

Nagar Panchayat Bhota Draft /Model Plastic Waste (Management and Handling) Bye-Laws, 2014."

Notification

No.

Dated:-

In compliance to the Hon'ble High Court dated 26-12-2013 passed in CWP No. 1732/2010 along with other CWPs, the following Plastic Waste Bye-Laws, 2014 made by the NP in exercise of the power conferred by Section 217 and section 219 read with clause d) (v) of sub section (1) of Section 202 of the Himachal Pradesh Municipal Act , 1994 (Act No. 13 of 1994) and para (3) of clause G of Sub Section (1) of Section 395 and 397 of the Himachal Pradesh Municipal Council Act, 1004 as amended from time to time are hereby published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye-Laws shall be considered by the NP after expiry of a period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

If any person, likely to be affected by these draft bye-laws has any objection (s) against these draft rules , he may sent the written objections to the Executive Officer / Secretary of concerned ULB, within the aforesaid period.

Objections, if any, received within the period as specified above , shall be taken into consideration by the MC before finalizing these Bye-Laws namely:- "NP Bhota (Management and Handling) of Plastic Waste Bye-Laws, 2014."

Preliminary

1. Short title, commencement and application:-

- (i) These Bye-Laws may be called, "NP Bhota Plastic Waste (Management and Handling) Bye – Laws, 2014."
- (ii) These Bye-Laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.
- (iii) These Bye-Laws shall be applicable within the jurisdiction of "NP Bhota as defined from time to time.

2. Definitions:-

(1) In these Bye-Laws, unless the context otherwise requires:-

(a) "Act" means the H.P. Municipal Council Act, 1994 (Act No. 12) /H.P. Municipal

Act, 1994 (13 of 1994) and Environment (Protection) Act, 1986 (29 of 1986);

- (b) **“Authorized Officer”** means any officer / official duly authorized by the Municipality under these Bye-Laws;
- (c) **“Carry bags”** means all plastic bags used to carry commodities, including self carrying features;
- (d) **“Compostable plastics”** means plastic that undergoes degradation by biological process during composting to yield CO₂ water, inorganic compounds and biomass at a rate consistent with other known compostable materials and does not leave visible, distinguishable or toxic residue;
- (e) **“Disintegration”** means the physical breakdown of a material into very small fragments;
- (f) **“Extended Producer’s Responsibility (EPR)”** means the responsibility of a producer or a manufacturer of plastic carry bags and multilayered plastics, pouches or packages for the environmentally sound management of the product until the end of its life. This responsibility also applies to all manufactures using such packaging;
- (g) **“Manufacturer”** means any producer who manufactures plastic carry bags, multilayered packing, pouches and the like or uses such materials in packing of a product;
- (h) **“Municipality”** means an institution of Self Government constitutes as a Nagar Panchayat or Municipal Council under this Act or any other local body constituted under the relevant statutes and, where the management and handling of municipal solid waste is entrusted to such agency;
- (i) **“Multilayered Plastics”** means any material having a combination of more than one layer or packing material such as paper, paper board, polymeric materials, metalized layers or aluminum foil, either in the form of a laminate or co- extruded structure;
- (j) **“Occupier”** includes any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable and also include a tenant;

- (k) **“Plastic”** means material which contain as an essential ingredient a high polymer and which at some stage in its processing into finished products can be shaped by flow;
- (l) **“Plastic Waste”** means any plastic product such as carry bags, pouches or multilayered packing, which have been discarded after use or after their intended life is over;
- (m) **“Registration”** means registration of units manufacturing or recycling carry bags made of virgin or recycled plastics with the concerned State Pollution Control Board or Pollution Control Committee, as the case may be , within the jurisdiction of the Municipality;
- (n) **“Rule”** means the rules made under the H.P. Municipal Act, 1994 (Act No. 12)/ H.P. Municipal Act, 1994 (13 of 1994) and Environment (Protection) Act, 1986 (29 of 1986);
- (o) **“Section”** means section of the Act;
- (p) **“Virgin Plastic”** means plastic material which has not been subjected to use earlier and has also not been blended with scrap or waste;
- (q) **“Waste management”** means the scientific reduction, re-use, recovery, recycling, composting or disposal of plastic waste;
- (r) **“Waste pickers”** means individuals or groups of individuals engaged in the

collection of plastic waste.

(2) All other words and expressions used in these Bye-Laws, but not defined, shall have the same meaning as are assigned them in the Act or Rules framed there under.

(3) **Prescribed Authority:-** for enforcement of the provisions of these Bye-Laws relating to the use, collection, segregation, transportation and disposal of post consumer plastic waste shall be the concerned municipality and its authorized officer / official, as the case may be.

(4) **Generation of Plastic Waste:-**

(1) The Municipality may assess the quantum of post consumer plastic waste generated through delineating high, mid and low waste generating areas within its jurisdiction and conducting waste audit in the manner as provided under Bye-Laws 9.

(2) The municipality may ask manufacturers, distributors and other person who produce or handle commodities for plastic quantum within its jurisdiction and also with respect to type , size , labeling and composition of packaging.

5. **Segregation of Plastic Waste:-**

(1) Municipality shall ensure post consumer plastic waste through primary or secondary segregation from the waste stream.

- (2) No owner or occupier of any premises shall keep or allow to be kept staking or deposits of post consumer plastic waste which is likely to occasion a nuisance or is likely to be dangerous to health and environment.

6. Plastic Waste Management Centers (PWMC):-

- (1) Municipality shall be responsible for setting up, operationalisation and coordination of the plastic waste management system ensuring collection, storage, transportation, treatment, disposal and for performing the associated functions, namely:- The Municipality shall establish a plastic waste management centre (PWMC) headed by its Corporation Health Officer/Executive Officer/ Secretary. The plastic waste management centre within the municipality will ensure that post consumer plastic waste is recovered from the waste stream.
- (2) The PWMC shall ensure the identification and involvement of the waste pickers, agencies working in waste management sector and formalization of the informal post consumer plastic waste collection units within jurisdiction of the Municipality.
- (3) The PWMC shall register and grant authorization to such informal post consumer plastic waste collection units within the Municipality in the format as prescribed by the municipality from time to time.
- (4) The registration granted under these bye laws shall be valid for a period of one year, unless revoked suspended or cancelled; and registration shall not be revoked suspended or cancelled without providing the registered plastic waste unit an opportunity for explanation to the authority.
- (5) The PWMC may also establish plastic waste collection units in Municipality jurisdiction involving plastic bulk generators.
- (6) The PWMC may ensure such unit's channelization to authorized recyclers.
- (7) The PWMC shall create awareness among all stakeholders about their responsibilities and ill effects of plastic waste;

7. Plastic Waste Recycling and Recovery:-

The plastic waste management shall be as under:-

- (1) Recycling, recovery or disposal of post consumer plastic waste shall be carried out as per the rules, regulations and standards stipulated by the Central Government from time to time;
- (2) Recycling of plastic shall be carried out in accordance with the Indian Standard: IS 14534: 1998 titled as Guidelines for recycling of Plastic, as amended from time to time;
- (3) Recyclers shall ensure that recycling facilities are in accordance with the Indian Standard: IS 14534: 1998 titled as Guidelines for Recycling of Plastic and in compliance with the rules under the Environment (Protection) Act, 1986 as amended from time to time;

- (4) the Municipality shall ensure that the residues generated from recycling processed are disposed off in compliance with Schedule II (Management of Municipal Solid Wastes) and Schedule III (Specifications for Landfill Sites) of the Municipal Solid Waste (Management and Handling) Rules , 2000 made under the Environment (Protection) Act, 1986 , as amended from time to time.

8. Prohibition on Littering and Burning of Plastic Waste:

- (1) No owner or occupier shall dispose –off any post consumer plastic waste to run down or to be thrown into any drain sink or any other place within municipal area except in such a manner as shall prevent any avoidable nuisance.
- (2) No owner or occupier of any premises shall deposit post consumer plastic waste in any street, on the veranda of any building, any unoccupied ground alongside on the bank of a water course, any dustbin, vehicle and vessel not intended for the removal of the same.
- (3) No owner or occupier of any premises shall burn the post consumer plastic waste.
- (4) If any corporate body, firm or other association of individuals committing offence under this section; every person who, at the time of the commission of the offence, was incharge of the conduct of the corporate body shall be deemed to be guilty.

9. Waste Audit:

- (1) The Municipality shall manage the plastic waste by undertaking waste audit in the beginning of the year.
- (2) The results of the waste audit shall be compiled and sent to the HP State Pollution Control Board / State Government.

10. Extended Producer's Responsibility:-

The Municipality may ask the manufactures, either collectively or individually in line with the principle of Extended Producer's Responsibility(EPR) involving such manufactures, registered within its jurisdiction and brand owners with registers offices within its jurisdiction to provide the requires finance to establish such collection centers.

11. Sustainable use of Plastic Waste:-

The Municipality shall encourage the use of plastic waste by adopting suitable technology such as road construction, co-incineration etc. the municipality or the operator intending to use such technology shall ensure the compliance with the prescribed standards including pollution norms prescribed by the competent authority in this regard.

12. Penalty:-

Whosoever contravenes the provision of these Bye-Laws shall be penalize as provided under the Act and the prescribed authority may request the competent authority to withdraw registration/ recognition, if any, granted in his favour.