

THE LMC PLASTIC WASTE MANAGEMENT BYE-LAWS, 2023

FOR REGULATING ALL MATTERS CONNECTED WITH STORAGE, COLLECTION, TRANSPORT, PROCESSING AND DISPOSAL OF MUNICIPAL PLASTIC WASTE

1. Short title, extent and commencement:

- 1) These bye-laws shall be called the Lunglei Municipal Council Plastic Waste Management Bye-Laws, 2023.
- 2) It extends to the whole of (Name of ULB/Urban Town).
- 3) They shall come into force from the date of notification in Official Gazette.

2. Definition:-

In these bye-laws, unless the context otherwise requires:

- (a) "ACT" MEANS THE Environment (Protection) Act, 1986(29 of 1986).
- (b) "Brand Owner" means a person or company who sell any commodity under a registered brand label.
- (c) "Bulk Waste Generator" means and includes buildings occupied by the Central Government departments or undertakings, State Government department or undertakings, local bodies, public sector undertakings or private companies, hospitals, nursing homes, schools, colleges, universities, other educational institutions, hostels, hotels, commercial establishment, markets, places of worship, stadia and sports complexes having an average waste generation rate exceeding 100kg per day.
- (d) "Carry Bags" mean bags made from plastic material or compostable plastic material, used for the purpose of carrying or dispensing commodities which have a self-carrying feature but do not include bags that constitute or form an integral part of the packing in which goods are sealed prior to use.
- (e) "Commodity" means tangible item that may be bought or sold and includes all marketable goods or wares.
- (f) "Compostable Plastics" mean plastics that undergo degradation by biological processes during composting to yield CO₂, water, in organic compounds and biomass at a rate consistent with other known compostable materials, excluding conventional petro-based plastics, and do not leave visible, distinguishable or toxic residue.

(g) "Consent" means the permission to establish and operate from the concerned State Pollution Control Board or Pollution Control Committee granted under the Water (Prevention and Control of Pollution) Act, 1974(6 of 1974), and the Air (Prevention and Control of Pollution) Act, 1981(14 of 1981).

(h) "Disintegration" means the physical breakdown of a material into very small fragments.

(i) "Extended Producer's Responsibility" means the responsibility of a producer for the environmentally sound management of the product until the end of its life.

(j) "Importer" means a person who imports or intends to import and holds a Importer-Exporter Code Number, unless otherwise specifically exempted.

(k) "institutional waste generator" means and includes occupier of institutional buildings such as buildings occupied by Central Government Departments, State Government Departments, public or private sector companies, hospitals, schools, colleges, universities or other places of education, organization, academy, hotels, restaurants, malls and shopping Complexes.

(l) "Local Body" means urban local body which can have different nomenclatures such as municipal corporation, municipality, Nagar palika, NagarNigam, Nagar panchayat, municipal council including notified area Committee (NAC) and not limited to or any other local body constitute under the relevant statutes such as gram panchayat, where the management of plastic waste is entrusted to such agency.

(m) "Manufacturer" means and include a person or unit or agency engaged in production of plastic raw material to be used as raw material by the producer.

(n) "Material Recovery Facility(MRF)" means a facility where non-compostable solid wastes can be temporarily stored by local bodies or any person or agency authorized by them to facilitate segregation, sorting and recovery of recyclables from other plastic wastes before it is processed or disposed.

(o) "Multilayered Packaging" means any material used or to be used for packaging and having at least one layer of plastic as the main ingredients in combination with one or more layers of materials such as paper, paperboard, polymeric materials, metalized layers or aluminium foil, either in the form of a laminate or co-extruded structure.

(p) "Plastic" means material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins, multi-materials like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate, Polybutylene terephthalate.

(q) "Plastic Waste" means any plastic discarded after use or after their intended use is over.

(r) "Producer" means persons engaged in manufacture or import of carry bags or multilayered packaging or plastic sheets or like, and includes industries or individuals using plastic sheets or like or covers made of plastic sheets or multilayered packaging for packaging or wrapping the commodity.

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

(t) "Street Vendor" shall have the same meaning as assigned to it in clause (1) of sub-section (1) of Section 2 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014).

(u) "Virgin Plastic" means plastic material which has not been subjected to use earlier and has also not been blended with scrap or waste.

(v) "Waste Generator" means and includes every person or group of persons institution, residential, commercial establishments and religious establishments which generate waste.

(w) "Waste Management" means the collection, storage, transportation reduction, re-use, recovery, recycling, composting or disposal of plastic waste in an environmentally safe manner Town.

(x) "Waste Pickers" mean individual or agencies or groups of individuals voluntarily engaged or authorized for picking of recyclable plastic waste.

(y) "processing" means any scientific process by which plastic waste is treated for processing for the purpose of reuse, recycling or transformation into new products or making it suitable for land filling.

(z) "Co-Processing" means use of non-biodegradable and non-recyclable solid waste having calorific value exceeding 1500 kcal as raw material or as a source of energy or both to replace or supplement the natural mineral resources and fossil fuels in industrial processes.

(Za) "Fine" means penalty imposed on waste generators or operators of waste processing and disposal facilities under the bye-laws for non-compliance of the directions contained in these rules and/or bye-laws.

(Zb) "User Fee" means a fee imposed by the Local Body and any entity mentioned in Rule 2 on the waste generator to cover full or part cost of providing solid waste collection, transportation, processing and disposal services. Words and expressions used herein but not defined but defined in the Environment (Protection) Act, 1986, The Water (Prevention and Control of Pollution) Act, 1974, Water (Prevention and Control of Pollution) Cess Act, 1977, the Air (Prevention and Control of Pollution) Act, 1981, Plastic Waste Management Rules, 2016 shall have the same meaning as assigned to the min the respective Act/Rules.

3. Application:-

(1) These bye-laws shall be applicable within the jurisdiction of Lunglei Municipal Council (Name of ULB/Urban Town) to every generator of municipal solid waste and to every premise under the ownership or occupations of any person within the limits of Lunglei Urban Town.

a) The Authority shall encourage the minimization of plastic use within its jurisdictional limits by generating awareness on the problems caused by excessive plastic use, the short term and b) long-term effects of plastic waste on the environment, alternate non-plastic substitutes of plastics etc., on a continuous basis and shall provide budget for the same.

b) Use of plastic carry bags or plastic products that do not conform to the specifications of the Plastic Waste Management Rules 2016 and Plastic Waste Management Amendment Rules, 2021 shall be prohibited.

c) Producers and retailers shall take definitive steps to substitute plastic packaging to other biodegradable and recyclable materials to the extent possible as per the Plastic Waste Management 2016 Rules and Plastic Waste Management Amendment Rules, 2021.

d) Waste generators shall take steps to minimize their consumption of plastics and their generation of plastic wastes.

4. Compliance with Plastic Waste Management Rules:-

No person shall manufacture, stock, distribute, sell or use plastic carry bags, plastic sheet, cover made of plastic sheet or multi-layered packaging or any other plastic product in violation of the provisions of the Plastic Waste Management Rules, 2016. Carry bags made of virgin or recycled plastics shall conform to the Plastic Waste Management Amendment Rules, 2021 in thickness.

5. Segregation, Collection and Storage of Plastic Waste:-

a) Every waste generator shall segregate the waste generated by them at the source at which such wastes are generated and plastic wastes shall be stored separately from other kinds of wastes in authorized storage bins or bags. This responsibility shall fall upon the occupier or manager of the premises of the waste generator as the case may be. The aforementioned entities shall hand over such segregated plastic waste to the collection agency designated by the Urban Local Body/Urban Town Authorities.

b) Plastic packaging of food wastes shall be emptied of their food content, before being segregated. Further, non-plastic biodegradable wastes (including food waste) shall not be disposed of in plastic bags other than plastic garbage bags manufactured specifically for the disposal of non-plastic biodegradable waste. No plastic waste shall be disposed otherwise as has

provided under these bye-laws. Further, no plastic waste shall be burnt in any public or private premise.

c) No plastic, including plastic containing any liquid which by reasons of its mass or other characteristics is likely to render any collection unreasonably difficult for the Urban Local Bodies /Urban Towns employees or service provider to handle, shall be stored or placed along with other plastic wastes.

d) Bulk generators of plastic waste such as Hotels, Institutions, Shopping Centres, Hostels, Schools, Churches, etc. shall initiate and undertake special drives and programs to promote segregated plastic waste collection.

6. Collection Centers and Transportation:-

a) The Urban Local Body/Urban Town authorities shall provide for the collection of plastic waste from specific designated points on public roads or private roads up to which the waste generator must bring the collected waste for delivery to vehicles according to the route plans as notified by the authority concerned.

b) Plastic wastes shall, upon segregation, be handed over to waste pickers designated to collect plastic wastes from the doorstep of the particular waste generator. However, where door to door collection service is not available and/or a waste generator does not avail of the waste collection services of waste pickers, such waste generator shall dispose of the segregated plastic waste at the Community Waste Collection Centre designated by the Local Authority.

7. Processing of Plastic Waste:-

a) The Town Authority shall set up treatment and processing facilities as per the requirement of quality of plastic to be processed in line with the Plastic Waste Management Rules 2016 and Plastic Waste Management Amendment Rules, 2021 and Solid Waste Management Rules 2016.

b) The Town Authority may, for the purpose of recycling, treating, processing and disposing of plastic wastes or converting such wastes into any other matter construct, acquire, operate, maintain and manage any establishment within or outside the Urban Local Body/Urban Town area and run it on a commercial basis or may outsource such activity.

c) The Urban Local Body /Urban Town Authority shall encourage the adoption of suitable processing technologies such as road construction, Co-incineration, co-processing etc. to reduce the disposal of plastic wastes into landfills.

d) The waste processing and disposal site shall be designed, constructed and maintained as per the State Pollution Control Board or Central Pollution Control Board guidelines.

e) Only Plastic wastes which cannot be processed further or recycled, and inert materials shall be disposed in landfills.

f) Thermoset plastic waste shall be processed and disposed off in accordance with the relevant provisions of the State Pollution Control Board or Central Pollution Control Board guidelines.

8. Plastic Waste Management System:-

The ULB/Urban Town Authority shall establish, operate, administer and co-ordinate a Plastic Waste Management System (PWMS). The key goals of the Plastic Waste Management System are:

a) to ensure the safe collection, storage, segregation, transportation, processing and disposal of plastic waste within its jurisdictional limits may be mandatory for the Urban Local Body/Urban Town in accordance with the Plastic Waste Management Rules, 2016 and Plastic Waste Management Amendment Rules, 2021.

b) to set up plastic waste collection centre/material recovery facilities for plastic waste.

c) to ensure its channelizing to recyclers including through the existing formal/ informal waste recycling sector.

d) to create awareness among all the stakeholders about their responsibilities.

e) to ensure the financial sustainability of plastic waste management.

f) to implement Environment Protection Rules and levy user charges, penalty etc. for effective implementation of plastic waste management.

9.1 Waste generators:-

a) Individual households and institutional waste generators shall take steps to minimize generation of plastic waste and shall segregate plastic waste at source.

b) Waste generators will segregate the plastic waste at source and store it separately.

c) All institutional generators of plastic waste shall segregate and store the waste generated by them in accordance with the Solid Waste Management Rules 2016 and handover segregated wastes to authorized waste processing or disposal facilities or deposition centers either on their own or through the authorized waste collection agency.

d) The waste generators shall not litter or burn the plastic waste. No generator shall dispose the plastic waste to drains/ unauthorized places.

e) Anyone organizing an event in open space, which involves service of foodstuff in plastic or multilayered packaging shall segregate and manage the waste generated during such events in accordance with the Solid Waste Management, Rules 2016.

9.2 Organized retailers, un-organized retailers and street vendors:-

a) No person shall sell or provide commodities to consumers in plastic scarry bags, plastic sheet or multi-layered packaging which is manufactured, labelled or marked in contravention of the Plastic Waste Management Rules, 2016.

b) No plastic carry bags shall be made available free of cost by organized retailers, unorganized retailers, vendors, wholesalers, hawkers, etc. to any buyer or consumer. Organized retailers, un-organized retailers and street vendors willing to provide plastic carry bags for dispensing any commodity shall register with the Urban Local Body/Urban Town Authority and pay a waste management charge as decided from time to time. Only the registered organized retailers, un-organized retailers and street vendors can provide plastic carry bags that conform to the Plastic Waste Management Rules 2016 and Plastic Waste Management Amendment Rules, 2021. They shall sign a declarations given in FORM-I in ANNEXURE-A.

c) Unregistered and un-organized retailers and street vendor found guilty of using plastic carry bags shall be penalized as specified in these bye-laws and by Plastic Waste Management Rules 2016.

d) Every organized and un-organized retailer or street vendors selling or providing commodities in plastic carry bags or multi-layered packaging or plastic sheets or like or covers made of plastic sheets which are not manufactured or labelled or marked in accordance with these rules shall be liable to pay such charges as specified in the bye-laws.

e) Street vendors using plastic products to serve their goods shall ensure that the waste is collected, segregated and handed over to designated waste collection agencies.

9.3 Producers and Brand Owners:-

Producers and brand owners shall adhere to Plastic Waste Management Rules 2016, and other regulations in conformance with the State Pollution Control Board guidelines as follows: -

a) The primary responsibility for setting up collection systems-for plastic waste lies with producers and brand owners;

b) The Urban Local Body/Urban Town authority shall work out the modalities for the mechanism based on Environment Protection Rules (EPR) involving producers and brand owners.

c) Primary responsibility for collection of used multilayered plastic sachet or pouches or packaging lies with the Producers, Importers and Brand Owners who introduce the products in the market. They are to establish a system for collecting back the plastic waste generated by their products. This plan of collection is to be submitted to the State Pollution Control Board while applying for registration to establish or renewal. The Brand Owner whose registration have been renewed before the notification of these rules shall submit such plan within one year from the date of notification of these rules and implement within two years thereafter.

9.4 Recyclers and Operators of Plastic Treatment Plants:-

Recyclers and Operators shall adhere to Plastic Waste Management Rules 2016, and other regulations in conformance with the State Pollution Control Board guidelines.

a) Recycling of plastic shall be carried out in accordance with the Indian Standard: IS 14534:1998 Guidelines for Recycling of Plastic, as amended from time to time.

b) Recyclers shall ensure that recycling facilities are in accordance with the Indian Standard: IS 14534: 1998 Guidelines for Recycling of Plastic and in compliance with the rules under the Environment (Protection) Act, 1986 as amended from time to time.

c) Recyclers shall work with the Urban Local Body/Urban Town to ensure that the residue generated from recycling process is disposed of in accordance with the relevant schedules under the Solid Waste Management Rules, 2016.

9.5 Self-Compliance:-

a) Every Institutional waste generator, organized and un-organized retailer, recycler and operator of plastic treatment plants shall maintain a self-compliance register, which shall be mandatory evidence for proof of compliance with these bye-laws.

b) Such self-compliance register shall be maintained in the format prescribed in FORM-II of ANNEXURE-B and shall be filled with such periodicity as to correspond to the frequency of the disposal of plastic wastes, by the maintaining entity.

c) Failure to maintain the self-compliance register, shall be subjected to the penalty as stipulated in the Schedule.

10. User Charges or Fees:-

Waste generators, retailers and producers shall be liable for all charges incurred towards plastic waste management in the city/town as prescribed by the Urban Local Body/Urban Town from time to time.

11. Prohibition of certain plastic items:-

a) No person shall carry, use or store any plastic carry bags below the permissible minimum thickness (as-prescribed from time to time) and size or any plastic articles having single use such as disposable plastic bottles, cups, plates, spoons, forks etc, within premises owned, managed or controlled by the Urban Local Body /Urban Town or any Department of the State Government.

b) The prohibition under clause (a) above shall not affect the use of plastic carry bags as specified under the Bio-Medical Waste Management Rules, 2016.

c) Any person in breach of such prohibition shall be liable to charges prescribed in Schedule of Fines under the bye- laws and any other law in force at the time being. Notice will be provided as per FORM-III in ANNEXURE-C.

d) The Town Authority may, by notification.

i. Extend such prohibition to any other place or premises, whether private or public, including premises owned, managed or controlled by Departments of the Central or State governments within the jurisdiction of the Urban Local Body /Urban Town as may be specified in such notification.

ii. Direct minimum standards of non-plastic carry bags, such as a minimum recycled content for paper bags provided by shopkeepers, vendors, wholesalers, retailers, hawkers, etc.

12. The Urban Local Body/Urban Town shall:-

a) Attempt to integrate the scrap shops within the city, so far as they comply with regulations prescribed by the Authority from time to time and register with the Municipal Corporation/Council/ Board /Urban Local Body. These units shall be granted registration for a period of one year, unless revoked, suspended or cancelled, prior to the expiry of one year as per FORM-IV of ANNEXURE-D. No registration fee will be applicable to scrap shop recyclers.

b) Encourage the recycling of plastic wastes and adoption in suitable processing technologies such as road construction, incineration, co-processing, etc., to reduce the disposal of plastic wastes into landfills.

c) Prepare and submit an Annual Report in FORM -V given in the Plastic Waste Management Rules 2016 to the Secretary, Urban Development & Poverty Alleviation Department and intimate the Mizoram State Pollution Control Board of the same.

d) Review and amend the Plastic Waste Management plan once in every 5 years for purpose of ensuring their sustainability, viability, effectiveness and relevance in relation to regulatory and technological developments.

13. Penalties for contravention of these bye-laws:-

a) Whosoever contravenes any of the provisions of these bye-laws or fails to comply with the requirements made under any of these bye-laws shall be punished with a fine as mentioned in SCHEDULE OF FINES appended to these bye-laws and may be tried under relevant section of BNS.

b) In the event of continuation of the breach of the provisions of these bye-laws, the fine amount will be doubled and will be punishable under relevant section of BNS.

c) The fines collected may be submitted to Government with proper receipt by concerned Urban Local Body/Local Authority.

14. Miscellaneous provisions:-

a) The Municipal Commissioner/ Urban Local Body /Urban Town Authority may appoint or designate any individuals or agencies to assist in connection with enforcement and implementation of these bye-laws.

b) Any person or persons aggrieved or affected by this Lunglei Municipal Council Plastic Waste Management Bye-Laws, 2023 shall have the right to submit his/her grievances to Nodal Officer of their respective Urban Town. If he/she is not satisfied with the decision of Nodal Officer he/she may appeal to the Director, UD&PA Department.