किया जाएगा"।

10. उक्त नियम की अनुसूची 1 के स्थान पर, निम्नलिखित रखा जाएगा :-

"अनुसूची-1

[नियम 10 देखें]

(1)	(2)
1	आईएस/आईएसओ 14851:2019 जलीय माध्यम में प्लास्टिक सामग्रियों की अंतिम वायुजीवी जैवअवक्रमणीयता का अवधारण- किसी बंद रेस्पिरोमीटर में ऑक्सीजन मांग को मापने की पद्धति (प्रथम पुनरीक्षण)
2	आईएस/आईएसओ 14852:1999 जलीय माध्यम में प्लास्टिक वस्तुओं की अंतिम एरोबिक जैव-अवक्रमणीयता का अवधारण- विकसित कार्बनडाईऑक्साइड के विश्लेषण द्वारा मापने की पद्धति
3	आईएस/आईएसओ 14853:2016 प्लास्टिक- जलीय माध्यम में प्लास्टिक सामग्रियों की अंतिम वायुजीवी जैव-अवक्रमणीयता का अवधारण- बायोगैस उत्पादन द्वारा मापने की पद्धति (प्रथम संशोधन)
4	आईएस/आईएसओ 14855-1:2012 प्लास्टिक- नियंत्रित कम्पोस्टिंग दशाओं में प्लास्टिक सामग्रियों की अंतिम वायुजीवी जैव-अवक्रमणीयता का अवधारण- विकसित कार्बनडाईऑक्साइड के विश्लेषण द्वारा मापने की पद्धति: भाग 1 सामान्य पद्धति (प्रथम संशोधन)
5	आईएस/आईएसओ 14855-2:2018 प्लास्टिक- नियंत्रित कम्पोस्टिंग दशाओं में प्लास्टिक सामग्रियों की अंतिम वायुजीवी जैव-अवक्रमणीयता का अवधारण- विकसित कार्बनडाईऑक्साइड के विश्लेषण द्वारा मापने की पद्धति: भाग 2 प्रयोगशाला- पैमाना परीक्षण में विकसित कार्बनडाईऑक्साइड की ग्रेवीमेट्रिक माप (प्रथम संशोधन)
6	आईएस/आईएसओ 15985:2014 प्लास्टिक- उच्च ठोस अवायुजीवी- आत्मसात्करण दशाओं में अंतिम अवायुजीवी जैव-अवक्रमणीयता का अवधारण- निर्मुक्त बायोगैस के विश्लेषण से मापने की पद्धति (प्रथम संशोधन)

7	आईएस/आईएसओ 16929:2019 प्लास्टिक- प्रायोगिक पैमाना परीक्षण में परिभाषित कंपोस्टिंग दशाओं में प्लास्टिक सामग्रियों के विघटन की डिग्री का अवधारण (द्वितीय संशोधन)
8	आईएस/आईएसओ 17556:2019 प्लास्टिक- किसी रेस्पिरोमीटर में ऑक्सीजन की माप या विकसित कार्बनडाईऑक्साइड की मात्रा द्वारा मृदा में प्लास्टिक सामग्रियों की अंतिम वायुजीवी जैव-अवक्रमणीयता का अवधारण (द्वितीय संशोधन)
9	आईएस/आईएसओ 20200:2015 प्लास्टिक- प्रयोगशाला पैमाना परीक्षण में अनुकरण की गई कंपोस्टिंग दशाओं में प्लास्टिक सामग्रियों के विघटन की डिग्री का अवधारण (प्रथम संशोधन)"

11. उक्त नियमों के, प्रपत्र 1 में,-

(i) "1. उत्पादक" उपशीर्ष में क्रम संख्यांक 11 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :-

"11.	अनुसूची-2 में विनिर्दिष्ट मार्गदर्शी सिद्धांतों के अनुरूप कार्य योजना"।

(ii) 'उपशीर्ष "2 ब्रांड स्वामी" क्रम संख्यांक 9 के लिए और उससे संबंधित प्रविष्टियों स्थान पर निम्नलिखित रखा जाएगा, अर्थात्-

"9.	अनुसूची-2 में विनिर्दिष्ट मार्गदर्शी सिद्धांतों के अनुरूप कार्य योजना"।

(iii) उपशीर्षक "2 ब्रांड स्वामियों" और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित अंत:स्थापित किया जाएगा, अर्थात:-

"3. आयातकर्ता :

भाग-क साधारण		
1.	नाम, पता और संपर्क करने के लिए नंबर	
2.	नवीकरण के मामले में, पूर्वतर रजिस्ट्रीकरण संख्या और रजिस्ट्रीकरण की तारीख	
3.	क्या इकाई, राज्य सरकार या संघ राज्य क्षेत्र के जिला उद्योग केंद्र में रजिस्ट्रीकृत है? यदि हां, तो प्रति संलग्न करें।	
4.(क)	परियोजना में निवेश की गई कुल पूंजी	
(ख)	उत्पादन प्रारंभ करने का वर्ष	
5.(क)	उत्पादों और उप-उत्पादों की सूची और मात्रा	
(ख)	प्रयुक्त कच्ची सामग्री की सूची और मात्रा	
6.(क)	आयातित या आयात किए जाने वाले उत्पादों की पैकेजिंग के लिए प्रयुक्त प्लास्टिक शीट या वैसे ही प्लास्टिक शीट की मात्रा	
(ख)	आगे और आपूर्ति या स्व उपयोग के लिए पैकेजिंग हेतु प्रयुक्त प्लास्टिक शीट या वैसे ही प्लास्टिक की मात्रा	
(ग)	आगे और आपूर्ति या स्व उपयोग के लिए बहु-परतीय पैकेजिंग की मात्रा	

भाग-ख द्रव बहि:स्राव और गैसीय उत्सर्जनों से संबंधित		
7.	क्या इकाई के पास, जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1974 (1974 का 6) के अधीन वैध सहमति है? यदि हां, तो प्रति संलग्न करें	
8.	क्या इकाई के पास, वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 (1981 का 14) के अधीन वैध सहमति है? यदि हां, तो प्रति संलग्न करें	
भाग-ग अपशिष्ट से संबंधित		
9.	ठोस अपशिष्ट या अवशिष्ट : (क) उत्पन्न अपशिष्ट की कुल मात्रा (ख) संयंत्र के भीतर भण्डारण का ढंग (ग) अपशिष्टों के निपटान के लिए की गई व्यवस्था	
10.(क)	(i) पैकेजिंग के लिए प्रयुक्त आयातित (i) प्लास्टिक शीट या वैसे ही प्लास्टिक शीट और (ii) बहुपरतीय पैकेजिंग की आपूर्ति कराने वाले व्यक्ति की सूची संलग्न करें या उपलब्ध कराएं	
(ख)	(i) आगे और आपूर्ति या स्व उपयोग के लिए प्रयुक्त मात्रा सहित पैकेजिंग के लिए प्रयुक्त आयातित (i) प्लास्टिक शीट या वैसे ही प्लास्टिक शीट और (ii) आगे और आपूर्ति या स्व उपयोग के लिए प्रयुक्त मात्रा सहित आयातित बहुपरतीय पैकेजिंग की मात्रा	
11.	अनुसूची-2 में निर्दिष्ट मार्गदर्शी सिद्धांतों के अनुसार कार्य योजना	
नाम और हस्ताक्षर पदनाम तारीख : स्थान : ”		

12. उक्त नियम के प्रपत्र 4 में, क्रम संख्या (9) और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित अंतस्थापित किया जाएगा, अर्थात् :-

“(10). अनुसूची-2 में निर्दिष्ट मार्गदर्शी सिद्धांतों के अनुसार, संबंधित राज्य प्रदूषण नियंत्रण बोर्ड और प्रदूषण नियंत्रण समिति को प्रत्येक वर्ष तारीख 30 अप्रैल तक उपलब्ध कराए जाने वाले आंकड़े”

13. उक्त नियम के, प्रपत्र 5 में, तालिका के पश्चात् निम्नलिखित टिप्पण अंत:स्थापित की जाएगी:-

“टिप्पण: केन्द्रीय प्रदूषण नियंत्रण बोर्ड को प्रत्येक वर्ष तारीख 30 अप्रैल तक निम्नलिखित सूचनाएं उपलब्ध कराई जाएगी, अर्थात् :-

(क) कैरी बैग, पुनर्चक्रित प्लास्टिक बैग, बहुपरतीय पैकेजिंग का विनिर्माता (नियम 13के उप-निमय (1) के खंड (i) के अधीन रजिस्ट्रीकृत)

(ख) उत्पादक, आयातकर्ता, ब्रांड का स्वामी (नियम 13 के उप-निमय (1) के खंड (i) के अधीन रजिस्ट्रीकृत)

(ग) पुनर्चक्रणकर्ता और प्लास्टिक अपशिष्ट का प्रसंस्करणकर्ता (नियम 13के उप-नियम (1) के खंड (i) के अधीन रजिस्ट्रीकृत)"

14. उक्त नियम की अनुसूची-2 के पैरा (3) का लोप किया जाएगा।

उक्त नियम की अनुसूची 2 में, उप- पैरा (7.8) के स्थान पर निम्नलिखित का रखा जाएगा, अर्थात्:-

"(7.8) यदि बाध्य इकाई जैवअवक्रमणीयता प्लास्टिक से बनी प्लास्टिक पैकेजिंग का उपयोग करती है, तो नियम 10 के उपबंध लागू होंगे और विस्तारित उत्पादक उत्तरदायित्व लक्ष्य लागू नहीं होगा।"

[फा. सं. 17/24/2021-एचएसएमडी]

नरेश पाल गंगवार, अपर सचिव

टिप्पणी : मूल नियम भारत के राजपत्र में सा.का.नि. 320(अ), तारीख 18 मार्च, 2016 द्वारा प्रकाशित किए गए थे और तत्पश्चात् उनमें अधिसूचना संख्या सा.का.नि. 285(अ), तारीख 27 मार्च, 2018 और अधिसूचना संख्या सा.का.नि. 571(अ), तारीख 12 अगस्त, 2021 और अधिसूचना संख्या सा.का.नि. 647(अ), तारीख 17 अगस्त, 2021 के द्वारा संशोधन और अधिसूचना संख्या सा.का.नि. 133(अ), तारीख 16 फरवरी, 2022 के द्वारा अंतिम बार संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 6th July, 2022

G.S.R. 522(E).—Whereas the draft rules further to amend the Plastics Waste Management Rules, 2016, were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) dated the 18th January, 2022, *vide* notification number G.S.R. 22 (E) dated the 18th January, 2022, inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date copies of the Gazette containing the said draft rules were made available to the public;

And whereas, copies of the Gazette containing the said draft rules were made available to the public on the 18th January, 2022 ;

And whereas, objections and suggestions received within the aforesaid period have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sections 3, 6, and 25 of the Environment (Protection) Act 1986, (29 of 1986), the Central Government hereby makes the following rules further to amend the Plastic Waste Management Rules, 2016, namely :-

1. Short title and commencement.- (1) These rules may be called the Plastic Waste Management (Second Amendment) Rules, 2022.

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

2. In the Plastic Waste Management Rules, 2016 (hereinafter referred to as the said rules), in rule 3,-

(i) after clause (ab), the following clause shall be inserted, namely:-

'(ac) "Biodegradable plastics" means plastics, other than compostable plastics, which undergoes degradation by biological processes under ambient environment (terrestrial or in water) conditions, without leaving any micro plastics, or visible, or distinguishable or toxic residue, which has adverse environment impacts, adhering to laid down standards of Bureau of Indian Standards and certified by the Central Pollution Control Board;';

(ii) in clause (b), after the words "brand labels", the words "or trademark" shall be inserted;

(iii) in clause (c), before the words "means bags made" the following words and brackets "(covered under Category II of plastic packaging – Clause (5.1) (II), given in Schedule – II)" shall be inserted.

(iv) clause (ga), shall be renumbered as "(gb)" thereof and before clause (gb) as so renumbered,the following clause shall be inserted, namely :-

'(ga) "End of Life disposal" means using plastic waste for generation of energy subject to relevant guidelines in force, which includes co-processing (e.g. in cement, steel or any other such industry) or waste to oil, except in cases where feedstock chemicals are produced for further use in the production of plastic which may then be considered under recycling or for road construction as per Indian Road Congress guidelines etc.';

(v) for clause (k),the following clause shall be substituted, namely:-

'(k)"Importer" means a person who imports plastic packaging or products with plastic packaging or carry bags or multilayered packaging or plastic sheets or like;';

(vi) after clause (o), the following clause shall be inserted, namely :-

'(oa) Plastic Packaging" means packaging material made by using plastics for protecting, preserving, storing, and transporting of products in a variety of ways;' ;

(vii) after clause (qa), the following clause shall be inserted, namely :-

'(qb) "Plastic Waste Processors" means recyclers of plastic waste as well as entities engaged in using plastic waste for energy (waste to energy) including in coprocessing or converting plastic waste to oil (waste to oil) except in cases where feedstock chemicals are produced for further use in the production of plastic which may then be considered under recycling , industrial composting;';

(viii) after clause (qb), the following clause shall be inserted, namely:-

'(qc) "Post-consumer plastic packaging waste" means plastic packaging waste generated by the end-use consumer after the intended use of packaging is completed and is no longer being used for its intended purpose;';

(ix) after Clause (r), the following clause shall be inserted, namely:-

'(ra) "Pre-consumer plastic packaging waste" means plastic packaging waste generated in the form of reject or discard at the stage of manufacturing of plastic packaging and plastic packaging waste generated during the packaging of product including reject, discard, before the plastic packaging reaches the end-use consumer of the product;';

(x) after clause (s), the following clause shall be inserted, namely :-

'(sa) "Recyclers" are entities who are engaged in the process of recycling of plastic waste;';

(xi) after clause (u), the following clause shall be inserted, namely:-

'(ua) "Reuse" means using an object or resource material again for either the same purpose or another purpose without changing the object's structure;';

(xii) after clause (w), the following clause shall be inserted, namely :-

'(wa) "Use of recycled plastic" means recycled plastic used as raw material, instead of virgin plastic, in the manufacturing process;';

(xiii) after clause (aa), the following clause shall be inserted, namely :-

'(aab) "Waste to Energy" means using plastic waste for generation of energy and includes co-processing (e.g. in cement, steel or any other such industry);'.

3. In in rule 4 of the said rules, , -

(i) in sub-rule (1),

(a) in clause (d), after the words "thickness except", the words " as specified by the Central Government" shall be inserted;

(b) in clause (h),-

(A) after the words "made up of compostable plastic", the words "and biodegradable plastics" shall be inserted;

(B) for the letters and figures "IS 17088:2008,", the letters and figures "IS / ISO 17088:2021" shall be substituted;

(C) after the words "seller of compostable plastic", the words "and biodegradable plastics" shall be inserted;

(ii) in sub-rule (3), after the words "compostable plastic", the words "and biodegradable plastics" shall be inserted.

4. In rule 9 of the said rules, -

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:-

"(1) The Producers, Importers and Brand Owners shall fulfil Extended Producers Responsibility for Plastic Packaging as per guidelines specified in Schedule -II.";

(ii) in sub-rule (2), the portion beginning with the words "This plan of collection" and ending with the words "two years thereafter" shall be omitted;

(iii) in sub-rule (4), before the words "Pollution Control Board", the words, "Central Pollution Control Board and State" shall be inserted;

(iv) in sub-rule (5), -

(A) after the words "without registration from" the words "Central Pollution Control Board if operating in more than two states or Union territories," shall be inserted;

(B) after the words "Pollution Control Committees", the words, brackets and figures " as per sub-rule (2) of rule 13" shall be inserted.

5. For rule 10 of the said rules, the following rule shall be substituted, namely.-

" 10. Protocols for compostable and biodegradable plastic materials.- (1) Determination of the degree of degradability and degree of disintegration of plastic material shall be as per the protocols of the Indian Standards listed in Schedule I.

(2)The compostable plastic materials shall conform to the IS / ISO 17088:2021, as amended from time to time.

(3) The biodegradable plastics shall conform to the standard notified by the Bureau of Indian Standards and certified by the Central Pollution Control Board.

(4) Until a standard referred to in sub-rule (3) is notified by the Bureau of Indian Standards, biodegradable plastics shall conform to tentative Indian Standard IS 17899 T:2022 as notified by the Bureau of Indian Standards.

(5) As a transitory measure, provisional certificate for biodegradable plastics, shall be issued by the Central Pollution Control Board, in cases, where an interim test report is submitted, for an ongoing test, which covers the first component of the IS 17899 T:2022 relating to biodegradability given at Sl. No. (i) or Sl. No. (ii) of Table 1 or Sl. No. (i) of Table 2 of the IS 17899 T:2022:

Provided that the provisional certificate shall be valid till 30th June 2023 with the condition that production or import of biodegrdable plastics shall cease after the 31st day of March, 2023.

(6) The interim test report shall be obtained from the Central Institute of Petrochemical Engineering and Technology or a laboratory recognised under the Laboratory Recognition Scheme, 2020, of the Bureau of Indian Standards or laboratories accredited for this purpose by the National Accreditation Board for Testing and Calibration Laboratories, and they shall certify the bio-degradation of plastic is in line with IS 17899 T:2022.

6. In sub-rule (1) of rule 11 of the said rules,-

(i) for clause (a), the following clause shall be substituted, namely:-

"(a) name, registration number of the producer or brand owner and thickness in case of carry bag and plastic packaging :

Provided that this provision shall not be applicable,-

(i) for plastic packaging used for imported goods:

(ii) for cases falling under rule 26 of the Legal Metrology Packaged Commodities Rules, 2011, after the approval of the Central Pollution Control Board:

(iii) for cases where it is technically not feasible to print the requisite information mandated under this Rule, as per specifications given in the "Guidelines for use of Standard Mark and labelling requirements under BIS Compulsory Registration Scheme for Electronic and IT Products" after the approval of the Central Pollution Control Board .";

(ii) in clause (b), "with effect from the 1st January, 2023" for the word "manufacturer", the words "producer or brand owner" shall be substituted.

(iii) after clause (c), the following clause shall be inserted, namely:-

"(d) the importer or producer or brand owner of imported carry bags or multi-layered packaging or plastic packaging, alone or along with the products shall adhere to clause (a) and (b)."

7. In rule 12 of the said rules, in sub-rule (1), before the words, "State Pollution Control Board" the words, "Central Pollution Control Board or" shall be inserted.

8. In rule 13 of the said rules, -

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:-

"(1) No person shall manufacture carry bags or recycle plastic bags or multilayered packaging unless the person has obtained registration from,-

(i) the concerned State Pollution Control Board or Pollution Control Committee of the Union territory, if operating in one or two states or Union territories; or

(ii) the Central Pollution Control Board, if operating in more than two States or Union territories.";

(ii) in sub-rule (2),-

(A) after the word "producer", the words "or importer" shall be inserted;

(B) after the words "make an application" , the words and figures "as per the guidelines specified in Schedule -II," shall be inserted;

(iii) in sub-rule (3), after the words "in Form II", the words and figures "as per the guidelines specified in Schedule –II" shall be inserted.

(iv) Sub-rule (6) shall be omitted;

(v) in sub-rule (7), after the words "terms of registration" occurring at the end, the words and figures " and the registration shall be subject to fulfilment of obligations in accordance with the guidelines on Extended Producer Responsibility for Plastic Packaging specified in Schedule -II." shall be inserted.

9. After rule 17 of the said rules, the following rule shall be inserted, namely:-

"18. Imposition of Environmental Compensation.- The Environmental Compensation shall be levied based upon polluter pays principle, on personswho are not complying with the provisions of these rules, as per guidelines notified by the Central Pollution Control Board.".

10. For Schedule I of the said rules, the following shall be substituted, namely:-

"SCHEDULE-I

[See rule 10]

(1)	(2)
1	IS / ISO 14851: 2019 Determination of the Ultimate Aerobic Biodegradability of Plastic Materials in an Aqueous Medium — method by measuring the Oxygen demand in a closed respirometer (First Revision)
2	IS / ISO 14852: 1999 Determination of the ultimate aerobic biodegradability of plastic materials in an aqueous medium—method by analysis of evolved Carbon dioxide
3	IS / ISO 14853: 2016 Plastics — Determination of the ultimate anaerobic biodegradation of plastic materials in an aqueous system —method by measurement of biogas production (First Revision)
4	IS /ISO 14855-1: 2012 Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions — method by analysis of evolved Carbon dioxide: Part 1 General method (First Revision)
5	IS / ISO 14855-2: 2018 Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions — method by analysis of evolved carbon dioxide: Part 2 Gravimetric measurement of Carbon dioxide evolved in a laboratory- scale test (First Revision)
6	IS / ISO 15985: 2014 Plastics — Determination of the ultimate anaerobic biodegradation under high-solids anaerobic-digestion conditions — methods by analysis of released biogas (First Revision)
7	IS /ISO 16929: 2019 Plastics — Determination of the Degree of Disintegration of Plastic Materials under Defined Composting Conditions in a Pilot-Scale Test (Second Revision)
8	IS / ISO 17556: 2019 Plastics — Determination of the Ultimate Aerobic Biodegradability of plastic materials in soil by measuring the Oxygen demand in a Respirometer or the amount of Carbon Dioxide Evolved (Second Revision)
9	IS / ISO 20200 : 2015 Plastics — Determination of degree of disintegration of plastic materials under simulated composting conditions in a laboratory - Scale test (First Revision)"

11. In the said rules, in Form I,-

(i) in the sub-heading "1.Producers", for serial number 11 and the entries relating thereto, the following shall be substituted, namely:-

" 11.	Action plan in line with the guidelines specified in Schedule -II".	

(ii) in sub-heading "II Brand Owners", for serial number 9 and the entries relating thereto, the following shall be substituted, namely:-

"9.	Action plan in line with the guidelines specified in Schedule -II".	

(iii) after sub-heading "II. Brand Owners" and the entries relating thereto, the following shall be inserted, namely:-

" III- Importers

PART – A GENERAL		
1.	Name, Address and Contact number	
2	In case of renewal, previous registration number and date of registration	
3	Is the unit registered with the District Industries Centre of the State Government or Union Territory? If yes, attach a copy.	
4.(a)	Total capital invested on the project	
(b)	Year of commencement of production	
5. (a)	List and quantum of products and by-products	
(b)	List and quantum of raw materials used	
6 (a)	Quantity of plastic sheet or like used for packaging of imported or to be imported products	
(b)	Quantity of plastic sheet or like used for packaging for further supply or self-use	
(c)	Quantity of multilayered packaging for further supply or self-use	
PART – B **PERTAINING TO LIQUID EFFLUENT AND GASEOUS EMISSIONS**		
7.	Does the unit have a valid consent under the Water (Prevention and control of Pollution) Act, 1974 (6 of 1974)? If yes, attach a copy	
8.	Does the unit have a valid consent under the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981)? If yes, attach a copy	
PART – C **PERTAINING TO WASTE**		
9.	Solid Wastes or rejects: (a)Total quantum of waste generated (b)Mode of storage within the plant (c) Provision made for disposal of wastes	
10. (a)	Attach or provide list of person supplying imported (i) plastic sheet or like used for packaging, (ii) multilayered packaging	
(b)	Quantity of imported (i) plastic sheet or like used for packaging along with the quantity used for further supply or self use, (ii) multilayered packaging along with the quantity used for further supply or self use	
11.	Action Plan in line with Guidelines specified in Schedule - II	
Name and Signature Designation Date : Place :”.		

12. In Form IV of the said rules, after serial number (9) and the entries thereto, the following shall be inserted, namely:-

"(10). Data to be provided as per guidelines specified in Schedule -II by 30th April of every year to the concerned State Pollution Control Board or Pollution Control Committee"

13. In Form VI of the said rules, after the table, the following note shall be inserted:-

"Note: The following informations shall be provided to the Central Pollution Control Board by 30th April of every year, namely:-(a) Manufacturer of carry bag, recycled plastic bag, multilayered packaging (Registered under clause (i) of sub-rule (1) of rule 13;

(b) Producer, Importer, Brand Owner (Registered under clause (i) of sub-rule (2) of rule 13;(c)Recycler and plastic waste processor (Registered under clause (i) of sub-rule (3) of rule 13".

14. Paragraph 3 of Schedule – II of the said rules shall be omitted. 15. In Schedule II of the said rules, for sub-- paragraph (7.8), the following shall be substituted, namely:-

"(7.8) In case, the obligated entity utilizes plastic packaging made from biodegradable plastics, the provisions of rule 10 shall be applicable and the Extended Producer Responsibility target shall not be applicable."

[F. No. 17/24/2021-HSMD]

NARESH PAL GANGWAR, Addl. Secy.

Note : The principal rules were published in the Gazette of India, vide number G.S.R. 320(E), dated the 18th March, 2016 and subsequently amended vide notification number G.S.R. 285(E), dated the 27th March, 2018, vide notification number G.S.R. 571(E), dated the 12th August, 2021, vide notification number G.S.R. 647(E), dated the 17th August, 2021 and last amended vide notification number G.S.R. 133(E) , dated the 16th February 2022.

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Annexure V

Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund

CENTRAL POLLUTION CONTROL BOARD
"Parivesh Bhawan", East Arjun Nagar,
Delhi-110032

Table of Contents

Chapter-I: Environment Compensation to be levied on Industrial Units 3
1.1 Background 3
1.2 Constitution of the Committee 3
1.3 Methodology for Assessing Environmental Compensation 3
1.4 Action Plan for Utilization of Environmental Compensation Fund 6
1.5 Recommendations 7
Chapter-II: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR. 9
2.1 Background 9
2.2 Action Plan for Utilization of Environmental Compensation Fund 9
Chapter-III: Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules 10
3.1 Background 10
3.2 Ideology of Environmental Compensation Formula 10
3.3 Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/Authority: 12
3.4 Environment Compensation to be Levied on Concerned Individual/Authority for Improper Solid Waste Management: 14
3.3 Action Plan for Utilization of Environmental Compensation Fund 15
3.4 Recommendations 15
Chapter-IV: Environmental Compensation in Case of Illegal Extraction of Ground Water 17
4.1 Background 17
4.2 Constitution of the Committee 17
4.3 Methodology for Assessing Environmental Compensation 17
4.4 Ideology of Environmental Compensation w.r.to illegal extraction of ground water 17
4.5 Formula for Environmental Compensation for illegal extraction of ground water 18
4.6 Environmental Compensation Rate (ECR_{GW}) for illegal use of Ground Water 18
4.7 Relaxation 21
4.8 Recommendations 21
Annexure-I 22
Annexure-II 28
Annexure-III 31
Annexure-IV 34
Annexure-V 36
Annexure-VI 40
References 41

Abstract

Environmental compensation is a policy instrument for the protection of the environment which works on the Polluter Pay Principal. Environmental compensation has already been implemented in various countries, although limited in scope. Experiences from these implementations are mixed and tend to stress the importance of certain principles in order to achieve the overall objective of protection of the environment.

The Hon'ble National Green Tribunal through its various judgments has empowered the Central Pollution Control Board to lay down the methodology to assess and recover compensation for damage to the environment and utilize such amount in terms of an action plan for protection of the environment.

An attempt has been made by the CPCB in-house Committee to develop a methodology for assessing environmental compensation to be levied on concerned industry, authority, individual etc. for the protection of environment. Expert institutions/ NGOs like The Energy and Resources Institute, Centre for Science and Environment-India, Institute of Economic Growth etc. were also consulted to finalize the report. Overall objective is to develop self-sense of responsibility towards the environment and to make defaulters realize their mistake by imposing compensation, which will be utilized for the protection/restoration of the environment.

Although, this is the first attempt in India towards development of methodology for assessing environmental compensation, however, efforts have been made to simplifying the process so that regulatory institutions can easily adopt the methodology for implementation.

Chapter-I: Environment Compensation to be levied on Industrial Units

1.1 Background

The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed Central Pollution Control Board (CPCB) that:

> *"The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the CPCB within three months"* ***(Annexure-I).***

1.2 Constitution of the Committee

In this context, Chairman, CPCB constituted a Committee under the Chairmanship of Shri A. Sudhakar, I/c WQM-I with Shri A. K. Vidyarthi, I/c WQM-II, Shri P. K. Gupta, I/c IPC-VI, Shri Nazimuddin I/c IPC-II and Dr. S. K. Paliwal, Scientist 'D' as members. The Committee was asked to deliberate on this issue and come up with a draft formulation before 15.9.2018.

1.3 Methodology for Assessing Environmental Compensation

The Committee discussed the issue on 4.9.2018, 13.9.2018,17.9.2018 and 09.10.2018. A meeting was also held with Senior Officers of CPCB Head Office and Regional Directorates through video conferencing on 28.09.2018 to discuss the draft report and to seek comments/feedbacks. The comments/feedbacks received and deliberations of the Committee on the same are given in **Annexure-II.**

As per the Hon'ble NGT suggestion, CPCB has invited comments of 3 expert institution, namely, Centre for Science and Environment (CSE), Institute of Economic Growth (IEG) and The Energy Research Institute (TERI). A meeting to incorporate the comments of the expert institutions and to finalize the report, was held on 27/03/2019. The CPCB in-house committee on Environmental Compensation has deliberated on the comments and finalized the report accordingly. The Committee's deliberations are attached as **Annexure-III.**

It was deliberated for developing a formula for imposing environmental compensation on industrial units for violation of directions issued by regulatory bodies and this is the first attempt made. The committee discussed that environmental compensation should be based on "Polluter Pay Principle". The Committee decided to list the instances for taking cognizance of cases fit for violation and levy environmental compensation.

Cases considered for levying Environmental Compensation (EC):

a) Discharges in violation of consent conditions, mainly prescribed standards / consent limits.
b) Not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.
c) Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring systems.
d) Accidental discharges lasting for short durations resulting into damage to the environment.
e) Intentional discharges to the environment -- land, water and air resulting into acute injury or damage to the environment.
f) Injection of treated/partially treated/ untreated effluents to ground water.

1.3.1 In the instances as mentioned at *a, b and c* above, Pollution Index may be used as a basis to levy the Environmental Compensation. CPCB has published guidelines for categorization of industries into Red, Orange, Green and White based on concept of Pollution Index (PI). The Pollution Index is arrived after considering quantity & quality of emissions/ effluents generated, types of hazardous wastes generated and consumption of resources. Pollution Index of an industrial sector is a numerical number in the range of 0 to 100 and can be represented as follows:

PI = *f* (Water Pollution Score, Air Pollution Score & HW Generation Score)

*Pollution Ind*ex is a number from 0 to 100 and increasing value of PI denotes the increasing degree of pollution *hazard from the industrial sector.*

CPCB has issued directions to all SPCBs/PCCs on 07.03.2016 to adopt the methodology and follow guidelines prepared by CPCB for categorization of industrial sectors into Red, Orange, Green and White.

The concept of Pollution Index, which was deliberated widely with all stakeholders and agreed, shall be used for calculating Environmental Compensation. This may help in implementation of such provision throughout the country, a successful initiative in vital field of industrial pollution control.

After considering various factors including the policy implementation issues, Committee has come up with following formula for levying the Environmental Compensation in instances as mentioned at a, b and c including non-compliance of the environmental standards / violation of directions.

The Environmental Compensation shall be based on the following formula:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC is Environmental Compensation in ₹
PI = Pollution Index of industrial sector
N = Number of days of violation took place
R = A factor in Rupees (₹) for EC
S = Factor for scale of operation
LF = Location factor

The formula incorporates the anticipated severity of environmental pollution in terms of Pollution Index, duration of violation in terms of number of days, scale of operation in terms of micro & small/medium/large industry and location in terms of proximity to the large habitations.

Note:

a. The industrial sectors have been categorized into Red, Orange and Green, based on their Pollution Index in the range of 60 to 100, 41 to 59 and 21 to 40, respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental Compensation for Red, Orange and Green categories of industries, respectively.
b. N, number of days for which violation took place is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by CPCB/SPCB/PCC.
c. R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the Environmental Compensation in cases of violation.
d. S could be based on small/medium/large industry categorization, which may be 0.5 for micro or small, 1.0 for medium and 1.5 for large units.
e. LF**,** could be based on population of the city/town and location of the industrial unit. For the industrial unit located within municipal boundary or up to 10 km distance from the municipal boundary of the city/town, following factors (LF) may be used:

Table No. 1.1: Location Factor Values

S. No.	Population* (million)	Location Factor# (LF)
1	1 to <5	1.25
2	5 to <10	1.5
3	10 and above	2.0

**Population of the city/town as per the latest Census of India*
#LF will be 1.0 in case unit is located >10km from municipal boundary
LF is presumed as 1 for city/town having population less than one million.

For notified Ecologically Sensitive areas, for beginning, LF may be assumed as 2.0. However, for critically Polluted Areas, LF may be explored in future.

f. In any case, minimum Environmental Compensation shall be ₹ 5000/day.
g. In order to include deterrent effect for repeated violations, EC may be increased on exponential basis, i.e. by 2 times on 1st repetition, 4 times on 2nd repetition and 8 times on further repetitions.
h. If the operations of the industry are inevitable and violator continues its operations beyond 3 months then for deterrent compensation, EC may be increased by 2, 4 and 8 times for 2nd, 3rd and 4th quarter, respectively. Even if the operations are inevitable beyond 12 months, violator will not be allowed to operate.
i. Besides EC, industry may be prosecuted or closure directions may be issued, whenever required.

A sample calculation for Environmental Compensation (without deterrent factor) is given at Table No. 1.2. It can be noticed that for all instances, EC for Red, Orange and Green category of industries varies from 3,750 to 60,000 ₹/day.

Table No. 1.2: A sample calculation for Environmental Compensation

Industrial Category	Red	Orange	Green
Pollution Index (PI)	60-100	41-59	21-40
Average PI	80	50	30
R-Factor	250		
S-Factor	0.5-1.5		
L-Factor	1.00-2.00		
Environmental Compensation (₹/day)	**10,000-60,000**	**6,250-37,500**	**5,000-22,500**

1.3.2 In other instances i.e. *d, e and f*, the environmental compensation may contain two parts – one requires providing immediate relief and other long-term measures such as remediation. In all these cases, detailed investigations are required from expert institutions/organizations based on which environmental compensation will be decided. CPCB shall list the expert institutions for this purpose.

In such cases, comprehensive plan for remediation of environmental pollution may be prepared and executed under the supervision of a committee with representatives of SPCB, CPCB and expert institutions/organizations.

1.4 Action Plan for Utilization of Environmental Compensation Fund

The Committee discussed about the utilization of funds, which will be received by imposing Environmental Compensation. The following Action Plan is proposed to utilize the fund for protection of the environment.

1.4.1. When Environmental Compensation is calculated through the Pollution Index:

The amount received by imposing the Environmental Compensation to the industries / organization non-complying with the environmental standards / violating any CPCB's directions shall be deposited in a separate bank account. The amount accumulated will be utilized for Protection of Environment. The following schemes were identified, which may be considered for utilization of Environmental Compensation Fund:

a. Industrial Inspections for compliance verification
b. Installation of Continuous water quality monitoring stations / Continuous ambient air quality monitoring stations for strengthening of existing monitoring network
c. Preparation of Comprehensive Industry Documents on Industrial Sectors / clean technology
d. Investigations of environmental damages, preparation of DPRs
e. Remediation of contaminated sites
f. Infrastructure augmentation of Urban Local Bodies (ULBs) /capacity building of SPCBs/PCCs

The above proposed list may include other schemes also, depending upon the requirement.
Considering the availability of accumulated funds, CPCB will finalize the scheme, keeping in mind the priority, to utilize the funds of Environmental Compensation.

1.4.2. When Environmental Compensation is assessed based on actual damage to the environment by Expert Organization/ Agency:

The amount of Environmental Compensation under this case will be remediation costs, measures requiring immediate and short-term actions, compensation towards loss of ecology, etc., and will be utilized exclusively for the purpose at specific site, based on the detailed investigations by the Expert Organizations/ agencies.

1.5 Recommendations

The Committee made following recommendations:

1.5.1 To begin with, Environmental Compensation may be levied by CPCB only when CPCB has issued the directions under the Environment (Protection) Act, 1986. In case of a, b and c, Environmental Compensation may be calculated based on the formula "EC = PI x N x R x S x LF", wherein, PI may be taken as 80, 50 and 30 for red, orange and green category of industries, respectively, and R may be taken as 250. S and LF may be taken as prescribed in the preceding paragraphs.

1.5.2 In case of d, e and f, the Environmental Compensation may be levied based on the detailed investigations by Expert Institutions/Organizations.

1.5.3 The Hon'ble Supreme Court in its order dated 22.02.2017 in the matter of Paryavaran Suraksha Samiti and another v/s Union of India and others (Writ Petition (Civil) No. 375 of 2012), directed that all running industrial units which require "consent to operate" from concerned State Pollution Control Board, have a primary effluent treatment plant in place. Therefore, no industry requiring ETP, shall be allowed to operate without ETP.

1.5.4 EC is not a substitute for taking actions under EP Act, Water Act or Air Act. In fact, units found polluting should be closed/prosecuted as per the Acts and Rules.

*****

Chapter-II: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in NCR.

2.1 Background

The CPCB In-house Committee also discussed that the EC shall also be levied on all violations of Graded Response Action Plan (GRAP) in NCR. The implementing agencies for each activity have been identified and the EC will be levied on these agencies. These violations attract graded amounts of EC depending on the state of ambient air quality, which is given in table below:

Table No. 2.1: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR.

Activity	State Of Air Quality	Environmental Compensation ()
Industrial Emissions	Severe +/Emergency	Rs 1.0 Crore
	Severe	Rs 50 Lakh
	Very Poor	Rs 25 Lakh
	Moderate to Poor	Rs 10 Lakh
Vapour Recovery System (VRS) at Outlets of Oil Companies		
i. Not installed	Target Date	Rs 1.0 Crore
ii. Non-functional	Very poor to Severe +	Rs 50.0 Lakh
	Moderate to Poor	Rs 25.0 Lakh
Construction sites (Offending plot more than 20,000 Sq.m.)	Severe +/Emergency	Rs 1.0 Crore
	Severe	Rs 50 Lakh
	Very Poor	Rs 25 Lakh
	Moderate to Poor	Rs 10 Lakh
Solid waste/ garbage dumping in Industrial Estates	Very poor to Severe +	Rs 25.0 Lakh
	Moderate to Poor	Rs 10.0 Lakh
Failure to water sprinkling on unpaved roads		
a) Hot-spots	Very poor to Severe +	Rs 25.0 Lakh
b) Other than Hot-spots	Very poor to Severe +	Rs 10.0 Lakh

2.2 Action Plan for Utilization of Environmental Compensation Fund

EC levied on all violations of Graded Response Action Plan (GRAP) in Delhi NCR will be deposited in the same fund and will be utilized in the same manner as mentioned in para 1.4.1 of Chapter-I of this report.

******

Chapter-III: Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules

3.1 Background

The Hon'ble Supreme Court in its order dated 22.02.2017 in the matter of Paryavaran Suraksha Samiti and another v/s Union of India and others (Writ Petition (Civil) No. 375 of 2012), directed State Governments (including the concerned Union Territories) to set-up Sewage Treatment Plants (STPs), which are already under implementation, within the time lines already postulated. Further, the STPs, which are yet to set-up, to be completed within a period of three years, from today, i.e. by 22.02.2020.

The Hon'ble NGT in its order dated 06.12.2018 **(Annexure-III)** in the matter of Court of its own motion v/s State of Karnataka (Original Application No. 125/2017 and M.A. No. 1337/2018) has given following directions:

> *"Since failure of preventing the pollutants being discharged in water bodies (including lakes) and failure to implement solid and other waste management rules are too frequent and widespread, the CPCB must lay down specific guidelines to deal with the same, throughout India, including the scale of compensation to be recovered from different individuals/authorities, in addition to or as alternative to prosecution. The scale may have slabs, depending on extent of pollution caused, economic viability, etc. Deterrent effect for repeated wrongs may also be provided."*

3.2 Ideology of Environmental Compensation Formula

In compliance of the directions of the Hon'ble Tribunal**,** the Committee deliberated on the issue of environmental compensation to be recovered from individuals/authorities in case of failure of preventing the pollutants being discharged in water bodies and failure to implement solid and other waste management rules. The Committee has suggested that environmental compensation in these cases should be comprised of two components i.e.

1. Cost saved/benefits achieved by the concerned individual/authority by not having proper waste/sewage management system; and
2. Cost to the environment (environmental externality) due to untreated/partially treated waste/sewage because of insufficient capacity of waste/sewage management/treatment facility.

Cost saved/benefits achieved by not having proper waste/sewage management system includes the interest on capital cost of the waste/sewage management facility and daily operation and maintenance (O&M) cost associated with the facility.

The Committee suggested that annual interest rate as 10% on loan amount, borrowed by concerned individual/authority for setting-up waste/sewage management facility, may be assumed as Capital Cost Factor for calculation of environment compensation. Further, as whole O&M cost is saved by concerned individual/authority for not managing required waste/sewage management system, 100% of the O&M cost saved may be considered as O&M cost factor.

Therefore, generalized formula for Environmental Compensation may be described as:

EC= Capital Cost Factor x Marginal Average Capital Cost for Establishment of Waste or Sewage Management or Treatment Facility x (Waste or Sewage Management or Treatment Capacity Gap) + O&M Cost Factor x Marginal Average O&M Cost x (Waste or Sewage Management or Treatment Capacity Gap) x No. of Days for which facility was not available + Environmental Externality

Cost to the environment due to untreated/partially treated waste/sewage discharge by concerned individual/authority may be assumed as recommended by the committee, which is mentioned below:

Table No. 3.1: Environmental externality for untreated/partially treated sewage discharge

Sewage Treatment Capacity Gap (MLD)	Marginal Cost of Environmental Externality (Rs. per MLD/day)	Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)
Up to 200	75	Min. 0.05, Max. 0.10
201-500	85	Min. 0.25, Max. 0.35
501 and above	90	Min. 0.60, Max. 0.80

Table No. 3.2: Environmental externality for improper municipal solid waste management

Municipal Solid Waste Management Capacity Gap (TPD)	Marginal Cost of Environmental Externality (Rs. per ton per day)	Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)
Up to 200	15	Min. 0.01, Max. 0.05
201-500	30	Min. 0.10, Max. 0.15
501-1000	35	Min. 0.25, Max. 0.35
1001-2000	40	Min. 0.50, Max. 0.60
Above 2000	Max. 0.80	

The Committee further decided to fix a cap for minimum and maximum cost for capital and O&M component for Environmental Compensation, which are given in below tables:

Table No. 3.3: Minimum and Maximum EC to be levied for untreated/partially treated sewage discharge

Class of the City/Town	Mega-City	Million-plus City	Class-I City/Town and others
Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 2000 Max. 20000	Min. 1000 Max. 10000	Min. 100 Max. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 2 Max. 20	Min. 1 Max. 10	Min. 0.5 Max. 5

Table No. 3.4: Minimum and Maximum EC to be levied for improper municipal solid waste management

Class of the City/Town	Mega-City	Million-plus City	Class-I City/Town and others
Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 1000 Max. 10000	Min. 500 Max. 5000	Min. 100 Max. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 1.0 Max. 10.0	Min. 0.5 Max. 5.0	Min. 0.1 Max. 1.0

The application of formula for calculation of EC may be further understood with the example of two typical cases.

3.3 Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/Authority:

BIS IS-1172:1993 suggests that for communities with population above 100,000, minimum of 150 to 200 lpcd of water demand is to be supplied. Further, 85% of return rate (CPHEEO Manual on Sewerage and Sewage Treatment Systems, 2013), may be considered for calculation of total sewage generation in a city. CPCB Report on "Performance evaluation of sewage treatment plants under NRCD, 2013", describes that the capital cost for 1 MLD STP ranges from 0.63 Cr. to 3 Cr. and O&M cost is around Rs. 30,000 per month. After detail deliberations, the Committee suggested to assume capital cost for STPs as Rs. 1.75 Cr/MLD (marginal average cost). Further, expected cost for conveyance system is assumed as Rs. 5.55 Cr./MLD (marginal average cost) and annual O&M cost as 10% of the combined capital cost. Population of the city may be taken as per the latest Census of India. Based on these assumptions, Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

EC= Capital Cost Factor x [Marginal Average Capital Cost for Treatment Facility x (Total **Generation-Installed Capacity) + Marginal Average** ***Capital Cost for Conveyance Facility*** **x (*****Total Generation -Operational Capacity)] + O&M Cost Factor x Marginal Average O&M Cost x (Total Generation- Operational Capacity) x No. of Days for which facility was not available + Environmental Externality x No. of Days for which facility was not available***

Alternatively;

EC (Lacs Rs.) = [17.5(Total Sewage Generation – Installed Treatment Capacity) + 55.5(Total Sewage Generation-Operational Capacity)] + 0.2(Sewage Generation-Operational Capacity) x N + Marginal Cost of Environmental Externality x (Total Sewage Generation-Operational Capacity) x N

Where; N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority

Quantity of Sewage is in MLD

Table No. 3.5: Sample calculation for EC to be levied for discharge of untreated/partial treated Sewage

City	Delhi	Agra	Gurugram	Ambala
Population (2011)	1,63,49,831	17,60,285	8,76,969	5,00,774
Class	Mega-City	Million-plus City	Class-I Town	Class-I Town
Sewage Generation (MLD) (*as per the latest data available with CPCB)*	4195	381	486	37
Installed Treatment Capacity (MLD) (as per the latest data available with CPCB)	2500	220	404	45.5
Operational Capacity (MLD) (as per the latest data available with CPCB)	1900	140	300	24.5
Treatment Capacity Gap (MLD)	2295	241	186	12.5
Calculated EC (capital cost component for STPs) in Lacs Rs.	29662.50	2817.50	1435.00	0.00
Calculated EC (capital cost component for Conveyance System) in Lacs. Rs.	127372.50	13375.50	10323.00	693.75
Calculated EC (Total capital cost component) in Lacs Rs.	157035.00	16193.00	11758.00	693.75
Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 2000 Max. 20000	Min. 1000 Max. 10000	Min. 100 Max. 1000	Min. 100 Max. 1000
Final EC (Total Capital Cost Component) in Lacs Rs.	**20000.00**	**10000.00**	**1000.00**	**693.75**
Calculated EC (O&M Component in Lacs Rs./day	459.00	48.20	37.20	2.50
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 2 Max. 20	Min. 1 Max. 10	Min. 0.5 Max. 5	Min. 0.5 Max. 5
Final EC (O&M Component) in Lacs. Rs./Day	**20.00**	**10.00**	**5.00**	**2.50**
Calculated Environmental Externality (Lacs Rs .Per Day)	2.0655	0.2049	0.1395	0.0094
Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)	Min. 0.60 Max. 0.80	Min. 0.25 Max. 0.35	Min. 0.05 Max. 0.10	Min. 0.05 Max. 0.10
Final Environmental Externality (Lacs Rs. Per day)	**0.80**	**0.25**	**0.10**	**0.05**

3.4 Environment Compensation to be Levied on Concerned Individual/Authority for Improper Solid Waste Management:

It is known that estimated MSW generation is approximately 1.5 lakh MT/Day in India (MoHUA Report-2016). As per the principles of SWM Rules, 2016 and PWM Rules 2016, as amended in 2018, the total cost of Municipal Solid Waste management in a city/town includes cost for door to door collection, cost of segregation at source, cost for transportation in segregated manner, cost for processing of MSW and disposal through facility like composting, biomethanation, recycling, co-processing in cement kilns etc.

In view of above, it is estimated that the total cost of processing and treatment of MSW for a city having population size of 1 lakh and generating approximately 50 tons/day of MSW is Rs.15.5 Crores, including capital cost (one time) and O & M cost for one year. The expenditure for subsequent years would be only Rs. 3.5 crores/annum.

CPCB sponsored a survey to ascertain the status of municipal solid waste disposal in 59 cities/towns of India. The survey was conducted by the Environment Protection Training Research Institute (EPTRI), Hyderabad. As per the survey, it is estimated that solid waste generated in small, medium and large cities and towns is about 0.1 kg (Class-III), 0.3-0.4 kg (Class-II) and 0.5 kg (Class-I) per capita per day respectively. The committee opined that 0.6 kg/day, 0.5 kg/day and 0.4 kg/day per capita waste generation may be assumed for mega-cities, million-plus UAs/towns and Class-I UA/Towns respectively for calculation of environmental compensation purposes. Based on these assumptions, Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

EC = Capital Cost Factor x Marginal Average Cost for Waste Management x (Per day waste generation-Per day waste disposed as per the Rules) + O&M Cost Factor x Marginal Average O&M Cost x (Per day waste generation-Per day waste disposed as per the Rules) x Number of days violation took place + Environmental Externality x N

Where;

Waste Quantity in tons per day (TPD)

N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority

Simplifying;

EC (Lacs Rs.) = 2.4(Waste Generation - Waste Disposed as per the Rules) +0.02 (Waste Generation - Waste Disposed as per the Rules) x N + Marginal Cost of Environmental Externality x (Waste Generation - Waste Disposed as per the Rules) x N

Table No. 3.6: Sample calculation for EC to be levied for improper management of Municipal Solid Waste

City	Delhi	Agra	Gurugram	Ambala
Population (2011)	1,63,49,831	17,60,285	8,76,969	5,00,774
Class	Mega-City	Million-plus City	Class-I Town	Class-I Town
Waste Generation (kg. per person per day)	0.6	0.5	0.4	0.4
Waste Generation (TPD)	9809.90	880.14	350.79	200.31
Waste Disposal as per Rules (TPD) (*assumed as 25% of waste generation for sample calculation)*	2452.47	220.04	87.70	50.08
Waste Management Capacity Gap (TPD)	7357.42	660.11	263.09	150.23
Calculated EC (capital cost component) in Lacs. Rs.	17657.82	1584.26	631.42	360.56
Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 1000 Max. 10000	Min. 500 Max. 5000	Min. 100 Max. 1000	Min. 100 Max. 1000
Final EC (capital cost component) in Lacs. Rs.	**10000.00**	**1584.26**	**631.42**	**360.56**
Calculated EC (O&M Component) in Lacs. Rs./Day	147.15	13.20	5.26	3.00
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./Day)	Min. 1.0 Max. 10.0	Min. 0.5 Max. 5.0	Min. 0.1 Max. 1.0	Min. 0.1 Max. 1.0
Final EC (O&M Component) in Lacs. Rs./Day	**10.00**	**5.00**	**1.00**	**1.00**
Calculated Environmental Externality (Lacs Rs. Per Day)	2.58	0.18	0.03	0.02
Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. per day)	Max. 0.80	Min. 0.25 Max. 0.35	Min. 0.01 Max. 0.05	Min. 0.01 Max. 0.05
Final Environmental Externality (Lacs Rs. per day)	**0.80**	**0.25**	**0.03**	**0.02**

3.3 Action Plan for Utilization of Environmental Compensation Fund

EC levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules will be deposited in the same fund and will be utilized in the same manner as mentioned in para 1.4.1 of Chapter-I of this report.

3.4 Recommendations

1. The Committee recommended that to begin with, Environmental Compensation to be recovered from individuals/authorities in case of failure of preventing the pollutants being discharged in water bodies and failure to implement solid waste management rules may be calculated with the methodology described in the report.
2. If mixing of Bio-medical Waste or Hazardous Waste is found in Municipal Solid Waste than capital cost component of EC may be increased by a multiplication factor of 1.5.

3. In order to include deterrent effect for continuous violations, component of O&M and Environmental Externality in EC formula may be increased on exponential basis by 2, 4, and 8 times after every six-months, beyond the time prescribed by authority for ensuring complete treatment of sewage/waste of the city/town.

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Chapter-IV: Environmental Compensation in Case of Illegal Extraction of Ground Water

4.1 Background

The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of Shailesh Singh v/s Central Ground Water Board & Ors. (Original Application No. 327/2018) vide order dated 03/01/2019 **(Annexure-V)** directed Central Pollution Control Board (CPCB) that:

> *"CPCB may constitute a mechanism to deal with individual cases of violation of norms, as existed prior to Notification of 12/12/2018, to determine the environment compensation to be recovered or other coercive measures to be taken, including prosecution, for past illegal extraction of ground water, as per law."*

4.2 Constitution of the Committee

In compliance to Hon'ble NGT dated 03/01/2019, CPCB constituted a committee under the Chairmanship of Shri A. Sudhakar, DH, WQM-I Division with Shri P. K. Gupta, DH, IPC-VI, Shri Vishal Gandhi, Sc. D, UPC-I Division and Smt. Suniti Parashar, Scientist B, WQM-I Division as members. The committee was asked to deliberate on this issue and come up with draft formulation of mechanism to determine the Environmental Compensation for illegal extraction of ground water.

4.3 Methodology for Assessing Environmental Compensation

The committee discussed the issue on 07/02/2019, 07/03/2019 and 20/3/2019. The committee deliberated on the issue of Environmental Compensation to be recovered from individuals/industries such as domestic, packaging drinking water units, mining & infrastructure projects and industrial units in case of illegal extraction of ground water. The Guidelines/Criteria for evaluation of proposals/requests for Ground Water Abstraction, 2015 were also discussed and based on this further formulation to levy Environmental Compensation has been evolved.

4.4 Ideology of Environmental Compensation w.r.to illegal extraction of ground water

Ground water is becoming an increasingly scarce resource because of its unabated and indiscriminate over-exploitation. Growth in ground water exploitation, however, has led to a steep fall in water table in several parts of the country. Use of ground water is becoming unsustainable day by day. The falling water table is a matter of special concern since it tends to reduce the accessibility of the resource to small and marginal farmers due to increase in costs of extractions.

Specific conditions applicable in Notified/Non-Notified areas for various users, as mentioned in Guidelines/Criteria for evaluation of proposals/requests for Ground Water Abstraction, 2015 are given below:

For Notified Areas:

1. Permission to abstract ground water through any energized means will not be accorded for any purpose other than drinking water.

2. Central Ground Water Authority (CGWA) so far has notified 162 areas, in the country for the purpose of regulation of ground water development.
3. Regulation of Ground Water development in Notified areas is through District Administrative Heads assisted by Advisory Committees under the provisions of Section 4 of the Environment (Protection) Act, 1986.
4. In Notified areas, ground water use in individual houses, infrastructure complexes like group housing societies, hospitals, schools etc. and drinking water requirements of workers in industries can be allowed.
5. NOC for ground water withdrawal will be considered only if Water Supplying Department is not providing adequate water in the area/premises. Proof for this is to be produced from the concerned authority by the applicant.
6. For individual houses, the maximum diameter of the tube-well should be restricted to 4 inch only and the capacity of the pump should not exceed 1HP. For infrastructure projects, maximum diameter of the ground water abstraction structures should be restricted to 150 mm (6 inches) only and capacity of the pump should not exceed 5 HP.
7. Any violation of the above conditions will attract legal action under Section 15 of the Environment (Protection) Act, 1986.

For Non-Notified Areas:

NOC for ground water withdrawal will be considered for industries/infrastructure/packaging as per safe, semi critical, critical and over-exploited criteria.

4.5 Formula for Environmental Compensation for illegal extraction of ground water

The committee decided that the formula should be based on water consumption (Pump Yield & Time duration) and rates for imposing Environmental Compensation for violation of illegal abstraction of ground water. The committee has proposed following formula for calculation of Environmental Compensation (EC_{GW}):

EC_{GW}	**=**	**Water Consumption per Day x No. of Days x Environmental Compensation Rate for illegal extraction of ground water (ECR_{GW})**

Where water Consumption is in m^3/day and ECR_{GW} in Rs./m^3

Yield of the pump varies based on the capacity/power of pump, water head etc. For reference purpose, yield of the pump may be assumed as given in **Annexure-VI.**

Time duration will be the period from which pump is operated illegally.

In case of illegal extraction of ground water, quantity of discharge as per the meter reading or as calculated with assumptions of yield and time may be used for calculation of EC_{GW}.

4.6 Environmental Compensation Rate (ECR_{GW}) for illegal use of Ground Water

The committee decided that the Environmental Compensation Rate (ECR_{GW}) for illegal extraction of ground water should increase with increase in water consumption as well as water scarcity in the area. Further, ECR_{GW} are kept relaxed for drinking and domestic use as compared to other uses, considering the basic need of human being.

As per CGWB, safe, semi-critical, critical and over-exploited areas are categorized from the ground water resources point of view (CGWB, 2017). List of safe, semi-critical, critical and over-exploited areas are available on the website of CGWB and can be accessed from- http://cgwa-noc.gov.in/LandingPage/NotifiedAreas/CategorizationOfAssessmentUnits.pdf#ZOOM=150.

Environmental Compensation Rates (ECR_{GW}) for illegal use of ground water (ECR_{GW}) for various purposes such as drinking/domestic use, packaging units, mining and industrial sectors as finalized by the committee are given in tables below:

4.6.1 ECR_{GW} for Drinking and Domestic use:

Drinking and Domestic use means uses of ground water in households, institutional activity, hospitals, commercial complexes, townships etc.

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<2	2 to <5	5 to <25	25 & above
		Environmental Compensation Rate (ECR_{GW}) in Rs./m^3			
1	Safe	4	6	8	10
2	Semi Critical	12	14	16	20
3	Critical	22	24	26	30
4	Over-Exploited	32	34	36	40
Minimum EC_{GW}=Rs 10,000/- (for households) and Rs. 50,000 (for institutional activity, commercial complexes, townships etc.)					

4.6.2 ECR_{GW} for Packaged drinking water units:

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<200	200 to <1000	1000 to <5000	5000 & above
		Environmental Compensation Rate (ECR_{GW}) in Rs./m^3			
1	Safe	12	18	24	30
2	Semi critical	24	36	48	60
3	Critical	36	48	66	90
4	Over-exploited	48	72	96	120
Minimum EC_{GW}=Rs 1,00,000/-					

4.6.3 ECR_{GW} for Mining, Infrastructure and Dewatering Projects

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<200	200 to <1000	1000 to <5000	5000 & above
		Environmental Compensation Rate (ECR_{GW}) in Rs./m^3			
1	Safe	15	21	30	40
2	Semi critical	30	45	60	75
3	Critical	45	60	85	115
4	Over-exploited	60	90	120	150
Minimum EC_{GW}=Rs 1,00,000/-					

4.6.4 ECR_{GW} for Industrial Units:

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<200	200 to <1000	1000 to <5000	5000 & above
		Environmental Compensation Rate (ECR_{GW}) in Rs./m^3			
1	Safe	20	30	40	50
2	Semi critical	40	60	80	100
3	Critical	60	80	110	150
4	Over-exploited	80	120	160	200
Minimum EC_{GW}=Rs 1,00,000/-					

For better understanding of implementation of EC_{GW} policy, some example calculations are given below:

<u>**Example No. 1 (For drinking and domestic Use):**</u>

It is observed that a household in safe zone is extracting ground water illegally from past 2 year and 3 months with the help of 1 HP pump, dia 4 inches and head as 25 meter. It is assumed that the house-owner runs the pump for 0.5 hr/day. What Environmental Compensation (EC_{GW}) will be charged to the owner?

Solution: Pump Yield *(Please refer Annexure-VI)* = 3 m^3/hr

Daily Consumption = 3 x 0.5 =1.5 m^3

ECR_{GW} = 4 Rs./m^3 *(Please refer para 4.6.1)*

EC to be levied = 4 x 1.5 = 6 Rs./day

Total time period = 820 days

Then, EC_{GW}= 6 x 820

Calculated EC_{GW}= 4,920 Rs.

EC_{GW} to be levied = 10,000 Rs. (minimum prescribed EC_{GW}, *please refer para 4.6.1*)

<u>**Example 2 (For Industrial Units):**</u>

It is observed that an industry in critical zone is extracting ground water illegally from past 1 year with the help of 5 HP pump, dia 6 inches and head as 50 meter. It is assumed that the industry runs the pump for 3 hrs/day. What Environmental Compensation (EC_{GW}) will be charged to the owner?

Solution: Pump Yield *(Please refer Annexure-VI)* = 12 m^3/hr

Daily Consumption = 12 x 3 =36 m^3/day

ECR_{GW} = 60 Rs./m^3 *(Please refer para 4.6.4)*

EC to be levied = 60 x 36 = 2,160 Rs./day

Total time period = 365 days

Then, EC_{GW}= 2,160 x 365

EC_{GW}= 7,88,400 Rs.

4.7 Relaxation

Central Ground Water Authority (CGWA) reserves to right to relax or interpret these mechanisms in case of any exigency or situation of National strategic importance, as per Guidelines/Criteria for evaluation of proposals/requests for Ground Water Abstraction, 2015.

4.8 Recommendations

The committee has given following recommendations:

- The minimum Environmental Compensation for illegal extraction of ground water for domestic purpose will be Rs. 10,000, for institutional/commercial use will be 50,000 and for other uses will be 1,00,000.
- In case of fixation of liability, it always lies with current owner of the premises where illegal extraction is taking place.
- Time duration may be assumed to be one year in case where no evidence for period of installation of bore well could be established.
- For Drinking and Domestic use, where metering is not present but storage tank facility is available, minimum water consumption per day may be assumed as similar to the storage capacity of the tank.
- For industrial ground water use, where metering is not available, water consumption may be assumed as per the consent conditions. Further, where in case industry is operating without consent, water consumption may be calculated based on the plant capacity (on the recommendation of SPCB/PCC, if required). SPCB/PCC may bring the issue of illegal extraction of ground water in industries in to the notice of CGWA for appropriate action by CGWA.
- Authorities assigned for levy EC and taking penal action are listed below:

S. No.	Actions	Authority
1.	To seal the illegal bore-well/tube-well to stop extraction of water and further closure of project	District Collector
2.	To levy EC_{GW} as per prescribed method	District Collector, CGWA
3.	To levy EC on water pollution, as per the method prescribed in report of CPCB- “EC on industrial pollution”	CPCB/SPCB/PCC
4.	Prosecution of violator	CGWA under EP Act
		SPCB/PCC under Air and Water Act

- CGWA may maintain a separate account for collection and utilization of fund, collected through the prescribed methodology in this report.

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Annexure-I

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 593/2017
(W.P. (Civil) No. 375/2012)

In the matter of:

Paryavaran Suraksha Samiti & Anr.
Vs.
Union of India & Ors.

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

Present:	Applicant:	Mr. Rohit Prajapati, Applicant in person
	Amicus Curiae:	Mr. Jai A. Dehadrai, Adv.
	Respondent Nos.	Mr. Nishe Rajan Shonker, Adv. for State of Kerala Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar Mr. Sandeep Mishra Advs. for GNCTD Mr. Anil Shrivastava Mr Rituraj Bswas and Ms. Sujaya Bardhan, Advs. for State of Arunachal Pradesh Mr. Jogy Scaria, Ms. Beena Victor, Advs. for Kerala State Pollution Control Board Mr. Avijit Roy, Adv. for Assam Pollution Control Board Mr. Leishangthem Roshmani Kh, Ms. Maibam Babina, Advs. for State of Manipur Mr. Nikhil Nayyar, Mr. Dhananjay Baijal, Advs. for APPCB and TSPCB Mr. Mukesh Verma, Adv. Mr. Tarunvir Singh Khehar, Adv., Mr. Sandeep Mishra and Ms. Guneet Khehar, Adv. Mr. Dinesh Jindal, LO for DPCC Ms. Aruna Mathur, Mr. Avneesh Arputham, Ms. Simraj Jeet and Ms. Anuradha Arputham, Advs. for State of Sikkim Mr. Raja Chatterjee, Mr. Piyush Sachdev, Ms. Abhinandini Yadav, Advs. and Advs. for State of WB Mr. Edward Belho, AAG, Mr. K. Luikang Michael and Ms. Hoineithiam, Advs. for State of Nagaland Ms. Enatoli Sema, Adv. for State of Nagaland and Pollution Control Board Mr. M. Paikaray and Mr. A.K. Panda, Advs. for SPCB, Odisha Mr. Dhruv Pal, Adv. for State of Gujarat Mr. V.K. Shukla, Adv. for State of MP Mr. Jayesh Gaurav, Adv. for R-47 Mr. Tayenjam Momo Singh, Adv. for Meghalaya Pollution Control Board Mr. Shlok Chandra and Mr. Ritesh Kumar Sharma, Advs. Mr. Gautam Singh and Mr. Shoeab Alam, Advs. for State of Bihar Ms. Aprajita Mukherjee, Adv. Ms. G. Indira, Adv. for UT of Andaman & Nicobar Mr. Balendu Shekhar, Mr. Sriansh Prakash and Mr. Rajkumar Maurya, Advs. for Ministry of Environment, Forest and Climate Change Ms. Puja Kalra, Adv. for SDMC & NDMC Mr. Anil Grover, AAG, Mr. Rahul Khurana and Mr. Mishal Vij, Advs. for State of Haryana and HSPCB

Ms. Yogmaya Agnihotri, Adv. and Ms. Prity, Adv. for CECB
Ms. Sakshi Popli, Adv. for Ministry of Environment, Forest and Climate Change
Mr. Shuvodeep Roy, Adv. and Mr. Rituraj Biswas, Adv. for State of Tripura & Tripura Pollution Control Board
Mr. Shashank Bajpai and Mr. Shakun S. Shukla, Advs. for State of Odisha
Ms. Asha Nayar Basu and Ms. Aradhita Ghosh Mandal, Advs.
Ms. Priyanka Sinha, Adv. for State of Jharkhand
Mr. Rajul Shrivastav, Adv. for MPPCB
Mr. Pradeep Misra and Mr. Daleep Dhyani Advs. for UPPCB
Mr. R. Rakesh Sharma and Mr. V. Mowli, Advs. for State of TN & TNPCB
Mr. Shubham Bhalla, Adv.
Mr. Shiv Mangal Sharma, AAG, Mr. Saurabh Rajpal, Mr. Adhiraj Singh, Ms.Shikha Sandhu and Mr. Vikrmjeet singh, Advs. for State of Rajasthan and Pollution Control Board
Mr. G. M. Kawoosa, Adv. for State of J & K
Mr. Divya Prakash Pande, Adv. For HPSPCB
Mr. Manish Kumar, Adv.

	Date and Remarks	Orders of the Tribunal
	Item No. 12 **August 03, 2018** **A**	1. This matter was taken by this Tribunal in furtherance to the orders of the Hon'ble Supreme Court dated 22.02.2017 *Paryavaran Suraksha Samiti Vs. Union of India* (2017) 5 SCC 326, establishment and functioning of ETPs/CETP/STPs. 2. Vide order dated 25.05.2017, Notice was issued to Central Pollution Control Board and all the States Pollution Control Boards/Committees and the Ministry of Environment, Forest and Climate Change. They were directed to file status-cum-compliance report in terms of the orders of the Hon'ble Supreme Court. Accordingly, various status reports have been filed. An affidavit has been filed by the Ministry of Environment, Forest and Climate Change dated 04th July, 2017 stating as follows: *"4. That the answering Respondent is engaged in policy formulation, prescribing standards and its implementation through the Central Pollution Control Board (CPCB), State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs) for UTs. This Ministry has written to all SPCBs and PCCs as well as to CPCB to ensure compliance of the judgment of the Hon'ble Supreme Court and to submit detailed compliance report.*

2

	Item No. 12 **August 03, 2018** **A**	*5. That the CPCB has also followed up with all SPCBs and PCCs through letters and review meetings to ensure compliance of the aforementioned judgment and that the matter was also discussed in the 62nd Conference of the Chairmen and Member Secretaries of SPCBs and PCCs held on 27.06.2017. That 26 SPCBs/PCCs have submitted the compliance report, which has been summarized at* ***Annexure-I****.* *6. That the CPCB has also carried out inspections of 17 categories of industries to verify compliance with its directions issued on online effluent/emission monitoring system and to cross-verify online results with manual sampling. During February-June, 2017, 64 industries were inspected and directions under section 5 of the Environment (Protection) Act, 1986 have been issued to 24 non-complying industries; 18 industries were complying; 8 were found closed and inspection reports of 14 industries are under process.* *7. That the CPCB and NMCG through 11 technical institutions, inspected 751 industries located in the River Ganga main stem during March-April, 2017 to verify the status of installation and connectivity of industries discharging effluents as well as their compliance with the standards. Closure directions have been issued to 154 industries; show cause notices issue to 36 industries; 149 industries were found complying and direction issued to 91 self-closed Grossly Polluting Industries (GPI) to remain closed; 93 GPI units were found closed as per directions; 38 GPI units found operational in violation of closure directions and inspection reports of 190 industries are under process".* 3. We have heard learned Amicus Curiae Sh. Jai A. Dehadrai and the learned counsel for Ministry of Environment, Forest and Climate Change, Central Pollution Control Board, various State Pollution Control Boards and the Pollution Control Committees. 4. Learned Amicus Curiae has drawn our attention to orders dated 04.07.2017, 18.09.2017 and 11.10.2017 of the Tribunal directing the State Pollution Control Boards to file a statement as to how many Industrial Units discharging trade effluents or causing emissions exist in the State, how many are having their own STPs, ETPs and/or connected to Common Effluent Treatment Plant

3

	Item No. 12 **August 03, 2018** **A**	(CETP), whether any such CETP or ETP or STP is properly functioning and treating the effluents as per prescribed limits or not. 5. Learned Amicus Curiae submitted that contamination of water due to industrial effluents can lead to various diseases and adverse consequences on the aquatic organism due to decreased level of oxygen. The use of technology can help reduction of adverse consequences. However, the best solution is to prevent pollution by soil conservation and proper disposal of toxics and chemicals which may include chemical recycling. 6. Having monitored the matter for the last more than one year on several dates, we are of the view that the matter requires continuous monitoring by statutory authorities as per directions which we proceed to issue today. (i) We direct the Central Pollution Control Board (CPCB) to forthwith prepare an action plan after looking into all the status reports. The action plans must have mechanism to ensure compliance or all the directions in the order of the Hon'ble Supreme Court. To enable this to be done, a Nodal officer must be identified to deal with the issue of CETPs/ ETPs/STPs. (ii) A representative of the Ministry of Environment, Forest and Climate Change may be associated with the Nodal Officer of the CETP for monitoring. The Monitoring by the said two officers- the representative of the MoEF and the Nodal Officer of the CPCB must be held atleast once in a month and on the basis of such meeting and the feedback taken further follow up action must be taken and

	Item No. 12 August 03, 2018 A	appropriate directions issued. This process may be a continuous process. (iii) It must be ensured that STPs, CETPs and ETPs are functional and meet the requisite standards. (iv) There is already a direction in the above judgment under which 50% of the funds for the purpose are to be provided by the Central Government, 25% by the States and remaining 25% to be arranged by way of loans which is to be re-paid by the user industries. Local bodies and the States have duties as clearly stipulated in the judgment. There has to be online monitoring system by each State to display emission levels in public domain in terms of paragraph 17 of the order of the Hon'ble Supreme Court. (v) A report of the steps taken may be placed on the website of the Central Pollution Control Board atleast once in three months. Deficiencies if any may also be so displayed. (vi) The Central Pollution Control Board may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs Central Pollution Control Board may also assess and recover compensation for damage to the environment and the said fund be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the Central Pollution Control Board within three months from today. (vii) A compliance report in terms of the above order may be furnished to this Tribunal within four months from today by e-mail at filing.ngt@gmail.com.

5

		(7) Proceedings are disposed of.
	Item No. 12 **August 03, 2018** **A**	However, the report received from the Central Pollution Control Board may be placed for consideration before this Tribunal on 04.09.2018. We place on record our appreciation for the services rendered by the learned Amicus Curiae. ……………………………………, CP (Adarsh Kumar Goel) ……………………………………, JM (Dr. Jawad Rahim) ……………………………………,JM (S.P. Wangdi) ……………………………………,EM (Dr. Nagin Nanda) 03.08.2018

6

Annexure-II

Comments Received from Various RDs on Draft Report for Environmental Compensation

Annexure-II

S. No.	Item	RD Kolkata	RD Vadodara	RD Bengaluru	RD Lucknow	Committee Deliberations
1	**Case- a, b & c**	Bypassing of effluent/emission should be given special consideration. EC levied on ROG categories of industries should be on the basis of inspection by CPCB, complaint verification and routine inspection.	Instead of "Compensation", "Penalty" word should be used. In case common facilities like CETPs, factor may be introduced based on member industries. Clarify the applicability of penalty in addition to closure directions for pro-longed and gross non-compliance.			The Committee discussed that the points highlighted by RD Kolkata are already the part of cases fit for violation and levy environmental compensation. However, as mentioned by RD Vadodara, word "Penalty" may be used for case a, b and c. For CETPs, a factor may be considered in future based on the capacity of the plant.
2	**Case- d, e & f**	Higher rates for irreparable damages crop, soil, health etc. Leakages/spillage should have different compensation value.	It should be mentioned that instances d, e & f shall be dealt for environmental compensation in line with the polluter pays principle, besides of environmental penalty for cases a, b and c.	Similar to 'Guidelines on Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty', Guidelines may be prepared.		Suggestions made by RD Kolkata and Vadodara has already been taken care. Concept of environmental compensation is based on the philosophy of "polluters pay" and for grieve injury to environment, compensation will be charged as per the assessment of remediation cost, on case to case basis.
3	**Pollution Index (PI)**			Instead of average PI, Actual PI may be used.		Committee suggested that to make the implementation of EC simple and easy, use of average PI may be considered for calculation of EC.
4	**R-factor**	Should be based on pollution load. For ex. Amount of BOD/NOx etc. discharged.		May be classified based on the contribution of pollution load based on quantity of effluent, concentration, emissions	May be as per the category of industry, for ex. Red-500, Orange-300, Green-100.	As PI is based on the pollution load, suggestion of RDs are already taken care in the formula.
5	**L-factor**			May be redefined based on the features, activities involved and habitation.		L-factor may be covered in future as already indicated in the report.

S. No.	Item	RD Kolkata	RD Vadodara	RD Bengaluru	RD Lucknow	Committee Deliberations
6	**Defining period of violations for which EC will be levied**		Duration of violations needs more clarity.	For industry having OCEMS, no. of days may be counted based on the recorded data. Industry without OCEMS- based on break down of ETP/APCD, disturbance of power supply or any failure of auxiliary machineries w.r.t. control system.	May be clearly defined as the period between the day of violation observed and the day of compliance verified by CPCB/SPCB/PCC.	The committee agreed that period of violation for which EC may be levied will be the period between the day of violation observed and the day of compliance verified by CPCB/SPCB/PCC.
7	**Repeated Violations**		Some number of days may be specified after which the penalty amount may get a factor of 1.5 or 2.		Multiplying factor for repeated violations may be included. For ex. 1st Repetition- 25% 2nd Repetition- 50% 3rd Repetition- 100%	For habitual offenders, higher amount of penalty/compensation may be charged in future.
8	**Utilization of fund**	An environmental damage assessment cell may be created. Expertise in the field may be achieved by involving scientist/engineers and providing them training in country/abroad.	Amount should not be utilized for a) Industrial Inspections for compliance verification, b) Installation of Continuous water quality monitoring stations / Continuous ambient air quality monitoring stations for strengthening of existing monitoring network, c) Preparation of Comprehensive Industry Documents on Industrial Sectors / clean technology f) Funding to financially weaker municipalities for installation of STPs The amount should be utilized solely for damage assessment, remediation of affected sites, orphan contaminated sites and creating awareness. The purpose should not get inclined towards revenue generation.			RD Vadodara suggested that amount should be utilized only for remediation purpose. However, committee discussed that the proposal for utilization of fund is prepared considering the other aspects (i.e. direct and indirect) for protection of environment, which include research, monitoring etc. Suggestion of RD Kolkata may be considered in future.

			Thus, the functional fabric of CPCB shall remain intact.			
9	**Others**	Higher EC for non-installation of pollution control measures. Expected sources should have different scoring methodology based on their weightage.				The committee discussed that CPCB is already taking appropriate action including closure direction against the industries found operating without pollution control measures.

Annexure-III

Comments Received from Various Expert Institutions on the Report on Environmental Compensation

As per the Hon'ble NGT suggestion, CPCB has invited comments of 3 expert institution, namely, Centre for Science and Environment (CSE), Institute of Economic Growth (IEG) and The Energy Research Institute (TERI). The CPCB in-house committee on Environmental Compensation has deliberated on the comments and finalized the report accordingly. The Committee's deliberations are summarized in table below:

S. No.	Item	Comments from TERI	Comments of CSE	Comments of IEG	Committee's Deliberations
1	**Cases d, e and f**	Distinction between categories "a, b, c" and "d, e, f" is not clear. Case specific investigations should be minimized. Proposed cases deals separately with intentional and accidental cases but sometimes they are not easy to establish.	-	Why cases 'e' and 'f' are left for later remediation and study?	There may be a varied damage to the environment as considered in cases 'e' and 'f'. Such damage assessment requires detailed case specific study and remediation measures. Therefore, whenever such case comes into the notice, Environmental Compensation may be levied based on the detailed investigation made by Expert Institutions/Organizations.
2	**R-factor**	-	R-factor should be Rs. 1,000/day.	Why R-factor is kept as 250, although the value ranges between 100 to 500?	In the Environmental Compensation policy, average value of the R-factor as 250 is recommended, keeping in view both its practicability as well as to make it significantly deterrent, which may be further revised in future.
3	**L-factor**	-	L-factor should be based on the population density of surroundings, instead of population of the nearby city/town. For critically polluted areas/ ecologically fragile areas LF should be considered as 2.	For nearby city, having population less than 1 million, the LF is 1. This implies that we care only for populated regions only. Industries located in critically polluted and ecologically fragile area should be closed down.	Population density for surrounding of industrial units will be complex because it will vary depending on area used in calculation of population density as industrial units are generally away from population. More weightage is given to the higher population exposure to the risk. In case the industry is located in the city of population less than one million than the LF Factor will be 1. Depending on the local environmental conditions, the restrictions on expansion and modernization of industries in critically polluted areas are imposed as per the prevailing policy of the Government of India. Similarly, industries in ecologically fragile areas are permitted after careful examination, as per prevailing policy of MoEFCC/SPCB, The Committee agreed that for notified ecologically fragile areas, LF may be considered as 2. However, LF for critically polluted areas may be explored in future.

S. No.	Item		Comments of CSE	Comments of IEG	Committee's Deliberations
4	**S-factor**	Classification of industries should be based on profit/ turnover basis.	S-factor should be based on the turn-over of the industrial unit.	-	Presently industrial units are classified into small, medium and large category (MSME Act, 2006) based on the data of assets/infrastructure available with them. The data for **profit/**turnover of industrial units are not available with SPCBs/PCCs and S-factor based on **profit/**turnover will complicate the procedure for calculation of EC. This may be considered in future when SPCBs/PCCs will have such type of data.
5	**Level of non-compliance**	Pollution Index does not measure the level of pollution. Further, averaging PI eliminates the variation in the nature/ impact of pollution that PI tries to capture. Further, the Red Category itself is too wide and some sort of sub-classification should be undertaken The rate of the penalty should increase with the period of violation. The penalty should increase exponentially in case of repeated violations. The objective should be that units should choose to shut down operations when violations cannot be brought under control in the specified time.	For different level of non-compliance such as gross, moderate and low, a factor for 'intensity of violation', IV-factor should be incorporated in the formula.	-	Pollution Index (PI) itself covers the potential of environmental pollution as its calculation considers variation in pollution load. The industrial sectors have been categorized into Red, Orange and Green, based on their Pollution Index in the range of 60 to 100, 41 to 59 and 21 to 40, respectively. As PI is not available for all the industrial sectors, calculating PI for rest of the sectors will delay the processing. Therefore, for calculating the Environmental Compensation average PI as 80, 50 and 30 may be used for Red, Orange and Green category of industries, respectively. To keep the formula simple for better implementation, the IV factor may not be considered as there are different environmental parameters such as environmental standards and for each standard calculation of level of violation and its weightage will be a tedious task, which may bring difficulty in implementation of EC concept. The Committee has agreed that in order to include deterrent effect for repeated violations, EC may be increased on exponential basis, i.e. by 2, 4 and 8 times on each similar violation. Further, if the violator continues its operations beyond 3 months then EC may be increased by 2, 4 and 8 times for 2^{nd}, 3^{rd} and 4^{th} quarter, respectively. Besides EC, industry may be prosecuted or closure directions may be issued, whenever required. EC is not a substitute for taking actions under EP Act, Water Act or Air Act. In fact, units found polluting should be closed/prosecuted as per the Acts.
6	**Utilization of fund**	Funds may be utilized for building monitoring and enforcement capacity of SPCBs and strengthening the pollution compliance especially in the MSME sector.	-	Incentives to regulators where no violations are observed and incentives to public for reporting violations may be provided.	Scheme of infrastructure augmentation of Urban Local Bodies (ULBs) /capacity building of SPCBs/PCCs is already covered in the report Further, schemes such as incentives to regulators where no violations are observed and incentives to public for reporting violations may be considered separately.

S. No.	Item		Comments of CSE	Comments of IEG	Committee's Deliberations
7	**GRAP**	-	-	Size of the construction sites more than 20,000 sqm. area are considered for EC. Although, small sites cumulatively impact significantly. Illegal dumping of municipal solid waste regardless of the place should be penalized.	As per the EIA Notification, 2006, building construction projects more than 20,000 sqm. area are required to have environmental clearance, therefore, the same cut-off is maintained here. Issue of Illegal dumping of municipal solid waste is being covered in separate report of EC.
8	**Others: (a)**	Severity of violations should be measured in terms of hours of violation because for some pollutants even a few hours of violation can have serious environmental and health consequences. This would require continuous monitoring of stacks, which is not the case presently for most units. Therefore, continuous monitoring should be implemented urgently, to begin with for all red and orange categories.	-	-	Currently, online continuous effluent/emission monitoring system (OCEMS) is installed in only in 17 categories of highly polluting industries and some other industrial sectors. Further, in current practice the compliance of industries is only verified by physical monitoring and compensation may be imposed based on the manual testing. The idea of measurement of violation on hourly basis may be considered in future, when OCEMS is widely installed and included in policy.
	(b)	CETP should be categorized under Red Category of industries. Some sub-classification should be undertaken under red categories of industries.	-	-	CETPs are already categorized under Red Category of Industries
	(c)	Based on the spirit behind the proposed charge, it should therefore be called an "environmental penalty" rather than "environmental compensation".	-	-	The power of imposing "Penalty" lies in the jurisdiction of the Hon'ble Courts and NGT only. The CPCB is empowered to levy environmental compensation by the Hon'ble NGT in its order dated 03.08.2018 (OA No.593/2017). Therefore, term "Environmental Penalty" is avoidable.

Annexure-IV

Item Nos. 01 & 02 | Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 125/2017
(M.A. No. 1337/2018)
With
Original Application No. 217/2017
(M.A. Nos. 761/2017, 1073/2017,
1098/2017 & 1471/2017)

Court on its own Motion | Applicant(s)
Versus
State of Karnataka | Respondent(s)

With

D. Kupendra Reddy | Applicant(s)
Versus
State of Karnataka | Respondent(s)

Date of hearing: 06.12.2018

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

Original Application No. 125/2017
(M.A. No. 1337/2018)

For Applicant(s): Mr. Sajan Poovayya, Sr. Advocate and Mr. Saransh Jain, Advocate for impleaded applicant – Namma Bengluru Foundation
Mr. Vikram Hegde, Advocate for impleaded applicant

For Respondents (s): Mr. Devraj Ashok, Advocate
Mr. Rajkumar, Advocate and Ms. Sonia, LA
Ms. Nidhi Mehrotra, Advocate

Original Application No. 217/2017
(M.A. Nos. 761/2017, 1073/2017,
1098/2017 & 1471/2017)

For Applicant(s): Ms. Guneet Khehar, Mr. Tarunvir Singh Khehar, Mr. P. Ramaprakash and Mr. Sandeep Mishra, Advocates

For Respondents (s): Dr. Abhishek Atrey, Advocate
Mr. Rajkumar, Advocate and Ms. Sonia, LA

ORDER

1. The issue for consideration in the two matters, one initiated by the Tribunal on its own motion and the other filed by an individual relates to contamination of water bodies at Bengaluru - Bellandur lake, Agara lake and Varthur lake *inter-alia*, on account of discharge of untreated sewage and other effluents from

their performance should be recorded and considered favourably or otherwise for their career progression.

xv. Similar exercise as (xiv) may be undertaken to identify officers responsible for failure in the past. Such exercise may be completed within three months from today.

xvi. Since failure of preventing the pollutants being discharged in water bodies (including lakes) and failure to implement solid and other waste management rules are too frequent and widespread, the CPCB must lay down specific guidelines to deal with the same, throughout India, including the scale of compensation to be recovered from different individuals/authorities, in addition to or as alternative to prosecution. The scale may have slabs, depending on extent of pollution caused, economic viability, etc. Deterrent effect for repeated wrongs may also be provided.

xvii. MoEF&CC may specify limit for phosphorus in soaps and detergents to prevent damage to the environment and public health.

27. The above amount in the present case has been determined having regard to the estimated cost of setting up of STPs, based on the data available, which has been assessed with the assistance of the learned Counsel for the parties.

28. We have nominated Justice Santosh Hegde on information being provided during the hearing that he is agreeable to undertake the above job.

29. Justice Hegde will be entitled to a token honorarium of Rs. 2.5 Lakh per month from the date he assumes the charge. Justice Hegde will be entitled to assistance of persons of his choice for which remuneration will be paid by the SPCB, Karnataka as may be determined by Justice Hegde.

Annexure-V

Item Nos. 1 to 11 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 176/2015
(M.A. No. 1332/2015)
&
Original Application No. 59/2012
(M.A. No. 34/2016 & M.A. No. 190/2016)
&
Original Application No. 108/2013
(M.A. No. 489/2015)
&
Original Application No. 179/2013
(M.A. No. 866/2014 & M.A. NO. 644/2015)
&
Appeal No. 67/2015
(M.A. No. 652/2015)
And

Original Application No. 484/2015
(M.A. No. 155/2017, M.A. No. 567/2017
& M.A. No. 927/2017)
And
Original Application No. 327/2018
(M. A. No. 1282/2018)
And
Original Application No. 115/2017
(M.A. No. 442/2017)
And
Original Application No. 411 of 2018
And
Original Application No. 613/2017
And
Original Application No. 614/2017

Shailesh Singh Respondent(s)
Versus
Hotel Holiday Regency, Moradabad & Ors. Applicant(s)
With

Legal Aid, National Green Tribunal Bar Association
Applicant(s)
Versus
NCT of Delhi & Ors. Respondent(s)
With
Raj Hans Bansal Applicant(s)
Versus
Ministry of Water Resources & Ors. Respondent(s)
With
Apex Chambers of Commerce and
Industries of N.C.T. of Delhi & Ors. Applicant(s)
Versus
Govt. of NCT Delhi & Ors. Respondent(s)
With
Vikrant Tongad Applicant(s)

Versus

Union of India & Ors.	Respondent(s)
With	
Shailesh Singh	Applicant(s)
Versus	
Hotel The Oberoi Amarvilas & Ors.	Respondent(s)
With	
Shailesh Singh	Applicant(s)
Versus	
Panchsheel Buildtech Pvt. Ltd. & Ors.	Respondent(s)
With	
Shailesh Singh	Applicant(s)
Versus	
Central Ground Water Board & Ors.	Respondent(s)
With	
M/s A-One Mineral Water Industry	Applicant(s)
Versus	
Central Ground Water Authority & Ors.	Respondent(s)
With	
Mohd. Javed Asghar	Applicant(s)
Versus	
M/s Upper Ganges Sugar and Industries Ltd. (Distillery Unit) & Ors.	Respondent(s)
With	
Mohd. Javed Asghar	Applicant(s)
Versus	
State of U.P. & Ors.	Respondent(s)

Hearing concluded on: 18.12.2018
Order uploaded on: 03.01.2019

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

For Applicant(s): Mr. Raj Pajwani, Senior Advocate and Mr. Rahul Choudhary, Advocate (In O.A. Nos. 59/2012 & 108/2013)
Ms. Preeti Singh, Mr. S. Porwal, Mr. Shivam Jaiswal, Advocates (In O.A. Nos. 176/2015, 484/2015, 327/2018 & 115/2017)
Mr. Amrendra Kumar Dubey, Advocate (O.A. No. 411/2018

For Respondent (s): Ms. Sakshi Popli, Advocate for DJB (O.A. No. 59/2012)
Mr. Sumeet Pushkarna, Mr. Devanshu, Advocates with Mr. Sudhir Chauhan, E.E., Delhi Jal Board (O.A. No. 108/2013)
Mr. Ajay Jain, Advocate for GNCTD
Mr. Ardhendumauli Kumar Prasad, Mr. Shashank Saxena, Ms. Diksha Gera, Mr. Amritesh Raj, Advocates for CGWA
Mr. Pradeep Mishra, Mr. Daleep Dhyani, Advocates for UPPCB
Ms. Sakshi Popli, Advocate for NDMC
Mr. Amit Tiwari, Mr. Rohit Pratap Singh, Advocates for State of UP

appropriate mechanism can be introduced consistent with the needs of environment.

29. The MoEF&CC is directed to constitute an Expert Committee by including representatives from IIT Delhi, IIT Roorkee, IIM Ahmedabad, CPCB, NITI Ayog and any other concerned agency or department to examine the issue of appropriate policy for conservation of ground water with a robust institutional mechanism for surveillance and monitoring with a view to enhance access to ground water for drinking purposes in OCS areas by way of appropriate replenishment practices which can be properly accounted and measured for as well as to sustain the floodplains of rivers in terms of e-flows and other water bodies. The MoEF & CC and MoWR may finalize the issue of subject remain *inter-se* with regard to ground water reserve and its quality.

30. The Committee may be constituted in two weeks and report of the Committee may be furnished to the MoEF &CC and this Tribunal in two months by e-mail at ngt.filing@gmail.com.

31. The Committee may also indicate the projection of its impact study in light of projected data for the next 50 years (in phased manner with action plan for each decade). Thereafter, fresh guidelines be issued by the concerned Ministry and the report furnished to the Tribunal on or before 30.04.2019.

32. The CPCB may constitute a mechanism to deal with individual cases of violations of norms, as existed prior to Notification of 12.12.2018, to determine the environment compensation to be recovered or other coercive measures to be taken, including prosecution, for past illegal extraction of ground water, as per

law. All the matters relating to illegal extraction of ground water by individuals are disposed of with these directions.

33. The Expert Committee report, the new policy and challenge to orders of authorities, if any, will be considered on the next date.

The matter be put up for above consideration in the first week of May, 2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

January 03, 2019
Original Application No. 176/2015
(M.A. No. 1332/2015) and other connected matters
AK

NATIONAL GREEN TRIBUNAL, NEW DELHI

Annexure-VI

CRITERIA TO CALCULATE WATER CONSUMPTION

Table 1: Discharge of 4" Dia and 1 HP Pump

Sl. No.	Depth (Meter)	Discharge	
		LPM	m^3/hr
1	25	50	3
2	43	40	2.4
3	59	30	1.8
4	69	20	1.2
5	77	10	0.6

Table 2: Discharge of 4" Dia and 2 HP Pump

Sl. No.	Depth (Meter)	Discharge	
		LPM	m^3/hr
1	60	50	3
2	98	40	2.4
3	124	30	1.8
4	141	20	1.2
5	165	10	0.6

Table 3: Discharge of 6" Dia and 3 HP Pump

Sl. No.	Depth (Meter)	Discharge	
		LPM	m^3/hr
1	17	200	12
2	29	175	10.5
3	41	150	9
4	50	130	7.8
5	62	100	6

Table 4: Discharge of 6" Dia and 5 HP Pump

Sl. No.	Depth (Meter)	Discharge	
		LPM	m^3/hr
1	26	225	13.5
2	50	200	12
3	70	175	10.5
4	86	150	9
5	92	140	8.4

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