

AGENDA ITEM NO. 200.04

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

Agenda Item No. 250, 04

04/01

Guidelines for assessment of Environmental Compensation to be levied for violation of Plastic Waste Management Rules, 2016

The Board has adopted the modalities/methodology suggested by the central pollution control board (CPCB) for assessment, imposing, collection and utilization of environmental compensation, from the polluting units in the state of Haryana. The CPCB has prepared the said modalities/methodology, on the direction of Hon'ble NGT in the matter of OA No.593/2017 (WP Civil) No. 375/2012, Paryavaran Suraksha Samiti and Anr. Vs. Union of India and Ors, and Hon'ble NGT vide order dated 28.08.2019 has accepted the said modalities/methodology of CPCB.

The procedure for examining, assessing and imposing environmental compensation on industrial units and other authorities found violating the provision of various Acts and Rules, who caused damage to the environment of the state of Haryana, was issued order endst. No. HSPCB/PLG/2021/2343-2481 dated 22.12.2021 (Annexure-I). The Board vide agenda item no. 191.7 in its 191st meeting held on 08.04.2022, has accorded approval to the revised procedure issued vide order dated 22.12.2021.

The Hon'ble NGT in Execution Application no. 13/2019 in OA No. 247/2017 in its order dated 08.01.2021 mentioned the environment compensation and penal action proposed by the CPCB and directed that EC and penal action regime proposed by the CPCB may be duly implemented by the CPCB, State PCBs/PCCs, State Level Monitoring Committee and all other concerned authorities. Accordingly, the CPCB has issued guidelines for assessment of environment compensation to be levied for violation of Plastic Waste Management (PWM) Rules, 2016 in September, 2022 (Annexure-II). As per guidelines of the CPCB, imposition of EC and penal action to be taken by the CPCB, State PCB and local bodies or other agencies was defined therein.

Rule 18 has been inserted in the PWM Rules, through notification dated 06.02.2022 (Annexure-III), by the MoEF&CC and notified that the Environmental compensation shall be levied based upon polluter pays principle on the persons/entity who are not complying with the provision of these rules, as per the guidelines notified by the Central Pollution Control Board.

Accordingly, vide order dated 01.07.2024(Annexure-IV) it has been ordered to adopt guidelines for assessment of environment compensation to be levied for violation of Plastic Waste Management Rules, 2016 issued in September, 2022 and as amended from time to time. Further, 'assessment of environment compensation to be levied for violation of Plastic Waste Management Rules, 2016' was inserted as Chapter-9 in the Methodology for Assessment of environment compensation issued vide order Endst. Dated 22.12.2021 to take action for imposition of EC and penal action to the extent on the violation and violators mentioned and assigned in the guidelines of CPCB and as amended from time to time.

The matter is placed before the Board for consideration and ex-post facto approval of the Board please.



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04/02

Annexure-I

Order

Whereas, the Central Pollution Control Board (CPCB), in compliance of the directions issued by the Hon'ble National Green Tribunal on 03.08.2018 in Original Application No. 593 of 2017 Paryavaran Suraksha Samiti & Another Vs. Union of India, prepared 'Modalities/Methodology for Assessing, imposing and utilization of Environmental Compensation'. The CPCB submitted the report to Hon'ble National Green Tribunal and the same was accepted by the Hon'ble National Green Tribunal on 25.08.2019 and the Hon'ble NGT directed to act upon as interim measure

Whereas, in the 63rd conference of Chairmen and Member Secretaries of PCB's/PCC's held on 18.03.2019, it was decided that SPCB's/PCC's may frame their guidelines on Environmental Compensation (EC) as per the report submitted by CPCB with regard to modalities/methodology for assessing, imposing and utilization of Environmental Compensation. The CPCB circulated the report of discussion and decisions taken in above meeting to all SPCB's/PCC's.

Whereas, the Haryana State Pollution Control Board, after consideration of the report of CPCB, decided to adopt the Modalities/Methodology for Assessing and Utilization of EC and issued orders vide no. HSPCB/PLG/2019/6043-50 dated 29.04.2019.

Whereas, the Haryana State Pollution Control Board, in compliance of order of Hon'ble National Green Tribunal passed on 10.07.2019 in Original Application No. 1038 of 2019, partially modified the order dated 29.04.2019 with regard to computation of Environmental Compensation vide order HSPCB/PLG/2019/734-765 dated 20.12.2019 and made some amendments.

Whereas, the Haryana State Pollution Control Board received several representation from various industrial units and other affected projects to reconsider the policy of levying Environmental Compensation. The Technical Advisory Committee (TAC) of the Board, in its meeting held on 22.11.2021, examined the representations and recommended that the existing policy and procedure for assessing the Environmental Compensation needs to be revised.

Whereas, after considering of relevant facts and the minutes dated 22.11.2021 of the TAC, it has been decided to revise the Modalities/Methodology for Imposing and Utilization of Environmental Compensation issued by the Board vide HSPCB/PLG/2019/734-765 dated 20.12.2019 and HSPCB/PLG/2019/6043-50 dated 29.04.2019 and

Therefore, in supersession of the orders issued vide no. HSPCB/PLG/2019/734-765 dated 20.12.2019 and HSPCB/PLG/2019/6043-50 dated 29.04.2019, the procedure for examining, assessing and imposing the Environmental Compensation on Industrial Units or Other Authorities, found violating the provisions of the various Acts & Rules, who caused damaged the environment of the State of Haryana, is hereby revised as enclosed here with at Annexure-A with immediate effect

Dated Panchkula, the
22nd December, 2021

P.Raghavendra Rao, IAS (Retd.)
Chairman

Endst. No. HSPCB/PLG/2021/ 2343-2350

Dated: 22-12-2021

A copy of the above is forwarded to the following for information please:-

1. The Chief Secretary to Govt. Haryana, Chandigarh
2. The Additional chief Secretary to Govt. Haryana, Town & Country Planning Department, Chandigarh
3. The Additional chief Secretary to Govt. Haryana, Irrigation Department, Chandigarh.
4. The Additional chief Secretary to Govt. Haryana, Dept. of Environment & Climate Change Chandigarh.
5. The Principal Secretary to Govt. Haryana, Public Health Engineering Department, Chandigarh.
6. The Principal Secretary to Govt. Haryana, Urban Local Bodies Department, Chandigarh.
7. The Chairman Central Pollution Control Board, East Arjun Nagar, New Delhi
8. The Principal Secretary to Govt. Haryana, Industries & Commerce Department, Chandigarh

Sr. Environmental Engineer (PLG)
For Chairman

Endst. No. HSPCB/PLG/2021/ 2351-79

Dated: 22-12-2021

A copy of the above is forwarded to the following for information and further necessary action:-

1. All Branch Incharges in Head Office.
2. All Regional Officer, in the field.
3. Branch Incharge-IT Cell for uploading the order on the website of the Board.

Sr. Environmental Engineer (PLG)
For Chairman

Endst. No. HSPCB/PLG/2021/ 2380-81

Dated: 22-12-2021

A copy of the above is forwarded to the following for information of the officers please:-PS to Chairman.

1. PS to Chairman
2. PA to Member Secretary

Sr. Environmental Engineer (PLG)
For Chairman

04/03

METHODOLOGY FOR
ASSESSMENT
ENVIRONMENTAL
COMPENSATION



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04/04

Index

Sr. No.	Contents		Page No.
1.	Background of Environment Compensation.	---	2
2.	Area of applicability.	---	3
3.	Formula of Calculation of Environmental Compensation.	---	4
4.	Procedure to impose Environmental Compensation	---	5
5.	Action to be taken in case failure to deposit Environmental Compensation.	---	6
6.	Environment Compensation to be levied for various violation by Industrial Units.	Chapter-1	7
7.	Environmental Compensation to be levied for all violations of Graded Response Action Plan (GRAP) in NCR	Chapter-2	9
8.	Environmental Compensation to be levied for failure of preventing the pollutants being discharged in water bodies	Chapter-3	10
9.	Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/Authority	Chapter-4	13
10.	Environment Compensation to be levied on Concerned Individual/Authority for Improper Solid Waste Management.	Chapter-5	14
11.	Environmental Compensation to be levied for various violations of Healthcare facilities (HCFs)	Chapter-6	15
12.	Environmental Compensation to be levied for various violations for Common Biomedical Waste Treatment Facility (CBWTF).	Chapter-7	17
13.	Environmental compensation to be levied for various violation of HOWM Rules, 2016	Chapter-8	19
14.	Performa for recommendation for environmental compensation by Regional Officer.	Annexure-A	27

04/05

Background of Environment Compensation

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"

On the directions of Hon'ble NGT dated 03.08.2018 in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors, CPCB has prepared Methodology for Assessing Environmental Compensation. The Methodology prepared by CPCB has been accepted by Honble NGT vide orders dated 28.08.2019 in same case.

The Central Pollution Control Board vide letter dated 10.04.2019 circulated record notes of discussion and decision taken in 63rd conference of Chairman and Member Secretary of PCBs/Committees held on 18.03.2019, wherein it has been decided that SPCBs/PCCs may frame their guidelines on Environmental Compensation (EC) based on CPCB's report.

Accordingly, HSPCB vide order no. HSPCB/PLG/2019/6043-50 dated 29.04.2019 has adopted the modalities/methodology for assessing, imposing and utilization of environmental compensation from the polluting units in the State of Haryana. The Environment compensation assessment committee constituted at head office level vide order Endst. No. HSPCB/2019/6094-6119 dated 06.05.2019 for examination and finalization of environment compensation report submitted by the Regional Officers.

Hon'ble NGT in its order dated 19.11.2019 in the matter of OA No 1038/2019 held that in absence of exact date of violation environment compensation should be imposed for last 5 years. Hon'ble NGT has also given the reference of orders of Hon'ble Supreme Court of India in matter of Indian Council for Enviro Legal Action & Ors. Vs. Union of India & Ors., (1996) 3 SCC 212 Para 16 and in matter of Vellore Citizens Welfare Forum Vs. Union of India & Ors. (1996) 5 SCC 647 Para 12-18 -holding that "Polluter Pay" principle is accepted principle and part of environmental law of the country, even without specific statute.

Thereafter, HSPCB vide order Endst. No. HSPCB/PLG/2019/734-765 dated 20.12.2019 partially modified this office order dated 29.04.2019 regarding date of computation of environment compensation.

04/06

Hon'ble NGT vide orders dated 12.03.2019 in OA No. 710 of 2017 held that SPCBs are also authorized to recover compensation from polluters or laying down their own scale which should be not less than that fixed by CPCB.

In supersession of earlier orders of board, the revised procedure for examining and assessing the environmental compensation submitted by regional officer of HSPCB, ECAC and branch in charges is as follows:-

Area of applicability

The Cases for levying environmental compensation are as under:-

- a. Units discharging the environmental pollutants in excess of the standards prescribed under EP Rules, 1986 and as prescribed in the consent granted to such units under Water Act, 1974/Air Act, 1981.
- b. Non-compliance of the any directions issued by the State Board under the provisions of Water Act, 1974, Air Act, 1981 and EP Act, 1986.
- c. Non-adherence to the action plans submitted by unit to the Board for making compliances.
- d. Failure to install Online Continuous Emission/ Effluent Monitoring system, intentional avoidance of data submission or data manipulation by tampering OCEMS
- e. Accidental discharges lasting for short durations resulting into damage to the environment.
- f. Intentional discharges of effluent and/or emissions to the environment including bypassing the pollution control devices on land, water and air, which results damages to the environment.
- g. Injection of treated/partially treated/ untreated effluent to ground water.
- h. Discharge of untreated/partial treated Sewage by STP and/or CETP
- i. Failure of preventing the pollutants being discharged in water bodies.
- j. Operating without obtaining prior consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 and/or Air (Prevention and Control of Pollution Act, 1981.
- k. Operating without installation pollution control devices of water and/or emission.
- l. Failure to implement responsibilities assigned /stipulated for CBWTF and Health care facilities covered under provisions of Bio Medical Waste Management Rules 2016 (as amended).
- m. Failure to implement responsibilities assigned /stipulated for industrial sectors/units/CHWDF under provisions of Hazardous Waste Management Rules 2016 (as amended).

04/07

- n. Failure to implement responsibilities assigned /stipulated for industrial sectors/units/CHWDF under provisions of Solid Waste Management Rules 2016 (as amended)
- o. Failure to implement other Waste Management Rules.
- p. All violations of Graded Response Action Plan (GRAP) in Haryana NCR area.
- q. Any other violation of Environmental act/rule/policy not covered above. In such cases concerned regional officer shall forward the case to ECAC mentioning all details of violation and grounds on which EC is recommended to be levied.

Formula of Calculation of Environmental Compensation

The assessment of environment compensation shall be carried out as per methodology and guidelines prepared by CPCB and accepted by Hon'ble NGT for cases specifically mentioned below:-

1. Environment Compensation to be levied for various violation by Industrial Units.
2. Environmental Compensation to be levied for all violations of Graded Response Action Plan (GRAP) in NCR.
3. Environmental Compensation to be levied for failure of preventing the pollutants being discharged in water bodies.
4. Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/Authority
5. Environment Compensation to be levied on Concerned Individual/Authority for Improper Solid Waste Management
6. Environmental Compensation to be levied for various violations of Healthcare facilities (HCFs).
7. Environmental Compensation to be levied for various violations for Common Biomedical Waste Treatment Facility (CBWTF).
8. Environmental compensation to be levied for various violation of HOWM Rules, 2016.

Note :-

- i. The Number of days for which violation took place shall be counted as suggested in methodology and guidelines prepared by CPCB for calculation of EC. The duration of violation in terms of number of days may be different for various violations, In such case, the amount will be calculated individually for different violations and added. Further in case, Honble NGT, Honble High court, Honble Apex court or any

04/08

- other legal forum, issue orders regarding the number of days then same shall be taken into account for calculation of EC.
- ii. In case of results of sample found beyond the prescribed limits, the number of days shall be counted from the date of non compliance observed to the date of implementation of closure order or date of compliance verified. The analysis report submitted with compliance shall be from laboratory of Board or laboratory recognized by the Board.
 - iii. In absence of exact date of violation environment compensation should be imposed for last 5 years.
 - iv. In specific cases, where the Board is of the view that the damages caused to the environment are of such magnitude that it may require enormous efforts/money to restore the environment or reconstruct/repair property, a detailed study may be ordered to be carried out by ECAC through one or more expert agencies/institutions to assess such damages and work out the cost of restoration and environment compensation to be levied on polluters. The expenditure incurred on such study (studies) shall be borne by the polluters.

Procedure to impose Environmental Compensation

1. Concerned RO will issue the Show cause notice of 15 days to the unit mentioning the ground on which EC is proposed to be imposed and tentative amount of EC to be levied.
2. After expiry of period of SCN, concerned RO will carry out assessment of EC after examining the reply submitted by unit (in case received). Accordingly concerned RO will submit the detailed report to head office within 07 days.
3. The environment assessment report recommended by RO will be checked by Branch/Cell Incharge and submitted to ECAC alongwith details of violations and grounds on which EC is being recommended on the industrial sector/non industrial sector / units within a period 07 days.
4. The Environmental Compensation assessment Committee (ECAC) will examine and finalize amount of EC to be imposed, within 15 days' time from receipt of the details from the concerned branch.
5. The amount finalized by ECAC will be processed by concerned branch in head office and to place before competent authority for final orders of imposition of EC on defaulting units. The competent authority for issuing direction for levy and deposition of EC will be the same as prescribed for issuing direction under section 33-A of Water Act, 1974, section 31-A of Air Act, 1981 and section 5 of EP Act, 1986.

04/09

Action to be taken in case failure to deposit Environmental Compensation

- a. EC imposed will need to be deposited by Project Proponent at concerned Regional Offices within a period of 30 days from issue of directions. In case of failure to deposit EC amount within 30 days, concerned RO will follow up with defaulting unit and issue show cause notice intimating the further course of action proposed to taken.
- b. The cases of new/renewal of CTO, suspension of closure order of the defaulting unit shall not be entertained until and unless the EC is deposited.
- c. Legal actions against the defaulter in accordance with law shall also be initiated against the unit by concerned RO.
- d. In case PP fails to deposit EC after expiry of six months, the concerned RO shall request to concern Deputy Commissioner to recover the EC amount in accordance with law of Haryana Land Revenue Act or any other Act for the time being in force.

04/10

Chapter-1

Environment Compensation to be levied for various violation by Industrial Units:-

The environmental compensation for the industries will be calculated as per 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

Pollution Index (PI)

The range of Pollution Index for Red, Orange and Green is 60 to 100, 41 to 59 and 21 to 40, respectively.

The following values of PI have been suggested in the CPCB report:—

Category	Red	Orange	Green
PI	80	50	30

Number of days (N)

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 Regional office

Factor in Rupees (R)

The minimum of 100 and maximum of 500 of factor in Rupees (R) mentioned in report of CPCB.

The CPCB has suggested R as 250 for calculation of the Environmental Compensation in cases of violation.

Factor for scale of operation (S)

The following values of PI have been suggested in the CPCB report:—

Category	Small/micro	Medium	Large
S	0.5	1.0	1.5

204/11

Location factor (LF)

Value of Location Factor will be based on population of the city/town and location of the industrial activity. For the industrial unit located within municipal boundary or up to 10 Km. distance from the municipal boundary of the city/town, following values of location factors (LF) have been suggested in the CPCB report based on the population of the city/town

S. No.	Population (In million)*	Location Factor
1.	Upto one million	1.0
2.	1 to <5	1.25
3.	5 to <10	1.5
4.	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 at a distance > 10 Km. from the municipal boundary.
LF is presumed as 1 for city/town having population less than 1 million.

In any case, minimum Environmental Compensation shall be ₹ 5000/day.

04/12

Chapter-2

Environmental Compensation to be levied for all violations of Graded Response Action Plan (GRAP) in NCR.

The CPCB has suggested the following EC 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

04/18

Chapter-3

Environmental Compensation to be levied for failure of preventing the pollutants being discharged in water bodies.

Environmental Compensation Formula

The CPCB 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.

Capital Cost Factor may be considered as 10% on loan amount of annual interest rate borrowed by concerned individual/authority for setting-up waste/sewage management facility, for calculation of environment compensation.

Further, O&M cost factor may be considered as 100% of the O&M cost saved, as whole O&M cost is saved by concerned individual/authority for not managing required waste/sewage management system.

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

$$\begin{aligned}
 EC = & \text{Capital Cost Factor} \times \text{Marginal Average Capital Cost for Establishment of Waste or Sewage} \\
 & \text{Management or Treatment Facility} \times (\text{Waste or Sewage Management or Treatment Capacity Gap}) \\
 & + \text{O\&M Cost Factor} \times \text{Marginal Average O\&M Cost} \times (\text{Waste or Sewage Management or Treatment} \\
 & \text{Capacity Gap}) \times \text{No. of Days for which facility was not available} + \text{Environmental Externality}
 \end{aligned}$$

Cost to the environment due to untreated/partially treated waste/sewage discharge by concerned individual/authority mentioned in the CPCB report is given as under:-

04/14

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 minimum and maximum cost for capital and O&M component for Environmental Compensation mentioned in the CPCB report are given as under:

04/15

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

04/18

Chapter-4

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

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 HSPCB till the required capacity systems are provided by the concerned authority

Quantity of Sewage is in MLD

04/17

Chapter-5

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

Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

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

Where;

- Waste Quantity in tons per day (TPD)
- N= Number of days from the date of direction of HSPCB till the required capacity systems are provided by the concerned authority

Simplifying;

$$EC \text{ (Lacs Rs.)} = 2.4(\text{Waste Generation} - \text{Waste Disposed as per the Rules}) + 0.02(\text{Waste Generation} - \text{Waste Disposed as per the Rules}) \times N + \text{Marginal Cost of Environmental Externality} \times (\text{Waste Generation} - \text{Waste Disposed as per the Rules}) \times N$$

04/18

Chapter-6

Environmental Compensation to be levied for various violations of Healthcare facilities (HCFs).

Environmental Compensation for HCFs = HR x T x S x R x N

Where;

- HR – Health Risk factor
- T- Type of Healthcare Facility
- S – Size of Health Care Facility
- R – Environmental Compensation factor
- N – Number of days of Violation

Health Risk (HR)

Health Risk (HR) is a number from 0 to 100 and increasing HR value denotes the increasing degree of health risk due to improper handling of BMW in healthcare facility.

	No arrangement for disposal of BMW with CBWTF (1)	Not Applied for Authorization (2)	Improper Segregation of BMW (3)	No pre-Treatment (4)	On-site storage not provided or not adequate (5)	No ETP Despite requirement (6)	Score for each of Other Violations of BMW Rules, 2016 (7)
Health Risk Score (HR)	30	10	20	10	10	15	5

Note: Score of 5 to be added for each of other violations at column (7), with sum of HR limited to 100

HR is sum of (1) + (2) + (3) + (4) + (5) + (6) + (7) [restricted to 100]

Type of Healthcare Facility (T) is a factor for type of healthcare facility, as given below:

Type of Healthcare Facility	T Factor
Bedded Hospitals	1.0
Bedded Ayush Hospitals	0.5
Non-bedded (veterinary hospital, pathological laboratory, blood bank)	1.0
Non-bedded (clinic, dispensary, and clinical establishment)	0.5
Animal Test Houses	1.0

04/19

Size of Health Care Facility (S) is a factor for size of Healthcare Facility (HCFs) based on number of beds of the Healthcare Facility, as given below:

Size of Healthcare Facility (HCFs)	S factor
Non-bedded (clinic, dispensary, and clinical establishment)	0.15
Non-bedded (veterinary institution, pathological laboratory, blood bank)	0.2
1 to 10 bedded HCFs	0.20

Size of Healthcare Facility (HCFs)	S factor
10 to 50 bedded HCFs	0.30
50 to 100 bedded HCFs	0.50
100 to 500 bedded HCFs	1.00
500 and more bedded HCFs	1.50
Animal Test House	1.00

Number of days of Violation (N) Number of days for which violation took place is the period between the day of violation observed/due date of implementation as per BMW Rules, 2016/due date of compliance of directions and the day of compliance verified by HSPCB.

Environmental Compensation factor (R) is a factor in Rupees, taken as 250. Further, in any case minimum Environmental Compensation in respect to Healthcare Facility shall not be less than Rs.1200/- per day.

2.1 Deterrent Factor for Healthcare Facilities

Incremental effect on Environmental compensation charges are given below:

Scenario	Applicable ECC
Up to 15 days from target date	Original ECC
Between 15 to 30 days beyond target date	Two times
Fails to comply in 2 nd inspections including new violations if any	Two times
Between 30 to 45 days beyond target date	Four times
Fails to comply in 3 rd inspections including new violations if any	Four times
Beyond 60 days from target date	Closure of HCF
Fails to comply in 4 th consecutive inspection	Closure of HCF

04/20

Chapter-7

Environmental Compensation to be levied for various violations for Common Biomedical Waste Treatment Facility (CBWTF).

Environmental Compensation for CBWTFs =
 $PI \times S \times R \times N$ Environmental Compensation

Where;

- PI- Pollution Index
- S – Size of Operation
- R – Environmental Compensation factor
- N – Number of days of Violation

Pollution Index (PI) is a number from 0 to 100 and increasing value of PI denotes the increasing degree of pollution hazard from CBWTF.

Cases	Incinerator emissions not complying with standards notified under BMW Rules, 2016 (1)	Treated wastewater not complying with standards notified under BMW Rules, 2016 (2)	Not complying with standards of autoclave/ microwave notified under BMW Rules, 2016 (3)	Biomedical waste not collected and Disposed off within 48 hours (4)	Each of Other violations to BMW Rules, 2016/CPCB Guidelines (5)
PI	20	15	15	10	10

Note: Score of 10 can be added at column (5) for each of other violations, provided sum of PI is limited to 100

$PI = (1) + (2) + (3) + (4)$ [Restricted to 100]

Size of Operation (S) Scale of operation for CBWTFs will be taken from following Table;

Authorized Treatment Capacity (Based on Incinerator size)	Scale Factor
Up to 100 Kg/hour	0.25
100 to 250 Kg/hour	0.50
250 to 500 Kg/hour	1.00
> 500 Kg/hour	1.50

Environmental Compensation factor (R) is a factor in Rupees, which is taken as 250
Number of days of Violation (N) Number of days for which violation took place is the period between the day of violation observed/due date of implementation as per BMW Rules, 2016/due date of compliance of directions and the day of compliance

04/21

verified by CPCB/SPCB/PCC.

Further, in any case minimum Environmental Compensation in respect to Common Biomedical Waste Treatment Facility shall not be less than Rs. 3,000/- per day.

For Healthcare facilities having their own treatment and disposal facility, the environmental compensation shall be calculated as in the case of CBWTFs.

3.1 Deterrent Factor for Common Biomedical Waste Treatment Facilities
Incremental effect on Environmental compensation charges are given below:

Scenario	Applicable ECC
Up to 30 days from target date	Original ECC
Between 30 to 60 days beyond target date	Two times
Fails to comply in 2 nd inspection including new violations if any	Two times
Between 60 to 90 days beyond target date	Four times
Beyond 90 days	Closure of CBWTF
Fails to comply in 3 rd consecutive inspection	Closure of CBWTF

04/22

Chapter-8

Environmental compensation to be levied for various violation of HOWM Rules, 2016.

1. Categorization of violations and financial penalty & environmental compensation thereof various violations of HOWM Rules, 2016

For the purpose of imposing financial penalty and environmental compensation, various violations of HOWM Rules, 2016, can be broadly classified into the following two categories:

- A. Category A: Only procedural violations of HOWM Rules, 2016, which has not caused damage to environment or third party
- B. Category B: violations causing environmental damage including procedural violations
 - i. **Category B1:** Cases where mismanagement of hazardous or other waste has resulted or resulting into environmental damage and such damages liability including assessment of remediation required can be assessed in terms of cost also by applying provisions laid down under CPCB's "Guidelines on Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty".
 - ii. **Category B2:** Cases where mismanagement of hazardous or other waste may have caused environmental damage and such damages & remediation required including cost thereof are difficult to assess.

2. Methodology for Assessing Financial Penalty and Environmental Compensation.

- A. Financial Penalty
- B. Environmental Compensation

Under such wide variables, the following quantity based environmental compensation calculation in Rupees may be used and be imposed on violating facility operator:

Environmental Compensation (EC) = Q x ERF x R

04/23

[.....Equation 1]

Where,

Q is noticed¹ or observed¹ quantity (in tonne) of hazardous or other wastes which have not been managed in compliance with various provisions of the Acts/Rules/Guidelines/conditions of the authorisation/directions issued by CPCB/SPCB/PCC/MoEF&CC (barring procedural violations which have not caused environmental damage)

ERF = Environmental Risk Factor which is a number (as given in Table 1 below) denoting the increasing degree of risk to the environment and human health due to the scenarios as given in the Table 1.

Table 1: Environmental Risk factor (ERF)

S. No.	Violation	ERF	
		For Hazardous Waste	For Other* Waste
1.	When hazardous and other wastes is disposed at unauthorised place or handed over or sold to unauthorised party	1.5	0.3
2.	When treatment has not been imparted , as required, but only partial treatment has been given (by TSDF/Actual user)	1.0	0.2
3.	When product (derived from hazardous or other waste) is not conforming to prescribed specification or is specified for restricted use but sold in open market against (in case of actual user)	1.0	0.2
4.	Wastes found stored beyond the stipulated period (refer Rule 8 of the HOWM Rules, 2008)	0.1	0.05

**Applicable to waste generated indigenously only.*

R= Environmental Compensation factor, which may be taken as Rs. 30,000.

Note:

04/24

- (i) For facility engaged in generation/ recycling/ utilizing/ disposing of hazardous or other waste and such wastes have never been handed over to common TSDF/ actual user:

Case I: If authorisation has been taken at any point of time, in such cases, Q may be taken as below:

Q= Quantity in terms of tone/per year, as specified in authorisation(one year =300 days) x Y

[.....Equation 2]

Where, Y is Number of years of operation of the facility and may be considered as given in Table 6 below. In case authorisation is given in quantity/day, then convert in tone/year by multiplying the same with 300 days.

Case II: If authorisation has not been taken at any point of time for all or any given category of hazardous or other waste being generated/utilized

When above scenario comes to the notice of SPCB/PCC/CPCB, it may be difficult to find Q as records pertaining to quantity of generation/utilization of hazardous or other waste may not be available. In such case, a generalised way of calculating Environmental Compensation (EC) in Rupees may be used as below:

$$EC \text{ (in Rupees)} = T \times S \times C \times ECF \times Y$$

[.....Equation 3]

Where,

T = Type of facility factor and may be taken as below from Table 2 below:

Table 2: Type of facility factor

Sl. No.	Scale of operation	Factor
1.	(i)Actual user procuring hazardous waste from outside their premises including importing hazardous or other waste from other country	1.5
2.	(i) Actual user engaged in utilizing/ recycling of only other wastes which are generated indigenously, and; (ii) All facility other than at Sl. No. (1) and 2(i) above	1

04/25

S = Scale of Operation factor of the facility and may be taken from Table 3 as below:
Table 3: Scale of operation of the facility

Scale of operation	Scale Factor
Large	1.5
Medium	1
Small or Micro	0.5

ECF = Environmental Compensation Factor, which is summation of one or more ECF, as applicable, as given in Table 4 below:
Table 4: Environmental Compensation Factor

S. No	Type of operations from where waste is generated	ECF
1.	Main Process (when significant quantity of waste generation like spent acid, process sludge, spent solvent, etc.)	45,00,000
2	Pollution control equipment like ETP, APCDs, etc. such as ETP sludge, incineration bottom residues, cyclone residue, etc.	35,00,000
3	Ancillary equipment used for supporting the industrial process such as DG set, etc.	10,00,000
4	Handling of hazardous chemicals and wastes (waste packaging materials like emptied drums/bags/etc. contaminated with hazardous chemicals/wastes) and Cleaning activities like cotton/cloth waste contaminated with oil/grease/grease, hazardous chemical storage tank, etc.	20,00,000
5.	Other operations not listed above	10,00,000

C = Category of Facility factor and be taken from Table 5 as given below;

Table 5: Category of Facility Factor

Type of Facility	T Factor
Red Category	1
Orange Category	0.2
Green Category	0.05

Y = Number of years of operation of the facility and may be considered from Table 6 as below:

Table 6: Number of days of operation of the facility

S.No	Years of Operations	Factor to be taken
1.	More than 03 years	5
2.	Equal to less than 03 years	Actual duration of operation in months/12

In cases where non-compliances have been observed for known period wherein quantity (Q) of hazardous or other waste correlated to such violations is also known – e.g. in-adequate storage facility in cases of authorised facility or failure to comply with any directions of SPCB/PCC/CPCB (say directions issued w.r.t. non-compliance of incinerator emission standards and facility continued to operate). Amount of EC for such cases may be calculated based on Q associated with such violations period and number of days for which violation took place. Such number of days for which violation took place is the period between the day of violation observed/ due date of compliance of directions and the day of compliance verified by CPCB/ SPCB/ PCC.

$$EC = EC \text{ (as derived from Equation 1) } + (\text{Rs. } 5000 \times \text{Nos. of days for which violation took place})$$

[.....Equation 4]

(i) Apart from the above cases, there could be following violations or other similar type violations (which are not covered in the various above mentioned scenarios) in hazardous waste TSDF or actual user facility:

- a. The leachate is illegally disposed or send to unauthorised party
- b. Violations in leachate management or the leachate management facility requires upgradation as per direction of CPCB/ SPCB/ MoEF&CC
- c. Waste Water generated during the process is disposed illegally or not as per the consent conditions
- d. Effluent Treatment Plant is not meeting the norms stipulated under EPA, 1986 or CTO issued by SPCB/PCC
- e. Effluent Treatment Plant exist but requires upgradation so

04/27

as to meet the conditions specified under CTO or CPCB' guidelines/SoP

f. Treated effluent not managed as per the conditions specified under CTO or CPCB' guidelines/SoP

Under such circumstances, the environment compensation may becalculated as below:

Environmental Compensation (EC) = PI×N×R×S×LF
.....Equation 5]

Where,

PI is Pollution index (based on the CPCB guidelines on Revised Classification of Industrial Sectors under Red, Orange, Green and White Categories) and to be taken from Table 7 below:

Table 7: Classification of industrial sector

Category	Pollution Index
Red	80
Orange	50
Green	30

N is Number of days for which violation took place is the period between the day of violation observed/ due date of compliance of directions and the day of compliance verified by CPCB/ SPCB/ PCC.

R is Environmental Compensation factor in Rupees R to be taken as 250

S = Scale of Operation of the facility and may be taken from Table 8 below;

Table 8: Scale of operation

Scale of operation	Factor
Micro or small	0.5
Medium	1.0
Large	1.5

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 taken from Table 9 below:

04/28

Table 9: Location factor based on population

S. No.	Population* (million)	Location Factor#
1	Less than 1	1.0
2	1 to < 5	1.25
3	5 to <10	1.5
4	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

C. Deterrent Factor

(a) In case of non-timely submission of Environmental Compensation and Financial Penalty

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. The details of exponential increase are given below

Table 10: Environmental Compensation Charges and Financial Penalty w.r.t. non-timely submission

Sl. No.	Amount Deposition time period	Environmental Compensation and Financial Penalty Amount
1.	Within 15 days 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 15 days but within 03 months after the stipulated time period as directed by CPCB/SPCB/PCC	Two times the original amount with interest @ 12% per annum for number of days delayed after 15 days of the stipulated date of
3.	After 03 months and up to 06 months from the stipulated time period	Four times the original amount with interest @ 12% per annum for number of days delayed after three months of the stipulated date of amount deposition
4.	After 06 month	Closure of unit/facility and court

(a) In case of repeated violations

In case the violators found repeatedly non-complying with previous violations or new violations, the amount of Environmental Compensation and Financial Penalty be

04/29

exponentially increased. The details of exponential increase in such cases are given below:

Table 11: Environmental Compensation Charges in case of repeated violation

Sl. No.	Time Period for compliance	Environmental Compensation and Financial Penalty Amount
1.	First time violation	Original amount
2.	Second time violation	Two times the original amount
3.	Third time violation	Four times the original amount
4.	Fourth time violation	Closer of unit and Court case

04/30

Annexure-A

Form for recommendation for environmental compensation by Regional Officer.

1.	Name & address of the unit																	
2.	Name and designation of the officer(s) inspected the unit																	
3.	Product(s) and bio-products																	
4.	Manufacturing process																	
5.	Status of CTE																	
6.	Status of CTO																	
7.	Date of inspection of the unit																	
8.	Date of commissioning																	
9.	Detail of violation observed during inspection:	<ul style="list-style-type: none"> a. Operational / not operational b. Established and Operating without CTE/CTO of the Board. c. ETP not installed/ not adequate d. APCM not installed/ not adequate e. Reverse pumping/by-passing the effluent/air emissions f. Others 																
10.	Category of the unit	<ul style="list-style-type: none"> i. Red / Orange / Green ii. Large / Medium / Small Scale 																
11.	Complaint / Court case, if any.																	
12.	Detail of sampling and analysis of effluent/air emission exceeding the norms.	<table border="1"> <thead> <tr> <th>Type of sample</th> <th>A/R no. & date</th> <th>Parameter</th> <th>Results</th> </tr> </thead> <tbody> <tr> <td>Effluent</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Air emissions</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Noise</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Type of sample	A/R no. & date	Parameter	Results	Effluent				Air emissions				Noise			
Type of sample	A/R no. & date	Parameter	Results															
Effluent																		
Air emissions																		
Noise																		
13.	Reasons for not collection of samples, if not collected.																	
14.	Detail of Show Cause Notice for EC issued with date.																	
15.	Reply of Show Cause Notice, if any received.																	
16.	No. and date of closure order issued by the Board																	
17.	Compliance of closure order if applicable.																	

04/31

18. Present status of compliance made by the unit, if any after issue of show cause notice.	
19. Cases for levying environmental compensation:- a) Units discharging the environmental pollutants in excess of the standards prescribed under EP Rules, 1986 and as prescribed in the consent granted to such units under Water Act, 1974/Air Act, 1981. 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 tempering the Online Continuous Emission/ Effluent Monitoring system. d) Accidental discharges lasting for short durations resulting into damage to the environment. e) Intentional discharges to the environment including bypassing the pollution control devices -- land, water and air resulting into acute injury or damages to the environment. f) Injection of treated/partially treated/ untreated effluent to ground water. g) All violations of Graded Response Action Plan (GRAP)	

04/32

	in Delhi NCR area. h) Failure of preventing the pollutants being discharged in water bodies and failure to implement Waste Management Rules.			
20.	Date of last inspection and sampling i.e. prior present inspection (Water and/or Air and/or other pollution)			
21.	Justification of imposing environmental compensation for last five year			
22.	Final reasoned recommendations in respect of EC and documents attached to be verified.			
Environment Compensation to be levied on Industrial Units				
23.	PI - Pollution Index (Red : 80, Orange : 50 and Green : 30)			
24.	N - No of days of violation	From _____ to _____		
25.	R - Factor in Rupees			
26.	S - Factor for scale of operation (0.5 for micro or small, 1.0 for medium and 1.5 for large unit)			
27.	LF - Location Factor (as per census)			
28.	EC = PI x N x R x S x LF			
29.	Total Amount calculated			
OR				
Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in NCR.				
	Activity	State of Air Quality	Environmental Compensation (Rs.)	Recommended by RO
30.	Industrial Emissions	Severe +/-Emergency	Rs. 1.0 Crore	
		Severe	Rs. 50 Lakh	
		Very Poor	Rs. 25 Lakh	
		Moderate to Poor	Rs. 10 Lakh	
31.	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 Lakh	

04/33

		Moderate to Poor	Rs. 25 Lakh	
32.	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	
33.	Solid Waste/garbage dumping in Industrial Estates	Very poor to Severe +	Rs. 25.0 Lakh	
		Moderate to Poor	Rs. 10 Lakh	
34.	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	
OR				
35.	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			Recommendation of RO
	<p>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</p> <p>Alternatively;</p> <p>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</p> <p>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</p> <p>Quantity of Sewage is in MLD</p>			
OR				
36.	Environment Compensation to be Levied on Concerned Individual/Authority for Improper Solid Waste Management:			Recommendation of RO
	<p>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</p>			

04/34

<p>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</p> <p>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</p>	
---	--

Signature of AEE/Sc.B

Signature of Regional Officer

Documents to be enclosed:

- i) Copy of show cause notice dated _____.
- ii) Copy of spot inspection report dated_____.
- iii) Copy of reply of show cause notice if any.
- iv) Copy of analysis report(s).
- v) Copy of CA certificate regarding investment.
- vi) Proof of commissioning.
- vii) Copy of last inspection report (i.e. prior to the present inspection)
- viii) Copy of proof of location factor.

04/35

Annexure - II

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

**Central Pollution Control Board
Delhi**

September 2022

04/36

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

Table of Contents

1.0 Background	2
2.0 Provisions of Plastic Waste Management Rules:	3
3.0 Approach for Assessment of Environment compensation	9
4.0 Action to be Taken for Non- Compliance of PWM Rules	11
5.0 EC charges for Delay in EC deposition	40
6.0 Modalities for Expenditure of EC funds:	41

04/37

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

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."

04/29

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Guidelines for Assessment for violation of PWM Rules 2016, CPCB

Rule	Provisions
	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.
<u>6(2)(g) & 7(c)</u>	Ensuring that open burning of plastic waste does not take place
<u>8(1)(a)</u>	The waste generator shall take steps to minimize generation of plastic waste and segregate plastic waste at source
<u>8(1)(b)</u>	The waste generator shall not litter the plastic waste
<u>9(1)</u>	The Producers, Importers and Brand Owners shall fulfil Extended Producers Responsibility for Plastic Packaging as per guidelines specified in Schedule -II
<u>9(2)</u>	Primary responsibility for collection of used multi-layered plastic sachet or pouches or packaging is of Producers, Importers and Brand Owners who introduce the products in the market. They need to establish a

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

Rule	Provisions
	system for collecting back the plastic waste generated due to their products
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.

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

Rule	Provisions
11(1)	<p>a. name, registration number of the producer or brand owner and thickness in case of carry bag and plastic packaging :</p> <p>Provided that this provision shall not be applicable,-</p> <ul style="list-style-type: none"> (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 ; <p>b. 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</p> <p>c. name and certificate number of producer [Rule 4(h)] in case of carry bags made from compostable plastic.</p> <p>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)</p>
13 (1) & 13(2)	<p>(1) No person shall manufacture carry bags or recycle plastic bags or multilayered packaging unless the person has obtained registration from,-</p> <ul style="list-style-type: none"> (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. <p>(2) Every producer or brand-owner shall, for the purpose of registration</p>

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

Rule	Provisions
	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".
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
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

04/42

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

Rule	Provisions
	Board. The certificate of registration shall be issued using the portal.
<u>10.6</u>	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
<u>11.1</u>	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.
<u>11.2</u>	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.
<u>11.4</u>	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
<u>11.6</u>	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.
<u>11.8</u>	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

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

Rule	Provisions
	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
<u>12.4</u>	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.
<u>13.1</u>	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 Environment compensation for violation of provision of PWM Rules is based on the following considerations:

- (a) **Assessment of Cost of Plastic waste management:** Assessment of cost incurred in plastic waste management has been made based on the inputs provided by various local bodies. The cost incurred on management of plastic waste management shall essentially be divided into the following components:

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

- i. **Collection & Transportation of Plastic waste:** Average cost incurred for collection and transportation of solid waste is Rs.2000/- per ton..of waste
- ii. **Setting up of Material Recovery Facility (MRF) :** Average cost of setting up of Material Recovery of 100 TPD plastic is Rs. 7 crore. Accordingly, corresponding cost for setting up of 1 TPD plant is Rs.7 lakh. Considering 15 years life of the plant – cost incurred for setting up of MRF Rs.150/- per ton of plastic waste
- iii. **Setting up of RDF facility :** Average cost of setting up of Refused Derived Fuel of 100 TPD capacity is Rs. 12.5 crore. . Accordingly, corresponding cost for setting up of 1 TPD plant is Rs.12.5 lakh. Considering 15 years life of the plant – cost incurred for setting up of RDF for is Rs.270/- per ton of plastic waste
- iv. **O&M Cost of RDF facility:** Operational cost of RDF is Rs. 1200/- per Ton and Transportation cost is Rs. 300/- per ton of plastic waste

Based on the above assessment cost incurred on management of one ton of plastic waste is approximately Rs.4000/- per ton. As per PWM Rules entrusts the responsibility of development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste on the Local bodies as well as the Producers/Brandowners, the cost to be incurred on PWM shall be distributed equally (i.e. Rs.2000/- per ton of plastic waste on Local bodies & Rs.2000/- per ton of plastic waste on Producers) for the purpose of assessment of Environmental Compensation To act as deterrent, EC of 2.5 times the above amount i.e Rs.5000/- per ton of plastic waste shall be levied on the Local Bodies and the Producers/Brand owners.

04/46

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

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**.

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

4(2) & 14(1)	4(2) Manufacture, import, stocking, distribution, sale and	Producer	Production of prohibited SUP	<p><u>13(2) Penalty for non-compliance of remaining condition shall be taken in accordance with relevant section of the PWM Rules)</u></p> <p>(ii) Penalty as per Section 15(1) of EPA 1986</p> <p>(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)</p> <p>i. EC to be levied @ Rs.5000/- per ton of</p>
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04/50

File No. HSPCB-060001/41, BOREBOMDOW/572, MANAKH WISN C, HILBERTDOW
 Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

<p>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</p>	<p>Stockist/distributors</p>	<p>Stocking and distribution of prohibited SUP items or Selling products in plastic bags which are not complying with provisions of PWM</p>	<p>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 (i) Seizure of SUP products or bags/sheets (ii) Cancellation of Commercial licence by concerned Local Authority. (iii) Fine Rs.2000/- (1 violation); Rs.5000/- (II violation); Rs.10,000/- (Third incident)</p>
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Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

	<p>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</p>	<p>Importer</p>	<p>Rules</p>	<p>Local already imposing fine to continue doing so; if the fines are more than the minimum specified fines as per details given above</p>
	<p>Commercial establishments</p>	<p>Importer</p>	<p>Import of prohibited SUP items</p>	<p>(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>)</p>
	<p>Commercial establishments</p>	<p>Commercial establishments</p>	<p>Selling of prohibited SUP items or Selling products in plastic bags which are not complying with provisions of</p>	<p>(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>)</p>

04/52

			<p>PWM Rules</p> <p>Selling of prohibited SUP items or Selling products in plastic bags which are not complying with provisions of PWM Rules</p>	<p>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</p> <p>(iv) 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.)</p> <p>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-</p>
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04/53

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

6(1) & 7	Every local body shall be responsible for development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers.	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 shortfall in the PW qty for which PWM facilities have not been provided w.e.f March 18, 2016- date of notification of these Rules (EC to be levied @ Rs.10000/- per ton for 2 nd violation and @ Rs.20000/- per ton for 3 rd violation) (ii): Penalty as per Section 15(1) of EPA 1986
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/- (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

04/54

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

8(1)(b)	The waste generator shall Not litter the plastic waste	Waste generator	Waste littered	<p><i>per details given above</i></p> <p>(ii) Penalty as per Section 15(1) of EPA 1986</p> <p>(i) Waste generator : Spot fine - Rs.500/- (I violation) ; Rs.1000/- (II violation) ; Rs.2,000/- (Third violation & thereafter)</p> <p>(ii) Institutional Waste Generator: Spot fine Rs.5000/- (I violation) ; Rs.10,000/- (II violation) ; Rs.20,000/- (Third violation & thereafter)</p> <p><i>Above is minimum EC to be levied for the said violation by the Local body. Local already imposing fine to continue doing so; if the fines are more than the minimum specified fines as per details given above</i></p>
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04/58

04/55

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	Manufacturer	Failure of final testing of the sample as per IS:17899 T:2022	<p><u>PWM Rules</u>)</p> <p>(ii) Penalty as per Section 15(1) of EPA 1986</p> <p>(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)</p> <p>(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). Penalty for non-compliance of remaining condition shall be taken in</u></p>
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File No. HSPCB-060001/4141620ESOMIDOWASTB2WAWANAMENWENTUUELEHSPHCB (Computer No. 933279)

1527562/2023/250011B1

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

	<p>a. name, registration number of the producer or brand owner and thickness in case of carry bag and plastic packaging.</p> <p>b. name and registration number of the manufacturer producer or brand owner in case of multi-layered packaging, excluding multi-layered packaging used for imported goods; and</p> <p>c. name and certificate</p>			
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04/60

13 (2)	<p>number of producer [Rule 4(h)] in case of carry bags made from compostable plastic</p> <p>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).</p>	<p>Producer, Brand Owner & Importers</p>	<p>1. Registration not obtained 2. Shortfall in EPR Target</p>	<p>(i) EC to be levied as per EC provision for Schedule-II</p>
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04/61

Guidelines for EC Assessment for violation of PWWI Rules 2016, CPCB

	<p>an application as per the guidelines specified in Schedule -II in Form-I to</p> <p>i. "The concerned State Pollution Control Board or Pollution Control Committee of the Union territory, if operating one or two States or Union Territories"; or</p> <p>ii. "The Central Pollution Control Board, if operating in more than two States or Union Territories".</p>	<p>3. Misreporting in quantity of plastic packaging placed on market and use of recycled plastics</p> <p>4. Not filing Annual returns</p> <p>5. Submission of False information</p> <p>6. Non-compliance of conditions</p>	
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04/62

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

<p><u>13(4)</u> <u>& 4(e)</u></p>	<p>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.</p>	<p>Manufacturer</p>	<p>Unit operating without Registration</p>	<p>information 5. Non-compliance of conditions stipulated in Certificate</p>	<p>(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(1) of EPA 1986.</p>
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04/04

<p>4(e) <u>The manufacturer shall not sell or provide or arrange plastic to be used as raw material to a producer, not having valid registration from the concerned State Pollution Control Boards or Pollution Control Committee;</u></p>	<p>Manufacturer</p>	<p>Raw material sold to producers not having registration from SPCB</p>	<p>(i) <u>EC to be levied @ Rs.2500/- per ton of plastic raw material sold to unregistered producers from the date of notification of PWM Rules (March 18, 2016) whichever is later (EC to be levied @ Rs.5000/- per ton for 2nd violation and @ Rs.10000/- per ton for 3rd violation & Closure of unit thereafter)</u></p>
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Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility(EPR) for Plastic Packaging

Provisions	Violator	Violation	Environmental compensation
<p>9.1 Environmental Compensation shall be levied based upon polluter pays principle, with respect to nonfulfillment of</p>	<p>Producers, Importers & Brand Owners</p>	<p>Shortfall in EPR Target in following types 1. Recycling</p>	<p>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</p>

04/05

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

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	Producers, Importers & Brand Owners	4. Reuse of Plastic. (Cat I) Annual returns not filed	Notice will be issued for 5 days; Thereafter Rs. 5000/- for next 5 days (Rs.10000/- for 2 nd time default and Rs.20000/- for 3 rd time default) Rs.10,000/- for next 10 days (Rs.20000/- for 2 nd time default and Rs.40000/- for 3 rd time default) Thereafter Annual Report to be Auto filed on the EPR Portal and EC to be levied on shortfall, if any.
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04/67

Guidelines for EC Assessment for violation of PVM Rules 2016, CPCB

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.	Plastic Waste Processors	Annual returns not filed	Notice will be issued for 5 days; Thereafter Rs. 5000/- for next 5 days (Rs.10000/- for 2 nd time default and Rs.20000/- for 3 rd time default) Rs.10,000/- for next 10 days (Rs.20000/- for 2 nd time default and Rs.40000/- for 3 rd time default) Thereafter provision for certificate generation shall be discontinued.
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	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 1 st default -EC of double of application fees, for 2 nd time default -EC of four times the application fees and 3 rd time default -EC of eight times the application fees)
			Misreporting in	EC to be levied @ Rs. 5000/T of plastic weight

04/62

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

	<p>appropriate. Central Pollution Control Board as required, can also verify compliance of Plastic Waste Processors through inspection and periodic audit.</p> <p>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</p>	Processors	<p>quantity of plastic procured, EPR certificate generated</p>	<p>misreported (for 2nd time default EC to be levied @ Rs.10000/- per ton and for 3rd time default @ Rs.20000/- per ton)</p>
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04/69

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

10.1 & 11.4	<p>as per the Plastic Waste Management Rule, 2016</p> <p>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.</p>			
	<p>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.</p>	<p>Producers, Importers & Brand Owners Plastic Waste Processors</p>	<p>Submission of False information</p>	<p>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)</p>
			<p>Do not get</p>	

04/70

Guidelines for EC Assessment for violation of PWW Rules 2016, CPCB

11.8	<p>Control Board. The certificate of registration shall be issued using the portal.</p> <p>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.</p>	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 Compensation and
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710

04/72

File No. HSPCB-060001/41.HSPCB/ISO/DOW/S/25/2/MANAGEMENT/EC/115/HSPCB (Computer No. 933279)

11/07/2024/2024/SWMT/DT

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

	<p>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</p>			<p>Action Plan to Utilize the Fund” (Annexure-V)</p>
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04/73

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

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

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 lakh	10 crore
	Cities & Towns	>1000000	-	50 lakh	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)	Producer, Brand	50	100000	0.05	200

15/02/2024/SWM/ET

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

4(i), 13(2),13(3)	Owner, Importer & Plastic waste Processors				
13 (4) & 4(e)	Manufactur er	60000	4500000	2 crores	500 crore

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.

04/76

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

Table 4: EC Charges and Financial Penalty w.r.t. non-timely submission

Sl. No.	Amount Deposition time period	Environmental Compensation and Financial Penalty Amount
1.	<u>Within one month</u> from the stipulated time period as directed by CPCB/SPCB/PCC	Original amount with interest @ 12% per annum for number of days delayed after the stipulated date of amount deposition
2.	<u>After one month but within 03 months</u> after the stipulated time period as directed by CPCB/SPCB/PCC	Original amount with interest @ 24% per annum for number of days delayed after one month of the stipulated date of amount deposition
3.	<u>After 03 months</u>	a) <u>Closure of unit/facility</u> b) <u>Seizure of trade documents</u> c) <u>Action as per Section 15 (1) of EPA</u> <u>Action, as applicable, to be taken by Local bodies for Clause 8(1)(a), 8(1)(b) and 14(1) and for the remaining clauses action has to be taken by the concerned SPCB/ PCC/ CPCB</u>

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

04/77

44/143

Guidelines for EC Assessment for violation of PWM Rules 2016, CPCB

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".

01/79

2

THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(i)]

2. प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 (जिसे इसके पश्चात् उक्त नियम कहा गया है), नियम 3 में,-
- (i) खंड (कख) के पश्चात्, निम्नलिखित खंड अंतःस्थापित 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 मानके ब्यूरो के अधिकांशतः 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 लेबल्स;" शब्द, के पश्चात् "और ट्रेडमार्क!" शब्द अंतःस्थापित किया जाएगा;
- (iii) खंड (ग) में "अर्थात् तैयार की गई धैलियां" शब्दों से पूर्व "(अनुसूची-2 में दिए गए खंड (5.1) (ii) - प्लास्टिक पैकेजिंग की श्रेणी-II के अधीन शामिल)" शब्द और कोष्ठक अंतःस्थापित किए जाएंगे।
- (iv) खण्ड (छक) को "(छख)" के रूप में पुनःसंख्यांकित किया जाएगा और इस प्रकार पुनःक्रमांकित किए गए खंड (छख) से पूर्व निम्नलिखित खण्ड अंतःस्थापित किया जाएगा, अर्थात्:-
'(छक) "उपयोग की अवधि समाप्त होने पर निपटान" से प्रवृत्त सुसंगत दिशानिर्देशों के अध्याधीन 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 पुनः 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 अंतःस्थापित 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 अंतःस्थापित 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 पुनः 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 अंतःस्थापित 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 (ब) के पश्चात्, निम्नलिखित खंड अंतःस्थापित 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 अंतःस्थापित 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 अंतःस्थापित किया जाएगा, अर्थात्:-
(पक) "पुनः 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 अंतःस्थापित किया जाएगा, अर्थात्:-
'(बक) "पुनःचक्रित प्लास्टिक का प्रयोग" से, विनिर्माण प्रक्रिया में कच्चे माल के रूप में वर्जित प्लास्टिक के बजाय प्रयुक्त पुनर्चक्रित प्लास्टिक अभिप्रेत है;';
- (xiii) खंड (कक) के पश्चात् निम्नलिखित खंड अंतःस्थापित 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 मोटार्क" शब्दों के पश्चात् "केंद्रीय सरकार द्वारा यथा विनिर्दिष्ट" शब्द अंतःस्थापित किए जाएंगे

(ख) उप-नियम (1) में, खंड (ज) में,-

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

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

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

04/21

4

THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(I)]

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 अन्तिम 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, केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा अन्तिम 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 अन्तिम 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 अंशांकन 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) केन्द्रीय 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 केन्द्रीय प्रदूषण नियंत्रण बोर्ड के अनुमोदन के पश्चात् "इलेक्ट्रॉनिक 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 अंतःस्थापित 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 "केन्द्रीय प्रदूषण नियंत्रण बोर्ड या" शब्द अंतःस्थापित किए जाएंगे।

[भाग II—खण्ड 3(i)]

8. उक्त नियम के नियम 13 में,-
- (i) उप-नियम (1) के स्थान पर, निम्नलिखित उप-नियम रखा जाएगा, अर्थात्,-
- "(1) कोई भी व्यक्ति कैंरी बैगों या पुनर्चकित 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 अंतःस्थापित किए जाएंगे;
- (ख) "आवेदन करना" शब्दों के पश्चात्, "अनुसूची-2 में विनिर्दिष्ट मार्गदर्शी सिद्धांतों के अनुसार" शब्द और अंक अंतःस्थापित 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 अंतःस्थापित 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 अध्यक्षीन होगा" शब्द और अंक अंतःस्थापित किए जाएंगे।
9. उक्त नियम के नियम 17 के बाद, निम्नलिखित नियम अंतःस्थापित 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 उद्घोषित 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 जैव-अवक्रमणीयता 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)

04/83

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 अंतःस्थापित किया जाएगा, अर्थात्:-

"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

04/84

(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 persons who are not complying with the provisions of these rules, as per guidelines notified by the Central Pollution Control Board.”.

	आयातित (1) प्लास्टिक थैलें वा बस हा प्लास्टिक थैलें वा बस हा (1) आयातित थैलें वा बस हा	
11.	उपयोग के लिए प्रयुक्त मात्रा सहित आयातित बहुपरतीय पैकेजिंग की मात्रा 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 अंतस्थापित 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-नियम (1) के खंड (i) के अधीन रजिस्ट्रीकृत)
- (ख) उत्पादक, आयातकर्ता, ब्रांड का स्वामी (नियम 13 के उप-नियम (1) के खंड (i) के अधीन रजिस्ट्रीकृत)

04/85

- (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 18 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;

[भाग II—खण्ड 3(i)]

- (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 biodegradable 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 persons who are not complying with the provisions of these rules, as per guidelines notified by the Central Pollution Control Board.”.

04/89

12

THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(i)]

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

“ III- Importers

04/90

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.

04/92

HARYANA STATE POLLUTION CONTROL BOARD
C-11 Sector-6, Panchkula
Ph - 0172- 577870-73, Fax No. 2581201
E-mail- hspcbho@gmail.com

Annexure - IV

Order

Whereas, procedure for examining, assessing and imposing environmental compensation on industrial units and other authorities, found violating the provisions of various Acts and Rules, who caused damage to the environment of the state of Haryana was issued vide order endst. no. HSPCB/PLG/2021/2343-2381 dated 22.12.2021. This procedure was issued on the directions of Hon'ble NGT the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012; Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors and other cases; and

Whereas, Hon'ble NGT in Execution Application No. 13/2019 in O.A. No. 247/2017 in its order dated 08.01.2021 mentioned the environment compensation and penal action proposed by CPCB and 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. Accordingly CPCB has issued guidelines for assessment of Environment Compensation to be levied for Violation of Plastic Waste Management Rules, 2016 in September, 2022. As per guidelines of CPCB, imposition of EC and penal action is to be taken by CPCB, state PCB and local bodies or other agencies defined therein; and

Whereas, Rule 18 Inserted in PVM Rules through notification dated 06.07.2022 by MoEF&CC and notified that 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.

In view of above, it is hereby ordered to adopt the guidelines of CPCB for Assessment of Environment Compensation to be levied for Violation of Plastic Waste Management Rules, 2016 issued in September, 2022 and as amended from time to time. Further, 'Assessment of Environment Compensation to be Levied for Violation of Plastic Waste Management Rules, 2016' is hereby inserted as Chapter-9 in the Methodology for Assessment Environmental Compensation issued vide order endst. dated 22.12.2021. HSPCB shall take action of imposition of EC and penal action to the extent on the violation and violators mentioned and assigned in guidelines of CPCB and as amended from time to time.

These orders shall come into force with immediate effect.

Dated Panchkula, the
27th June, 2024

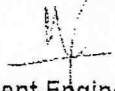
Pardeep Kumar, IAS
Member Secretary

Endst. No. HSPCB/PLG/2024/2908-16

Dated: 01-07-2024

A copy of the above is forwarded to the following for information and necessary action:

1. The Chairman, Central Pollution control Board, Delhi
2. Commissioner & Secretary to Government, Haryana, Urban Local Bodies Department
3. Commissioner & Secretary to Government, Haryana, Development & Panchayats Department


Environment Engineer (HQ)
For Member Secretary


04/93

Endst. No. HSPCB/PLG/2024/2944-2949

Dated: 01-07-2024

A copy of the above is forwarded to the following for information and necessary action:

1. All Chief Environmental Engineers, HSPCB
2. All Branch Incharges in Head Office of the Board
3. All Regional Officers of the Board in the field
4. Nodal Officer (IT) for uploading the orders on the website of the Board for the notice of all concerned



Environment Engineer (HQ)
For Member Secretary

Dated: 01-07-2024

Endst. No. HSPCB/PLG/2024/2950-2952

A copy of the above is forwarded to the following for information of the officers:-

1. PS to ACS, Environment Department
2. PS to Chairman
3. PA to Member Secretary


Environment Engineer (HQ)
For Member Secretary

01