

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTER ZONE BENCH, KOLKATA
(ORIGINAL APPLICATION NO. 202 OF 2024 / EZ)
(Earlier OA No.1064/2024/PB)**

News item titled "Microplastic in West Bengal's Digha and Odisha's Puri seawater at alarming levels" Appearing in the Times of India Dated 04.08.2024

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SPCB Odisha, R.No.3

Through

Kolkata
Date:

Papiya Banerjee Bihani

Smt. Papiya Banerjee Bihani
Advocates for the Respondent No.3
(State Pollution Control Board, Odisha)
e-mail: pbanerjeebihani@gmail.com
Phone No.:9831493390

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTER ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 202 OF 2024 / EZ
(Earlier OA No.1064/2024/PB)

07 FEB 2025

Suo motu case:

News item titled "Microplastic in West Bengal's Digha and Odisha's Puri seawater at alarming levels" Appearing in the Times of India Dated 04.08.2024

ADDITIONAL AFFIDAVIT ON BEHALF OF
STATE POLLUTION CONTROL BOARD,
ODISHA, RESPONDENT NO.3 IN
COMPLIANCE TO DIRECTION DTD.10.12.2024
OF THIS HON'BLE TRIBUNAL.

I, Dr. Kailasam Murugesan, IFS, son of late Paramasivam Kailasam aged around 56 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

- 1. That I am the Member Secretary of the Respondent No.3 Board and, as such, am well-acquainted with the facts



3

MANJULA KUMAR PRADHAN
 NOTARY PUBLIC
 BHUBANESWAR
 REGD. NO. ON-71/2009
 PH-9437627119 (M)

02/02/25

and circumstances with the case and competent to swear this affidavit.

2. That this Hon'ble Tribunal while considering the affidavit dtd.6.12.2024 filed by the R-3 Board vide their order dtd.10.12.2024 has been pleased to direct the R-3 Board to file the affidavits addressing the issue as indicated in para-4 of the order dtd.10.12.2024 with a statistic as to what steps are being taken by the State Respondents to monitor the prevention and control of microplastic in the seawater and sediments also showing how many fines have been imposed on the violators.
3. That in compliance to the aforesaid direction, a status report has been prepared by the Regional Officer of the R-3 Board at Bhubaneswar and the same along with its enclosures is annexed to this affidavit and marked as **ANNEXURE – R3/2 Colly** for proper appreciation of this case.
4. That this additional affidavit is filed in compliance to the direction dtd.10.12.2024 of the Hon'ble Tribunal showing the steps taken to curb microplastics in the seawater.



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD.NO.ON-711/2009
PH-9437627119 (M)

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07/02/25

- 5. That the Respondent No.3 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of this case.
- 6. That the annexure annexed to the present affidavit is true and correct copy of its original.
- 7. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.

[Handwritten signature]
DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

VERIFICATION:

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 07th day of February, 2025.

[Handwritten signature]
DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

SWORN BEFORE ME



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD.NO.ON-711/2009
PH-9437627119 (M)

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07/02/25

ANNEXURE-R3/2 Colly

STATUS REPORT IN COMPLIANCE TO THE NGT ORDER DATED 10.12.2024 OF THE HON'BLE NGT(KOLKATA BENCH) IN RELATION TO OA NO. 202/2024/EZ.

After the submission of detailed analysis report of the microplastics at sea water and its sediments by State Pollution Control Board, Odisha in Puri sea water, the Hon'ble NGT in relation to OA No. 202/2024/EZ in its order dated 10.12.2024 had directed the State Pollution Control Board, Odisha who has been impleaded as Respondent No. 03, to address the issues about the steps taken to monitor the prevention and control of microplastics in the sea water and sediments. The order further stated to furnish the fines collected from the violators.

The order of Hon'ble NGT questioned the implementation of the guidelines of the CPCB in relation to microplastics. In compliance with the directive dated 10.12.2024, the State Pollution Control Board, Odisha (Respondent Nos. 3), submit the following response regarding the implementation of the Central Pollution Control Board (CPCB) Guidelines.

The Central Pollution Control Board (CPCB) has issued comprehensive guidelines under the **Plastic Waste Management Rules, 2016**, and other related environmental regulations to tackle plastic pollution.

Four Amendments to PWM Rules, 2016 have recently been notified by Mo EF&CC through its Notification dated August 12, 2021, September 17, 2021, February 16,2022, & July 06, 2022 respectively.

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 "Environmental Compensation(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".

Thereafter CPCB notified the revised guidelines for assessment of environment compensation (EC) to be levied for violation of Plastic Waste Management Rules, 2016 on August 2024. **(Revised Guidelines of Environmental Compensation in relation to the violation of PWM, 2016 is attached as Enclosure-I)**

Penalties and Enforcement under Plastic Waste Management Rules

The Puri Municipality have been conducting regular visits to the marketplace, stockists of the plastic materials. In case to control over the microplastics at Sea water Puri Municipality has been conducting surprise checks at Market areas and near the Sea Beach areas.

Puri Municipality has engaged one agency for collection of plastic waste other solid waste at Sea Beach area. The solid waste generated from the beach area is being collected and send to Material Recovery Facility (MRF) located at Baliapanda in Puri Town area.

Regular enforcement is being conducted on banned single use plastic, littering of garbage and as per records till date Rs 10,08,000/- has been collected and 480 Kgs of Single Use plastics have been seized till January 2025.

SPCB Odisha had issued notices to all Plastic Waste Processor (P), Importer (I), Brand Owners(BO), Plastic Waste Processors engaged in recycling, Co-Processing, Waste To Energy, Waste to Oil & Industrial Composting for implementation of EPR(Extended Producer Responsibility) guidelines notified by CPCB on 16th February 2022 vide Lt. No 5063 dtd 04.04.2024.The units coming under EPR were asked to register their farm on the centralized portal developed by CPCB.(Notice Enclosed as Enclosure-II)

STEPS TAKEN TO CURB MICROPLASTICS LEVEL IN SEA WATER :-

1. Monitoring and Assessment

Implementation:

CPCB mandates State Boards to conduct regular monitoring of microplastic levels in seawater, sediments, and marine ecosystems. Data collection through accredited laboratories using advanced spectroscopic techniques such as FTIR or GC-MS to identify and quantify microplastics. SPCB, Odisha have initiated collaborative studies with signing MoUs with CIPET, BBSR, IIT, Bhubaneswar, IITR, Lucknow to join hands to monitor marine microplastic pollution levels in the entire coastal stretch of Odisha.

2. Bans and Phased Elimination of Plastics

Implementation:

The CPCB has issued notifications banning single-use plastics (SUPs) and microbeads in personal care products, with phased reduction targets for sectors like packaging and FMCGs. Since July 2022, items such as plastic straws, cutlery, and packaging materials have been officially banned across India, including Puri, where the District Administration has actively enforced the ban.

SPCB Odisha had issued a public notice vide Lt. No 2634 dtd 19.02.2024 regarding the ban of Single Use Plastic(SUP) with effect from July 01, 2022. In continuation to the above, again a public notice was issued vide Lt. No. 2245 dtd 15.02.2023. **(Both Public Notices are Enclosed as Enclosure-III & IV).**

3. Beach and Coastal Cleanup Drives

Implementation:

- CPCB guidelines encourage State Boards and local authorities to organize community-based beach cleanup drives. Monitoring microplastic reduction in cleanup zones as part of the impact assessment. Initiatives such as "Swachh Sagar Abhiyan" involve public participation in coastal waste removal under CPCB guidance has been taken up.
- At Puri Beach there has been clean up activities including the Mo Beach Puri clean-up initiative and the International Coastal Clean up Day (ICCD) clean-up.
- SPCB Odisha has been regularly conducting Coastal Clean up in month of September every year at Puri & Konark in association with District Administration and volunteers from School, Colleges and NGOs in relation to ICCD.

Mo Beach Puri

- Beach cleaning initiative that involves volunteers, students, officials are conducted
- The initiative aims to make the beach clean, plastic-free, and environmentally friendly
- The initiative is supported by the Forest and Environment Department, Tourism Department, and other organizations
- The initiative has been called one of the world's largest beach clean-up campaigns

International Coastal Cleanup Day (ICCD)

- A global annual event that involves beach clean-ups and other efforts to protect the ocean and beaches
- In Puri District, the ICCD clean-up has involved thousands of volunteers cleaning beaches at Puri and Konark.
- SPCB Odisha has been regularly conducting Coastal Clean up in month of September every year at Puri & Konark in association with District Administration and volunteers from School, Colleges and NGOs in relation to ICCD.

As of January 31, 2025, local organizations have continued to host beach clean-up events, encouraging community participation to keep the beaches pristine.

4. Public Awareness and Capacity Building

Implementation:

- SPCB organizes campaigns to educate citizens and industries about the impacts of microplastics and the importance of responsible plastic use. Training programs for local authorities on plastic waste management practices. Programs like “Plastic Waste-Free Cities” integrate educational campaigns and actionable plans.
- SPCB has been conducting different awareness program with Puri Municipality and other stakeholders regarding Microplastics in sea water and its consequences.
- In a landmark environmental initiative, State Pollution Control Board, Odisha along with Hindustan Coca-Cola Beverages; Y4D Foundation and supported by Foundation for Climate Protection (FCP), Odisha Development Management Programme (ODMP) and Puri Municipality, has collected over 850,000 used PET bottles, totaling more than 17,000 kgs, at the Puri Ratha Yatra 2024. The project saw an elaborate set-up including dedicated zones for bottle collection and recycling awareness campaigns led by trained ‘Safai Sathis’. In the 12-day festival there was strategic placement of collection bins and awareness stalls, manned by volunteers, ensured that both attendees and locals were engaged in the sustainable practices. This approach not only facilitated extensive waste collection but also educated the public on the importance of recycling.

5. Enforcement of Penalties

Implementation:

- Joint inspections were conducted with District Administrations, raids and penalties were imposed.
- Regular enforcement is being conducted on banned single use plastic, littering of garbage and as per records till date Rs 10,08,000/- has been collected and 480 Kgs of Single Use plastics have been seized till January 2025 as per the records obtained from Puri Municipality.
- Measures have been now taken for implementation of CPCB notified guidelines for assessment of environment compensation (EC) to be levied for violation of Plastic Waste Management Rules, 2016.

6. Marine and Coastal Complexity

- **Transboundary Pollution:**
 - Microplastics originating from other regions or countries through ocean currents exacerbate the problem, making it difficult to address pollution at the local level alone
- **Impact on Coastal Livelihoods:**
 - Strict enforcement of bans and penalties without viable alternatives can negatively impact the livelihoods of coastal communities, especially small-scale fishermen and vendors.

RECOMMENDATIONS: -

1. **Strengthening Monitoring Networks:**
 - Establishing real-time monitoring systems along the coastline with modern technologies for data accuracy.
2. **Enhancing Waste Management Infrastructure:**
 - Developing state-of-the-art waste processing units, including MBRs (Membrane Bioreactors) and debris traps.
3. **Increasing Public Awareness:**
 - Conducting wide campaigns focusing on the hazards of microplastics and sustainable waste management practices.

4. **Scaling EPR Mechanisms:**

- Mandate reverse logistics and recycling systems for all plastic manufacturers and ensure regular audits of compliance.

5. **Strengthening Enforcement:**

- Imposing stricter penalties for non-compliance with regulations and incentivize clean-up efforts through tax benefits for industries.

6. **Urban local bodies (ULBs)** should play a crucial role in monitoring, evaluating, enforcing, and penalizing violations related to plastic waste, particularly microplastic pollution in beach and sea water. Their responsibilities should include:

- Monitoring & Surveillance** – Conducting regular inspections of coastal areas, water bodies, and waste disposal sites to track plastic and microplastic pollution levels.
- Evaluation & Reporting** – In collaboration with SPCB, assessing pollution impact through data collection, scientific analysis, and public reporting to inform policy decisions.
- Enforcement of Regulations** – Implementing Plastic Waste Management Rules and ensuring compliance with CPCB and state guidelines.
- Imposing Penalties** – Levying fines on businesses, and individuals violating waste disposal norms, particularly those contributing to marine plastic pollution.
- Public Awareness & Clean-up Drives** – Organizing community-led beach clean-ups, awareness campaigns, and incentivizing sustainable waste management practices.



REGIONAL OFFICER
State Pollution Control Board, Odisha
SPC Board, Bhubaneswar

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

**Central Pollution Control Board
Delhi**

September 2022

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1.0 Background

Plastic Waste Management (PWM) is a major problem in India, where urbanisation, industrialisation, and economic growth have resulted in increased plastic waste (PW) generation. The burgeoning population and the improvement in living standards has only compounded this problem. Ministry of Environment, Forests and Climate Change (MoEF&CC) notified Plastic Waste Management Rules, 2011 and revamped the Rules in 2016 to ensure proper plastic waste management in India.

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

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

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

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

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

2.0 Provisions of Plastic Waste Management Rules:

Environmental Compensation is to be levied for the non-compliance of the following provisions of the PWM Rules, in which frequent non-compliance is observed is given in Table 1.0

Table 1: Provision of PWM Rules for which EC is to be levied

Rule	Provisions
4. 1(c)	Carry bag made of virgin or recycled plastic, shall not be less than seventy five microns in thickness with effect from the 30th September, 2021 and one hundred twenty (120) microns in thickness with effect from the 31st December, 2022
4. 1(d)	Plastic sheet or like, which is not an integral part of multi-layered packaging and cover made of plastic sheet used for packaging, wrapping the commodity shall not be less than fifty microns in thickness except as specified by the Central Government where the thickness of such plastic sheets impair the functionality of the product.
4.1(e)	The manufacturer shall not sell or provide or arrange plastic to be used as raw material to a producer, not having valid registration from the concerned State Pollution Control Boards or Pollution Control Committee
4.1(f)	Sachets using plastic material shall not be used for storing, packing or selling gutkha, tobacco and pan masala;
4.1(h)	The manufacturers or seller of compostable plastic and biodegradable plastics carrybags or commodities or both shall obtain a certificate from the Central Pollution Control Board before marketing or selling; and
4. 1(i)	Plastic material, in any form including Vinyl Acetate - Maleic Acid - Vinyl

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)	<p>Manufacture, import, stocking, distribution, sale and use of following single use plastic, including polystyrene and expanded polystyrene, commodities shall be prohibited.</p> <p>(a) ear buds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice-cream sticks, polystyrene [Thermocol] for decoration;</p> <p>(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>
<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

Rule	Provisions
	system for collecting back the plastic waste generated due to their products
<u>10(5)</u>	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:
<u>10(6)</u>	The interim test report shall be obtained from the Central Institute of Petrochemical Engineering and Technology or a laboratory recognised under the Laboratory Recognition Scheme, 2020, of the 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.

Rule	Provisions
<u>11(1)</u>	<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>
<u>13 (1) & 13(2)</u>	<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>

Rule	Provisions
	<p>or for renewal of registration, make an application as per the guidelines specified in Schedule -II in Form-I (ANNEXURE-III)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>
<u>13(3)</u>	<p>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)</p>
<u>13(4)</u>	<p>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>
<u>14(1)</u>	<p>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>Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility(EPR) for Plastic Packaging</p>	
<u>9.1</u>	<p>Environmental Compensation shall be levied based upon polluter pays principle, with respect to nonfulfillment of Extended Producer Responsibility targets by Producers, Importers & Brand Owners</p>
<u>10.1</u>	<p>The Producers, Importers & Brand-Owners shall have to register through the online centralized portal developed by Central Pollution Control</p>

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

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:

- 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.

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**.

**TABLE 2: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR
NON-COMPLIANCE OF PWM RULES**

Rule	Provisions	Violator	Violation	Environmental compensation
4 (c) & 4(j)	(c) Carry bag made of virgin or recycled plastic, shall not be less than seventy five microns in thickness with effect from the 30th September, 2021 and one hundred twenty (120) microns in thickness with effect from the 31st December, 2022; (j) non-woven plastic carry bag shall not be less than 60 Gram Per Square Meter (GSM)	Producer	Manufacturing bags not meeting specifications	(i) Seizure of manufactured products & closure of unit (ii) EC to be levied @ Rs.5000/- per ton of plastic bags manufactured from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is <u>later</u> <u>(EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)</u> (iii) Penalty as per Section 15(1) of EPA 1986
4 (d)	Plastic sheet or like, which is	Producer	Manufacturing	(i) Seizure of manufactured products &

	not an integral part of multi-layered packaging and cover made of plastic sheet used for packaging, wrapping the commodity shall not be less than fifty microns in thickness except as specified by the Central Government where the thickness of such plastic sheets impair the functionality of the product.		sheets not meeting specifications	<p>closure of Unit</p> <p>(ii) EC to be levied @ Rs.5000/- per ton of plastic used in packaging of tobacco products from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is later (EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)</p> <p>(iii) Penalty as per Section 15(1) of EPA 1986</p>
4(f) & 4(i)	(f)Sachets using plastic material shall not be used for storing, packing or selling gutkha, tobacco and pan masala;	Producer	Using plastic material for packaging	<p>(i) Seizure of products & closure of Unit</p> <p>(ii) EC to be levied @ Rs.5000/- per ton of plastic used in packaging of tobacco products from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is</p>

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

	(i) Plastic material, in any form including Vinyl Acetate - Maleic Acid - Vinyl Chloride Copolymer, shall not be used in any package for packaging gutkha, pan masala and tobacco in all forms.			later (iii) Penalty as per Section 15(1) of EPA 1986 (EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)
4(h)	The manufacturers or seller of compostable plastic and biodegradable plastics carrybags or commodities or both shall obtain a certificate from the Central Pollution Control Board before marketing or selling; and	Manufacturer	Certificate not obtained	(i) EC to be levied @ Rs.5000/- per ton of compostable and biodegradable plastic produced from the date of inception of the unit or date of notifications of PWM Rules (March 18, 2016 and July 06,2022 respectively) whichever is later
			Not complying with conditions specified in Certificate issued by CPCB	(i) Cancellation of CPCB Certificate and closure of Unit (<u>In case the violation is found w.r.t raw material used/ product manufactured, EC to be levied as per violation of Rule</u>

				<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>
4(2) & 14(1)	4(2) Manufacture, import, stocking, distribution, sale and	Producer	Production of prohibited SUP	i. EC to be levied @ Rs.5000/- per ton of

<p>use of following single use plastic, including polystyrene and expanded polystyrene, commodities shall be prohibited.</p> <p>(a) ear buds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice-cream sticks, polystyrene [Thermocol] for decoration;</p>		items	<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)</p> <p>ii. Revocation of Consent</p>
<p>(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>	Stockist/distributors	Stocking and distribution of prohibited SUP items or Selling products in plastic bags which are not complying with provisions of PWM	<p>(i) Seizure of SUP products or bags/sheets</p> <p>(ii) Cancellation of Commercial licence by concerned Local Authority.</p> <p>(iii) <u>Fine Rs.2000/- (I violation); Rs.5000/- (II violation) ; Rs.10,000/- (Third incident)</u></p> <p><i>Above is minimum EC to be levied for the said violation by the Local body.</i></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		Rules	<i>Local already imposing fine to continue doing so; if the fines are more than the minimum specified fines as per details given above</i>
		Importer	Import of prohibited SUP items	<ul style="list-style-type: none"> (i) Seizure of imported SUP products (ii) Cancellation of Registration Certificate by Custom Authorities. (iii) <u>Fine Rs.2000/- (I violation); Rs.5000/- (II violation) ; Rs.10,000/- (Third incident)</u>
		Commercial establishments	Selling of prohibited SUP items or Selling products in plastic bags which are not complying with provisions of	<ul style="list-style-type: none"> (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>

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

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	<p>(i) EC to be levied @ Rs.5000/-per ton of plastic waste. <u>EC to be levied for shortfall in the PW qty for which PWM facilities have not been provided</u> w.e.f March 18, 2016- date of notification of these Rules (EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)</p> <p>(ii) Penalty as per Section 15(1) of EPA 1986</p>
6(2)(g) & 7(c.)	Ensuring that open burning of plastic waste does not take place	Person responsible for plastic burning Industries	Burning plastic	<p>(i) Fine per incident of burning: Rs.5000/- (ii) Fine per incident of bulk burning Rs.25000/-</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</i></p>

				<p><i>are more than the minimum specified fines as per details given above</i></p> <p>(iii) Penalty as per Section 15(1) of EPA 1986</p>
8(1)(a)	The waste generator shall take steps to minimize generation of plastic waste and segregate plastic waste at source	Waste generator	Waste not segregated	<p>(i) Waste generator : <u>Spot fine - Rs.500/- (I violation)</u>; <u>Rs.1000/- (II violation) ; Rs.2,000/- (Third violation & thereafter)</u></p> <p>(ii) <u>Institutional Waste Generator: Spot fine Rs.5000/- (I violation)</u>; <u>Rs.10,000/- (II violation) ; Rs.20,000/- (Third violation & thereafter)</u></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</i></p>

				<p><i>per details given above</i></p> <p>(iii) Penalty as per Section 15(1) of EPA 1986</p>
<u>8(1)(b)</u>	The waste generator shall Not litter the plastic waste	Waste generator	Waste littered	<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>

				(iii) Action as per Section 15(1) of EP Act for violation thereafter
<u>10(5)</u>	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:	Manufacturer	Certificate not obtained	(ii) EC to be levied @ Rs.5000/- per ton of biodegradable plastic produced from the date of inception of the unit or date of notifications of PWM Rules (July 06,2022 respectively) whichever is later
			Not complying with conditions specified in Certificate issued by CPCB	(i) Cancellation of CPCB Certificate and closure of Unit (<u><i>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 accordance with relevant section of the</i></u>

				<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>
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>(i) Cancellation of CPCB Certificate and closure of Unit</p> <p>(<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>

	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 biodegradation of plastic is in line with IS 17899 T:2022.			<p><u>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 biodegradable plastic produced for the period of violation or from the date of issue of certificate under 4(h) PWM Rules.</p> <p>(EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)</p>
<u>11(1)</u>	Marking or labelling. -(1) Each plastic carrybag “plastic packaging” and multi-layered packaging shall have the following information printed in English namely, -	Manufacturer/ Producer/Brand owner		<p>i. Cancellation of Registration/CPCB certificate.</p> <p>ii. <u>Fine Rs.2000/- (I violation)</u>; <u>Rs.5000/- (II violation) ; Rs.10,000/- (Third incident)</u></p>

	<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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	<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>			
<u>13 (2)</u>	Every producer or Importer or brand-owner shall, for the purpose of registration or for renewal of registration, make	Producer, Brand Owner & Importers	<ol style="list-style-type: none"> 1. Registration not obtained 2. Shortfall in EPR Target 	(i) EC to be levied as per EC provision for Schedule-II

	<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 filling Annual returns</p> <p>5. Submission of False information</p> <p>6. Non-compliance of conditions</p>	
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			stipulated in Certificate	
<u>13(3)</u>	Every person recycling or processing waste or proposing to recycle or process plastic waste shall make an application to the State Pollution Control Board or the Pollution Control Committee, for grant of registration or renewal of registration for the recycling unit, in Form II as per the guidelines specified in Schedule –II	Plastic Waste Processors	<ol style="list-style-type: none"> 1. Registration not obtained 2. Misreporting in quantity of plastic packaging placed on market and use of recycled plastics 3. Not filling Annual returns 4. Submission of False 	1. EC to be levied as per EC provision for Schedule-II

			information 5. Non-compliance of conditions stipulated in Certificate	
<u>13(4) & 4(e)</u>	13(4) Every manufacturer engaged in manufacturer of plastic to be used as raw material by the producer shall make an application to the State Pollution Control Board or the Pollution Control Committee of the Union territory concerned, for the grant of registration or for the renewal of registration, in Form III.	Manufacturer	Unit operating without Registration	(i) Closure of unit (ii) <u>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)</u> (iii) Penalty as per Section 15(1) of EPA 1986

	<p><u>4(e)The manufacturer shall not sell or provide or arrange plastic to be used as raw material to a producer, not having valid registration from the 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</u> (EC to be levied @ Rs.5000/- per ton for 2nd violation and @ Rs.10000/- per ton for 3rd violation & Closure of unit thereafter)</p>
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Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility(EPR) for Plastic Packaging

Provisions	Provisions	Violator	Violation	Environmental compensation
<p>9.1</p>	<p>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>

	Extended Producer Responsibility targets by Producers, Importers & Brand Owners		2. End of Life Recycling 3. Mandated Use of recycled plastic	as per EPR guidelines. ¹
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¹ Note:

1. Payment of environmental compensation shall not absolve the Producers, Importers & Brand-Owners of the obligations set out.

The unfulfilled EPR obligations for a particular year will be carried forward to the next year for a period of three years. In case, the shortfall of EPR obligation is addressed within three years. The environmental compensation levied shall be returned to the Producers, Importers & Brand-Owners as given below, namely

- (i) Within one year of levying of EC: 75% return;
- (ii) Within two years 60% return;
- (iii) Within three years 40% return,

After completion of three years on EC getting due the entire environmental compensation amount shall be forfeited.

2. EC charges to be reviewed every six-months and to be kept higher (~15-20%) than the prevailing EPR Credit charges from market to ensure that it acts as deterrent.

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

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)
		Plastic Waste	Misreporting in	EC to be levied @ Rs. 5000/T of plastic weight

	<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	quantity of plastic procured, EPR certificate generated	misreported (for 2 nd time default EC to be levied @ Rs.10000/- per ton and for 3 rd time default @ Rs.20000/- per ton)
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	as per the Plastic Waste Management Rule, 2016 11.6: The pro forma for the certificate shall be developed by Central Pollution Control Board. In no case, the amount of plastic packaging waste recycled by the enterprise shall be more than installed capacity of the enterprise.			
10.1 & 11.4	10.1: The Producers, Importers & Brand-Owners shall have to register through the online centralized portal developed by Central Pollution Control Board. The certificate of registration shall be issued using the portal.	Producers, Importers & Brand Owners Plastic Waste Processors	Submission of False information	Cancellation of Registration and & EC of double of Application fees proportionate Penalty up to Rs. 1,00,000/- (For 2 nd time default EC of four times the application fees and 3 rd time default EC of eight times the application fees)
			Do not get	

	11.4 : In case, at any stage it is found that the information provided by the plastic waste processor is false, the plastic waste processor shall be debarred by State Pollution Control Board, as per procedure laid down by Central Pollution Control Board , from operating under the Extended Producer Responsibility framework for a period of one year		registered on Centralized Portal	EC to be levied @ Rs.5000/- per ton of plastic produced from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is later (EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)
10.1 & 11.1	10.1: The Producers, Importers & Brand-Owners shall have to register through the online centralized portal developed by Central Pollution	Producers, Importers & Brand Owners Plastic Waste Processors	Non-compliance of conditions stipulated in Certificate	Cancellation of Registration

	<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>			
11.8	The Plastic Waste Processors undertaking end-of-life disposal of plastic packaging	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

<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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(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

TABLE 3: Minimum & Maximum EC for violation of PWM Rules					
Rule	Violator	Min Population	Max Population	Minimum EC (Rs. per Annum)	Maximum EC (Rs. per Annum)
6(1) &7	Village Panchayat	1000(avg.)	-	5,000	50,000
	Cities & Towns	5000	99999	50,000	2 crores
	Cities & Towns	100000	999999	5 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

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**.

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>	<ul style="list-style-type: none"> 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> <p><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></p>

6.0 Modalities for Expenditure of EC funds:

As per provision 9.6 of Schedule-II notified through Amendments to PWM Rules dated February 16, 2022 "The funds collected under environmental compensation shall be kept in a separate Escrow account by Central Pollution Control Board or State Pollution Control Board or Pollution Control Committee. The funds collected shall be utilized in collection, recycling and end of life disposal of uncollected and non-recycled or non- end

of life disposal of plastic packaging waste, on which the environmental compensation is levied. Modalities for utilization of the funds for plastic waste management on an annual basis would be recommended by the Committee for Extended Producer Responsibility implementation and approved by the Competent Authority in the Ministry”.



Tel : 2564033/2563924
 EPABX : 2561909/2562847
 E-mail: paribesh1@ospboard.org
 Web site : www.ospboard.org

STATE POLLUTION CONTROL BOARD, ODISHA
 (Forest, Environment & Climate Change Department, Govt. of Odisha)
 Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII
 Bhubaneswar – 751012

No. 5063 /

IND-IV-PCP-PWM (Part-II)

Date 04/04/2024
 By Speed Post / By E-mail

NOTICE

Kind Attention - Plastic Waste Producer (P), Importer (I), Brand Owners (BO), Plastic Waste Processor engaged in Recycling, Co-processing, Waste to Energy, Waste to Oil & Industrial Composting.

This is brought to the notice of all concerned that Ministry of Environment Forest & Climate Change, Govt. of India has notified the Plastic Waste Management Rules, 2016 under section 3, 6 & 25 of Environmental Protection Act, 1986 vide notification no.GSR320-(E), dtd.18.03.2016 and guideline for Extended Producer Responsibility for Plastic packaging were notified by MoEF & CC on February 16, 2022 as schedule-II of Plastic Waste Management Rules, 2016.

As per section 6.1 (a) of the EPR Guidelines, the following entities shall register on the Centralized portal developed by Central Pollution Control Board namely (i) Producer(P), (ii) Importer(I), (iii) Brand Owner (BO), (iv) Plastic Waste Processor engaged in (a) recycling, (b) co- processing (c) waste to energy, (d) waste to oil, and (e) industrial composting.

As per section 6.2 of the above guidelines the entities covered under clause 6.1 shall not carry any business without registration obtained through online Centralized Portal developed by Central Pollution Control Board.

As per section 10.1 of the said guidelines the Producers, Importers & Brand Owners (PIBOs) shall have to register through Online Centralized Portal developed by CPCB. The Certificate of Registration shall be issued through the portal.

The PIBOs will obtain Registration from CPCB if operated in more than two states and from the SPCB, Odisha if operated in one or two states.

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

As per section 11.1 of the EPR guidelines, all plastic waste processors shall have to register with State Pollution Control Board, Odisha in accordance with provisions of 13 (3) of PWM Rules, 2016 on the centralized portal developed by CPCB. Central Pollution Control Board shall lay down uniform procedure for registration within three months of publication of these guidelines.



Contd....


//2//

And as per section 11.2 of EPR Guidelines all Plastic waste processors submit the 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 CPCB.

This notice is being issued to all PIBOs & PWP's to obtain registration from CPCB/SPCB, Odisha (as applicable) in accordance with provision of PWM Rules, 2016. Those who have not yet applied for registration are required to submit application on EPR portal of CPCB with immediate effects, otherwise the action as deem fit will be initiated against the defaulters.


MEMBER SECRETARYMemo No. 5064 / Dt. 04/04/2024 /

Copy forwarded to all the Collector & District Magistrate, for information and necessary action.


CHIEF ENV. SCIENTISTMemo No. 5065 / Dt. 04/04/2024 /

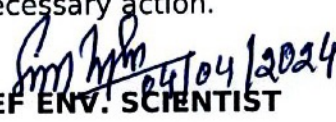
Copy forwarded to the Director, Environment-cum-Special Secretary, FE&CC Department, Govt. of Odisha for kind information and necessary action.


CHIEF ENV. SCIENTISTMemo No. 5066 / Dt. 04/04/2024 /

Copy along with the enclosure forwarded to the Director, Directorate of Industries, Killa Maidan, Buxi Bazar, Cuttack -753001, Odisha for kind information and necessary action.


CHIEF ENV. SCIENTISTMemo No. 5067 / Dt. 04/04/2024 /

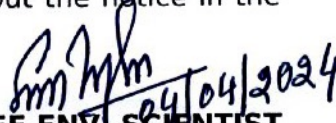
Copy along with the enclosure forwarded to all the Branch officers / All Regional officers, State Pollution Control Board, Odisha for information and necessary action.


CHIEF ENV. SCIENTISTMemo No. 5068 / Dt. 04/04/2024 /

Copy forwarded to the Senior Administrative Officer, State Pollution Control Board, Odisha with a request to publish the above notice in English & Odia (One English & Two Odia dailies as per circulation) dailies on or before 05.04.2024.


CHIEF ENV. SCIENTISTMemo No. 5069 / Dt. 04/04/2024 /

Copy forwarded to the System Administrator, State Pollution Control Board, Odisha for information and necessary action. She is requested to put the notice in the website of the Board immediately


CHIEF ENV. SCIENTIST



EPABX : 2561909/2562847

Tel : 2562822/2560955

E-mail: paribesh1@ospboard.org

Website: www.ospboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

[FOREST, ENVIRONMENT AND CLIMATE CHANGE DEPARTMENT, GOVERNMENT OF ODISHA]

Paribesh Bhawan, A/118, Nilakantha Nagar, Unit – VIII

Bhubaneswar – 751 012, INDIA

No. 2634 /

IND-IV-PCP-PWM-53

Date: 19.02.2022**PUBLIC NOTICE****Notice for Prohibiting Production, Stocking, Distribution, Sale & Use of Single Use Plastic (SUP) Items**

The State Govt. in the Forest, Environment and Climate Change, in exercise of powers conferred u/s-05 of the Environment (Protection) Act, 1986, vide their order No.21103 dtd.29.09.2018 and No.18441 dtd.30.09.2019 have issued certain direction prohibiting use of single use disposable cutleries made up of thermocol (polystyrene), polyurethane and the like; or plastic such as dish, spoon, cup, plate, glass, form, bowl, pouch to store liquid and container etc. of any size and shape excepting for packing and selling of milk and other ancillary milk products; and Thermocol decorative materials (flowers and the like) within all municipal corporation and municipality limits of the State.

In addition to the above, and as per direction of the CPCB in their letter dtd.01.02.2022, this notice is issued appraising the stake holders to comply with the provisions of the notification dtd.12.08.2021, in the following manner:

Ministry of Environment, Forest & Climate Change has issued notification No G.S.R. 571(E) dated 12th August, 2021 vide which manufacture, import, stocking, distribution, sale and use of identified single use plastic (SUP) items shall be prohibited with effect from the July 01, 2022.

As per Rule 4(2) of PWM Rules, 2016 (as amended), "*The manufacture, import, stocking, distribution, sale and use of following single use plastic (SUP), including polystyrene and expanded polystyrene, commodities shall be prohibited with effect from the 1st July, 2022:*

- a) *Ear buds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice-cream sticks, polystyrene [Thermocol] for decoration;*
- b) *Plates, cups, glasses, cutlery such as forks, spoons, knives, straw, trays, wrapping or packing films around sweet boxes, invitation cards, and cigarette packets, plastic or PVC banners less than 100 micron, stirrers;*

As per Rules 4(1)(c) of PWM Rules, 2016 (as amended) "Carry bag made of virgin or recycled plastic, shall not be less seventy five microns in thickness with effect from the 30th September, 2021 and one hundred and twenty (120) microns in thickness with effect from 31st December, 2022.

This Notice is being issued to inform all Producers, Stockists, Retailers, Shopkeepers, e-commerce Companies, Street Vendors, Commercial Establishments (Malls/ Market place/ Shopping Centres/ Cinema Houses/ Tourist locations/ Schools/ Colleges/ Office Complexes / Hospitals & other Institutions) and general public to stop production, stocking, distribution, sale and usage of identified SUP items as per the timelines specified in the said MoEF&CC Notification. Further,


necessary action is to be taken by the concerned entities to ensure zero inventory of the aforementioned SUP items by June 30, 2022.

Action, as deemed fit under Environmental Protection Act, 1986 including seizure of goods, levying of Environmental Compensation, closure of operations of Industries/ Commercial Establishments, shall be taken against the violators of the said Notification.


MEMBER SECRETARY

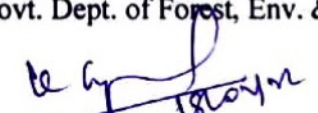
Memo No. 2635 / Dt. 19.02.2022 /

Copy forwarded to the Member Secretary, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex East, Arjun Nagar, Delhi - 110 032 for kind information.


MEMBER SECRETARY

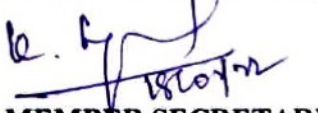
Memo No. 2636 / Dt. 19.02.2022 /

Copy forwarded to the Director (Env)-cum-Special Secretary to Govt. Dept. of Forest, Env. & Climate Change, Govt. of Odisha for kind information.


MEMBER SECRETARY

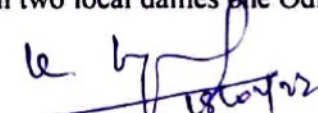
Memo No. 2637 / Dt. 19.02.2022 /

Copy forwarded to the All Regional Officers/CEE/ACEE/SEE/SES/SLO (I-II)/Central Laboratory, Patia, Bhubaneswar for information and necessary action.


MEMBER SECRETARY

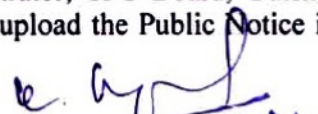
Memo No. 2638 / Dt. 19.02.2022 /

Copy forwarded to the Administrative Officer, SPC Board, Odisha, Bhubaneswar for information and necessary action. He is requested to publish the Notice in two local dailies one Odia and one English for wide circulation.


MEMBER SECRETARY

Memo No. 2639 / Dt. 19.02.2022 /

Copy forwarded to the Sr. Env. Engineer-cum-system Administrator, SPC Board, Odisha, Bhubaneswar for information and necessary action. She is requested to upload the Public Notice in the Website of the Board.


MEMBER SECRETARY

ENCLOSURE-IV



Tel : 0674-2564033
E-mail: paribesh1@ospboard.org
Website: www.ospboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII
Bhubaneswar - 751012

No. 22451 IND/IV/PCP (PWM)168/2023

Date: 15.2.2023

PUBLIC NOTICE

Ministry of Environment, Forest & Climate Change, Govt. of India has issued Plastic Waste Management (Second Amendment) Rules, 2022 vide notification no. G.S.R. 522(E) dated 06.07.2022.


As per Rules 4 (2) of Plastic Waste Management Rules, 2016 (as amended), carry bags made of virgin or recycled plastic shall not be less than one hundred and twenty (120) microns w.e.f. 31.12.2022. There shall not be any manufacture/ import/ stock/ distribution/ sale/ use of single use plastic (SUP) products including polystyrene and expanded polystyrene commodity w.e.f. 01.07.2022 as per the Rules. There shall also be no sale of banned SUP biodegradable (without CPCB Certificate) and biodegradable plastic in violation of the Rules.

Action as deemed fit under Environment (Protection) Act, 1986 including seizure of goods, levying of Environmental Compensation and closure of operation of Industries/Commercial Establishments shall be taken against the violation of the above said Rules/notification.


Member Secretary

Memo No. 2246 / Date 15.2.2023

Copy forward to the Chairman/Member Secretary, Central Pollution Control Board, New Delhi for kind information.


Member Secretary

Memo No. 2247 / Date 15.2.2023

Copy forwarded to the Principal Secretary, H & UD Deptt., Govt., of Odisha/ Principal Secretary, MSME Department/Special Secretary, Home Department/Secretary, State Transport Authority, Govt, of Odisha for favour of information and necessary action.


Member Secretary
Contd...



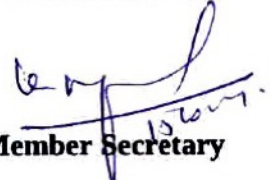
Memo No. 2248 / **Date** 15.2.2023

Copy forwarded to the All Collectors and District Magistrates / All ULBs, Odisha for information and necessary action.


Member Secretary

Memo No. 2249 / **Date** 15.2.2023

Copy forwarded to all Superintendent of Police, Odisha for information and necessary action.


Member Secretary

Memo No. 2250 / **Date** 15.2.2023

Copy forwarded to the Director, Environment-cum-Special Secretary Forest & Environment Department/ Director, Municipal Administration, H & UD Department / Director, Panchayatiraj Department/Director, Tourism Department, Govt. of Odisha, Bhubaneswar for favour of information and necessary action with a request to sensitize respective stakeholders under their jurisdiction to comply with the provisions of the Rules.


Member Secretary


Memo No. 2251 / **Date** 15.2.2023

Copy forwarded to the Administrative Officer, SPC Board, Odisha Bhubaneswar for information and necessary action. He is requested to publish the Notice in two local dailies (one Odia and one English). He is also requested to advertise the same through electronics media like leading Odia TV Channels and F.M radios for public awareness. Sufficient numbers of letters may be distributed in shopping malls, hotels, marriage mandaps etc.


Member Secretary

Memo No. 2252 / **Date** 15.2.2023

Copy forwarded to the all Branch Heads/all Regional Officers/State Pollution Control Board, Odisha. They are requested to stipulate an additional condition in consent/ authorization order for the units under Consent/Authorization administration on prohibiting the use banned Single Used Plastics products in their respective premises / Sr. Law Officer (L-II) for information and necessary action.


Member Secretary