

Plastic Waste Management Rules,



Maharashtra Pollution Control Board

महाराष्ट्र प्रदूषण नियंत्रण मंडळ



Plastic Waste Management Rules, 2016

- Published on 18th March, 2016

- ▶ Provides a Regulatory frame work for Management of Plastic Waste generated in the country.
- ▶ Came into force on the date of their publication in the official Gazette on 18/03/2016.
- ▶ Applicable to every waste generator, Local Body, Gram panchayat, Manufacturer, Importer and producer and brand owner.
- ▶ The conditions for use of plastic bags shall not apply to the export oriented units or units in SEZ notified by the central government manufacturing their products against an order for export: Provide this exemption shall not apply to the units engaged in Packaging of Gutkha tobacco and masala and also to any surplus or rejects, left over products and the like

Plastic Waste Management (Amendment) Rules, 2018

- Published on 27th March, 2018

- Inclusion of definition of

'**alternate use**' means use of a material for a purpose other than for which it was conceived, which is beneficial because it promotes resource efficiency.

'**energy recovery**' means energy recovery from waste that is conversion of waste material into usable heat, electricity or fuel through a variety of processes including combustion, gasification, pyrolysis, anaerobic digestion and land fill gas recovery:"


- In rule 9, in sub-rule (3), for the words "non-recyclable multilayered plastic if any", substitution of the words "multi-layered plastic which is non-recyclable or non-energy recoverable or with no alternate use".

- In the said rules, in rule 13, for the sub-rule (2) the following sub-rule is substituted: -

`(2) Every producer or brand-owner shall, for the purpose of registration or renewal of registration, make an application, in Form I to,- (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 ".



**Maharashtra Plastic and Thermocol Products
(Manufacture, Usage, Sale, Transport,
Handling and Storage) Notification, 2018
and amendment thereof**

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- “Plastic” means material; which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, vinyl, low density polyethylene, polypropylene, polystyrene resins, poly styrene (thermocool), non-oven polypropylene, multi layered co extruder, poly propylene, poly terephthalate, poly amides, poly methyl methacrylate, plastic micro beads, etc.
 - “Compostable Plastic” means plastic that undergoes degradation by biological processes during composting to yield CO₂, water, inorganic compounds and biomass at a rate consistent with other known compostable materials, excluding environmental petro-based plastic, and does not leave visible, distinguishable or toxic residue, and which shall confirm to the Indian Standard: IS 17088:2008 titled as Specifications for Compostable Plastics, as amended from time to time.

..Contd.

- ▶ “Plastic bags” means bags made from plastic material, used for the purpose of carrying or dispensing commodities which have handle or without handle and also includes bags made from non-woven polypropylene and constitute or form an integral part of the packaging at manufacturing stage or is an integral part of manufacturing
- ▶ “PET and PETE bottles” means bottles made up of polyethylene terephthalate (PET) and polyethylene terephthalate esters (PETE) used for packaging or storing liquid or semi liquid food, including water.

Ban on following activity/ products

- ▶ As per said notification the manufacture, usage, transport, distribution, wholesale & retail sale and storage, import of the plastic bags with handle without handle, and the disposable products manufactured from plastic & thermocol (polystyrene) such as single use disposable dish, cups, plates, glasses, fork, bowl, container, disposable dish/bowl used for packaging food in hotels , spoon, straw, non-woven polypropylene bags, cups/pouches to store liquid, packaging with plastic to wrap or store the products, packaging of food items and food grain material etc. is banned.
- ▶ Use of plastic and thermocol for decoration purpose is banned.
- ▶ This notification is applicable for the whole of Maharashtra.

Products exempted from ban

1. Plastic bags or plastic used for packaging of medicines;
2. Only compostable plastic bags or material used for plant nurseries, horticulture, agriculture, handling of solid waste. However, bags/sheets utilised for this purpose shall be prominently printed on it with “use exclusively for this specific purpose only”. The manufacturer or seller of the compostable carry bags shall obtain certificate from the Central Pollution Control Board before marketing or selling for this purpose.
3. Manufacture plastic and plastic bags for export purpose only, in their SEZ and export oriented units etc.
4. Plastic cover/ plastic to wrap the material at the manufacturing stage or is an integral part of manufacturing. Guidelines to recycle or reuse such plastic should be printed prominently on the cover and material.
5. Food grade virgin plastic bags not less than 50 micron thickness used for packaging milk. However, on such plastic bags used for this purpose, should be clearly printed with the price for buy back.
6. use, purchase, sale, storage and manufacture of PET or PETE bottles made up of high quality food grade virgin Bisphenol-A free material and printed on it with predefined buy back price shall be allowed subject to certain conditions

Who are authorised and empowered to take necessary legal action against defaulters?

- 1) Municipal Commissioners, Deputy Municipal Commissioners, Shops & Establishment Officers and Inspectors, Sanitary Inspector, Health Inspector, Health Officer, Ward Officers or any other Officer nominated by the Municipal Commissioner as well as Chief Officers of all Municipal Councils and any other Officer nominated by the Chief Officer are authorized to implement the provisions of the said Regulations in their respective jurisdiction.
- 2) District Collector, Deputy Collector, Sub-Divisional Officer, Tahasildar, Talathi and any other officer nominated by Collector, are authorized to implement the provisions of the said Regulations in their respective jurisdiction.
- 3) Chief Executive Officer, Zilla Parishad; Block Development Officer, Health Officer, Development Officer, District Education Officer, Block Education Officer and Gram Sevak are authorized to implement the provisions of the said Regulations in their respective jurisdiction.
- 4) Member Secretary, Regional Officer, Sub-Regional Officer and Field Officer of Maharashtra Pollution Control Board, Scientist-I & II and Director, Environment Department, Government of Maharashtra.
- 5) Director, Health Services; Deputy Director, Health Services; Health Officers.
- 6) Director, Primary & Secondary Education Board.
- 7) All Tourism Police, Police Inspector, Police Sub-Inspector, Motor Vehicle Inspector, Traffic Police, Joint Managing Director, Maharashtra Tourism Development Corporation or any other officer authorized by Managing Director, Maharashtra Tourism Development Corporation.
- 8) Deputy Commissioner (Supply), District Supply Officer
- 9) Commissioner State Tax and all State Tax Officers.
- 10) Range Forest Officer or any other officer authorized by Deputy Conservator of Forest.



Vigilance and reporting

- ▶ For implementation of these regulations, the person at village or city level, interested persons, group of people, welfare organizations, industrial association and members of all local bodies etc. shall register any offence with the concerned authorized officer, notified in these regulations for this purpose.
- ▶ The said registered person, group of people, welfare organizations, industrial association shall help the officers authorized under the said regulations, for providing information of violation of these regulations and assist such officers to impose fine, to confiscate the material made from plastic & thermocol and assist in registering the offence.

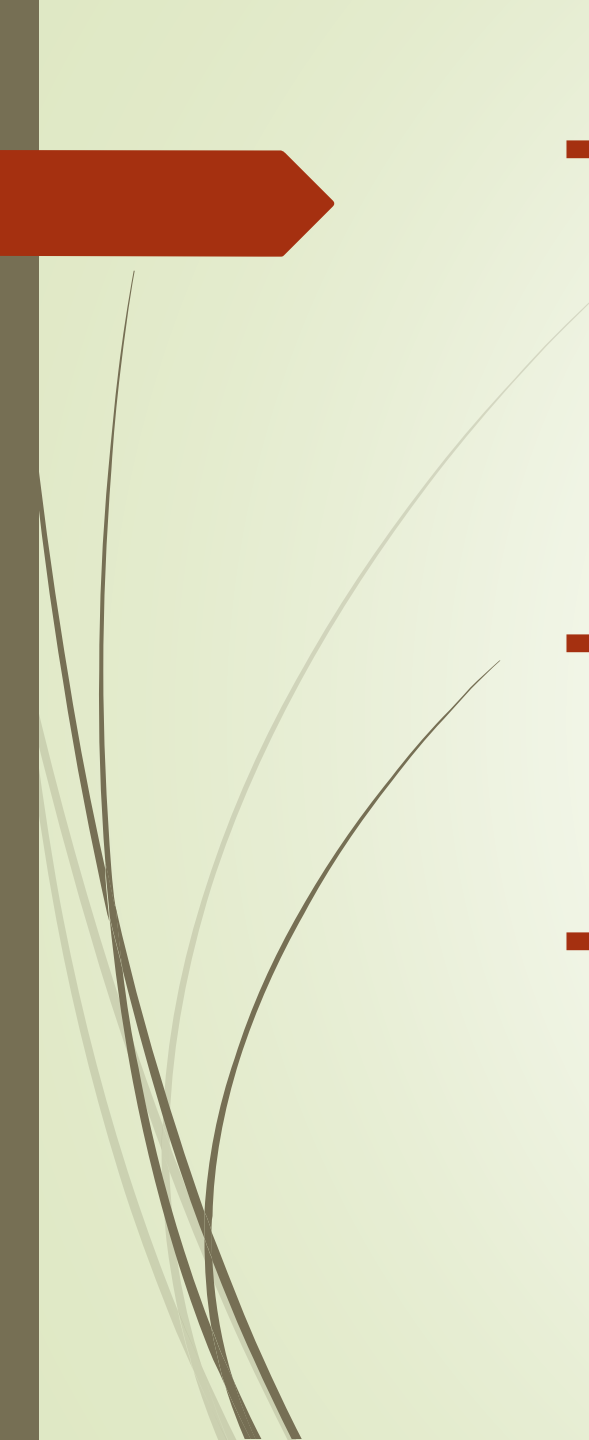
Time frame for implementation of these regulation

| Sr no. | Stake Holder | Implementation Period | |
|--------|-----------------------------|---|---|
| | | Activity | Time Frame |
| 1. | Manufacturer / Producer | Manufacturing and sale of banned items. | From date of notification. |
| | | Disposal of existing stock of banned items by 1) Sale outside the State. 2) Sale to authorized recycler or industry. | Three months from the date of notification. |
| 2. | Sellers, Retailers, Traders | Ban on Sale | From the date of Notification |
| | | Disposal of Existing Stock by 1) Sale outside the State. 2) Sale to authorized recycler or industry. 3) Handed over to Local Body for Scientific disposal or recycling; and plastic waste generated under buy back scheme to be handed over to authorized recyclers or to the such mechanism developed for the same. | Three months from the date of notification. |
| 3. | Users | Use of banned items. | From the date of Notification. |
| | | Disposal of existing plastic banned items with the individual users by 1) Handed over to Local Body for Scientific disposal or recycling; 2) Sale to authorized recycler or industry. | Three months from the date of notification. |
| 4 | Local Body | To arrange the collection, transportation of banned plastic items or plastic waste of existing stock for recycling to authorized recyclers or industries or scientific disposal. | Three months from the date of notification. |



Penalty Under Section 9 of Maharashtra
Non-biodegradable Garbage (Control) Act,
2006,

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| First Offence | Rs. 5000/- |
| Second Offence | Rs. 10000/- |
| Third Offence | Rs. 25000/- and three months imprisonment |

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- ▶ Empowered Committee, constituted under the chairmanship of Minister (Environment) shall monitor the implementation of these regulations and will regularly review the incorporation of additional items which generate non-biodegradable garbage including use of PET or PETE bottles to be banned in the State. This committee will also help in resolving any difficulty faced by implementing authorities during implementation and if required also carry out any amendment in these regulations with an aim to reduce the volume of non-biodegradable garbage generation in the State.
 - ▶ Expert Committee shall be constituted under these regulations which will suggest the recommendations including amendment required, if any in the regulations to the Empowered Committee for effective implementation of the regulations and solutions to reduce the non-biodegradable garbage.
 - ▶ The writ petitions were filed by plastic carry bags manufacturing association which are rejected by Hon'ble High Court vide order dated 12.4.2018. The Hon'ble Court has given directions to state government that no coercive action shall be taken in terms of Section 9 of the said Act of 2006 against individual citizens limited only to the use of restricted/ regulated/ prohibited items which are covered by the impugned notification dated 23rd March 2018 as amended by the notification dated 11th April 2018.