PARADEEP MUNICIPALITY, PARADEEP

Notification

No. 8789 Date: 01-11-19

The following draft of certain Bye-laws which the Municipality propose to make in exercise of the powers conferred by section 388 of the Odisha Municipal Act, 1950 (Odisha Act 23 of 1950) and sub-rule (4) of rule 6 of the Plastic Waste Management Rules, 2016, read with sub-rule (2) of rule 14 thereof is hereby published as required by section 392 of the said Act for information of all persons likely to be affected thereby and the notice is hereby given that the said draft Bye-laws will be taken into consideration by the Paradeep Municipality on or after the expiry of a period of thirty days from the date of publication of this notification in the Odisha Gazette.

Any objection or suggestion which may be received by the Executive Officer of the Paradeep Municipality from any person in respect of the said draft before expiry of the period so specified above will be considered by the Municipal Council, or as the case may be, the Administrator. Objection or suggestion received after the due date shall not be considered.

Draft Bye-laws

CHAPTER – I

PRELIMINARY


(2) They shall come into force on the date of their publication in the Odisha Gazette.

2. Application.- (1) These Bye-laws shall apply to every waste generator, manufacturer, importer and producer within the jurisdiction of Paradeep Municipality

(2) The Bye-laws shall not apply to the export oriented units or units in special economic zones, notified by the Central Government, manufacturing their products against an order for export;

Provided this exemption shall not apply to units engaged in packaging of gutkha, tobacco and pan masala and also to any surplus or rejects, left over products and the like.

3. Definitions.- (1) 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 sells any commodity under a registered brand label;
(c) "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 packaging in which goods are sealed prior to use;

(d) "Certificate Officer" means a Collector, a Sub-Collector or any officer appointed by a Collector, with sanction of the Revenue Divisional Commissioner, to perform the functions of a Certificate Officer under the Odisha Public Demand Recovery Act, 1962 (Odisha Act 1 of 1963);

(e) "commodity" means tangible item that may be bought or sold and includes all marketable goods or wares;

(f) "compostable plastics" mean 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 conventional petro-based plastics, and does not leave visible, distinguishable or toxic residue;

(g) "food-stuffs" mean ready to eat food products, fast food, processed or cooked food in liquid, powder, solid or semi-solid form;

(h) "facility" means the premises used for collection, storage, recycling, processing and disposal of plastic waste;

(i) "importer" means a person who imports or intends to import and holds an Importer-Exporter Code number, unless otherwise specifically exempted;

(j) "institutional waste generator" means and includes occupier of the institutional buildings such as building 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;

(k) "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;

(l) "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, paper board, polymeric materials, metalised layers or aluminium foil, either in the form of a laminate or co-extruded structure;

(m) "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;

(n) "plastic sheet" means sheet made of plastic;

(o) "plastic waste" means any plastic discarded after use or after their intended use is over;
(p) "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;

(q) "recycling" means the process of transforming segregated plastic waste into a new product or raw material for producing new products;

(r) "registration" means registration with the State Pollution Control Board, Odisha;

(s) "Rules" means the Plastic Waste Management Rules, 2016;

(t) "street vendor" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;

(u) "Thermoset plastic" when cured by heat or other means, changes into a substantially infusible or insoluble product. The thermoset polymer is a kind of plastic, which due to its composite chemical structure can't be re-moulded / recycled.

(v) "virgin plastic" means plastic material which has not been subjected to use earlier and has also not been blended with scrap or waste;

(w) "waste generator" means and includes every person or group of persons or institution, residential and commercial establishments including Indian Railways, Airport, Port and Harbour and Defense establishments which generate plastic waste;

(x) "waste management" means the collection, storage, transportation reduction, re-use, recovery, recycling, composting or disposal of plastic waste in an environmentally safe manner,

(y) "waste pickers" mean individuals or agencies, groups of individuals voluntarily engaged or authorized for picking of recyclable plastic waste.

(2) Words and expressions used in these Bye-laws and not defined herein but defined in the Environment (Protection) Act, 1986 (29 of 1986) or in the Odisha Municipal Act, 1950 (Odisha Act 23 of 1950) shall have the same meanings respectively assigned to them in the said Acts.
4. Conditions.- The manufacture, importer stocking, distribution, sale and use of carry bags, plastic sheets or like, or cover made of plastic sheet and multilayered packaging, shall be subject to the following conditions, namely: -

(a) Carry bags and plastic packaging shall either be in natural shade which is without any added pigments or made using only those pigments and colourants which are in conformity with Indian Standard: IS 9833:1981 titled as "List of pigments and colourants for use in plastics in contact with foodstuffs, pharmaceuticals and drinking water", as amended from time to time.

(b) Carry bags made of recycled plastic or products made of recycled plastic shall not be used for storing, carrying, dispensing or packaging ready to eat or drink food stuff.

(c) Carry bag made of virgin or recycled plastic, shall not be less than fifty microns in thickness (1 mm = 1000 microns).

(d) Plastic sheet or like, which is not an integral part of multilayered packaging and cover made of plastic sheet used for packaging, wrapping the commodity shall not be less than fifty microns in thickness except where the thickness of such plastic sheets impair the functionality of the product.

(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 State Pollution Control Board, Odisha.

(f) Sachets using plastic material shall not be used for storing, packing or selling gutkha, tobacco and pan masala.

(g) Recycling of plastic waste shall conform to the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics, as amended from time to time.

(h) The provision of thickness shall not be applicable to carry bags made up of compostable plastic. Carry bags made from compostable plastics shall conform to the Indian Standard: IS 17088:2008 titled as Specifications for Compostable Plastics, as amended from time to time. The manufacturers or seller of compostable plastic carry bags shall obtain a certificate from the Central Pollution Control Board before marketing or selling.

(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.
5. The Plastic Waste Management.- **Paradeep Municipality** shall manage plastic waste in its respective jurisdiction as follows:-

(a) The plastic waste, which can be recycled, shall be channelized to registered plastic waste recycler and recycling of plastic shall conform to the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics, as amended from time to time.

(b) The **Municipality/NAC** shall encourage the use of plastic waste (preferably the plastic waste which cannot be further recycled) for road construction as per Indian Road Congress guidelines or energy recovery or waste to oil or use of plastic waste in cement kilns etc. The standards and pollution control norms specified by the State Pollution Control Board, Odisha for these technologies shall be complied with.

(c) Thermoset plastic waste shall be processed and disposed of as per the guidelines issued from time to time by the Central Pollution Control Board and/or the State Pollution Control Board, Odisha.

(d) The inert from recycling or processing facilities of plastic waste shall be disposed of in compliance with the provisions contained in the Solid Waste Management Rules, 2016 notified vide S.O. 1357 (E), Dated the 8th April, 2016 or as amended from time to time.

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6. Responsibility of the Municipality/NAC.- (a) **Paradeep Municipality** shall develop infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers.

(b) **Paradeep Municipality** shall be responsible for setting up, operational and co-ordination of the waste management system and for performing the associated functions, namely:-

(i) Ensuring segregation, collection, storage, transportation, processing and disposal of plastic waste;

(ii) Ensuring that no damage is caused to the environment during this process;
(iii) Ensuring channelization of recyclable plastic waste fraction to recyclers;
(iv) Ensuring processing and disposal on non-recyclable fraction of plastic waste in accordance with the guidelines issued by the Central Pollution Control Board and/or the State Pollution Control Board, Odisha;
(v) Creating awareness among all stakeholders about their responsibilities;
(vi) Engaging civil societies or groups working with waste pickers; and
(vii) Ensuring that open burning of plastic waste does not take place.

(c) The Municipality / NAC shall establish a plastic waste collection center of its own or by engaging any agency, where any waste generator or waste pickers can directly deposit plastic wastes and disseminate information on waste reduction, source segregation of waste, prohibition on open burning of plastic waste, etc. for sensitization.

(d) The fund collected by the Municipality / NAC as registration fees, user fee and fine shall be kept in a separate account and shall be utilized for infrastructure, logistics and for the overall sustainability of the waste management system within their jurisdictions.

(e) Considering the environmental hazards of plastic waste, the Municipality / NAC may by the decision of the Council ban the use of plastic carry bags within their jurisdiction and design a suitable method for sensitization, enforcement and implementation.

(f) The Municipality / NAC for setting up of systems for plastic waste management shall seek assistance of manufacturer, producers and brand owners.

7. Responsibility of waste generator.-(1) The waste generator shall-

(a) take steps to minimize generation of plastic waste and segregate plastic waste at source in accordance with the provisions of the Solid Waste Management Rules, 2016 or as amended from time to time;
(b) not litter the plastic waste and ensure segregated storage of waste at source and handover segregated waste to Paradeep Municipality waste collector or agencies authorized or registered waste pickers, registered recyclers or waste collection agencies;

(2) All institutional generators of plastic waste, shall segregate and store the waste generated by them in accordance with the Solid Waste Management Rules, 2016 or as amended from time to time and handover segregated wastes to authorized waste processing or disposal facilities or deposition centers either on its own or through the authorized waste collection agency;

(3) All waste generators shall pay user fee or charge as may be specified in the Bye-laws of the local bodies for plastic waste management such as waste collection or operation of the facility thereof, etc.
(4) Every person responsible for organizing an event in open space, which involves service of food stuff in plastic or multilayered packaging shall segregate and manage the waste generated during such events in accordance with the Solid Waste Management Rules, 2016 or amendment from time to time.

CHAPTER V

COLLECTION, SEGREGATION AND PROCESSING OF PLASTIC WASTE

8. The manner of collection, segregation and processing of plastic waste shall be as follows, namely:-

(1) Waste Generators shall store the plastic waste in the blue coloured, non–bio degradable or dry waste bin.

(2) At secondary storage depots the plastic waste shall be collected in the non-biodegradable or dry waste bins only.

(3) At the secondary storage points or depots or transfer stations, waste pickers and other social entrepreneurs shall be encouraged to remove constituents such as plastic, glass and paper for recycle and reuse.

9. Responsibility of producers, importers and brand owners.- (1) The manufacturers or seller of compostable plastic carry bags shall obtain a certificate from the Central Pollution Control Board before marketing or selling.

(2) The producer shall be registered with the State Pollution Control Board, Odisha.

(3) All the producers, brand owners or importers who sell or market their products using multi-layered plastic sachet or pouches or packaging, etc. are primarily responsible to establish the system of collecting back the plastic waste generated due to their products.

(4) Every producer shall maintain a record of details of the person engaged in supply of plastic used as raw material to manufacture carry bags or plastic sheet or like or cover made of plastic sheet or multilayered packaging.

CHAPTER VI

MARKING OR LABELING

10. Marking or labeling.- (1) Each plastic carry bag and multilayered packaging shall have the following information printed in English and Odia, namely:-

(a) name, registration number of the manufacturer and thickness in case of carry bag;
(b) name and registration number of the manufacturer in case of multilayered packaging; and
(c) name and certificate number in case of carry bags made from compostable plastic.

(2) Each recycled carry bag shall bear a label or a mark "recycled" as shown below and shall conform to the Indian Standard: IS 14534: 1998 titled as "Guidelines for Recycling of Plastics", as amended from time to time;

![Label Diagram]

NOTE: PET-Polyethylene terephthalate, HDPE-High density polyethylene, V-Vinyl (PVC), LDPE- Low density polyethylene, PP-Polypropylene, PS-Polystyrene and Other means all other resins and multi-materials like ABS (Acrylonitrile butadiene styrene), PPO (Polyphenylene oxide), PC (Polycarbonate), PBT (Polybutylene terephalate), etc.

(3) Each carry bag made from compostable plastics shall bear a label "compostable" and shall conform to the Indian Standard: IS or ISO 17088:2008 titled as Specifications for "Compostable Plastics".

CHAPTER VII

REGISTRATION OF PRODUCER, RECYCLER AND MANUFACTURER

11. All producer, recycler and manufacturer of plastic materials, multilayered packaging shall obtain registration and renewal with State Pollution Control Board, Odisha as per the Rules.

CHAPTER VIII

FINES

12. Fines on violation.- (1)If any shopkeeper or street vendor is found providing plastic carry bags for dispensing any commodity without being registered with the Paradeep Municipality, shall impose a fine which may extend to rupees five thousand only.

(2)If any shopkeeper or street vendor sells or provides commodities in plastic carry bags or multilayered packaging or plastic sheets or like or covers made of plastic sheets which are not manufactured or labeled or marked in accordance with these Bye-laws shall be liable to pay a fine which may extend to one thousand rupees for every such occurrence. Any violation observed at
manufacturing stage need to be intimated to the State Pollution Control Board, Odisha.

(3) The Municipality / NAC shall collect fine on the spot by the authorized official or authorized squad duly constituted.

(4) Paradeep Municipality may modify the fine charges from time to time as required.

13. Action in case of default.- Shopkeeper, street vendor who does not pay the user fee or registration fee or fine after two notices from the appropriate authority shall be declared as offender by the Municipality/NAC and due amount from these offenders shall be recovered as per the provision of the Odisha Public Demand Recovery Act, 1962 (Odisha Act 1 of 1963).

CHAPTER IX

USERS' FEE FOR PLASTIC WASTE COLLECTION, OPERATION AND MANAGEMENT

14. Ten percentage of the user fee collected as per the Solid Waste Management Bye-laws by Paradeep Municipality shall be transferred to the plastic waste management account for the purpose of the management of plastic waste.

15. If the Paradeep Municipality modifies the Solid Waste Management user fee from time to time as required, ten percentage of the user fees prescribed for Solid Waste Management shall be the user fee for plastic waste management.

CHAPTER X

USE OF CARRY BAGS AND REGISTRATION WITH MUNICIPALITY / NAC

16. The Paradeep Municipality shall discourage the use of plastic bags for dispensing any commodity by shopkeepers and street vendors. However, shopkeepers and the street vendors willing to provide plastic bags shall comply with the following conditions, namely:-

(1) The shopkeepers and street vendors willing to provide plastic carry bags for dispensing any commodity shall register with the Paradeep Municipality.

(2) Only the registered shopkeepers or street vendors shall be eligible to provide plastic carry bags for dispensing the commodities.

(3) The registered shopkeepers need to display at prominent place that plastic carry bags are given on payment.

17. Application for registration and registration fee.- (1) Every shopkeeper and street vendor willing to provide carry bags for dispensing any commodity
shall make an application for registration in Form 1 accompanied by a registration fee as specified in clause (3) and necessary documents.

(2) The Form shall be available in the office of the Municipality / NAC, Zone or Ward Office, Ward Officers, Tax Collectors and website of the Municipality / NAC.

(3) The minimum registration fee shall be forty eight thousand rupees per annum (four thousand rupees per month) to be paid online (to the dedicated account of the Municipality / NAC for plastic waste management) or demand draft in favour of Paradeep Municipality or cash to the cashier or any other officer authorised by the Executive Officer of the Paradeep Municipality.

(4) The application shall be scrutinised with respect to the information provided and data collected during field visit by the concerned Ward Officers or Tax Collector or Community Organisers of Paradeep Municipality.

(5) During scrutiny of application received for registration, if any deficiencies are noticed or requisite documents have not been furnished, it shall be communicated to the applicant, who shall rectify the deficiencies and furnish the revised application within seven days of intimation from the Municipality / NAC.

(6) Every application for grant of registration shall be disposed of by the Municipality / NAC within fifteen days from the date of the application either to grant a certificate of registration in Form 2 appended to these Bye-laws or reject the application, as the case may be.

CHAPTER XI

ANNUAL REPORTS

18. Every person engaged in recycling or processing of plastic waste in the Municipality / NAC area shall prepare and submit an annual report to the Municipality/ NAC under intimation to the State Pollution Control Board, Odisha by the 30th April, of every year in the relevant Form prescribed in the Rules.

19. The Municipality / NAC shall prepare and submit annual report to the State Pollution Control Board, Odisha under intimation to the Secretary, Housing & Urban Development Department, Government of Odisha by the 30th June, every year in the relevant Form prescribed in the Rules.
CHAPTER XII

MONITORING MECHANISM

20. Monitoring of Plastic Waste Management.-(1) City Sanitation Task Force of the Paradeep Municipality created as per Odisha Urban Sanitation Strategy, 2017 shall monitor the implementation of these Bye-laws.

(2) The Ward Sanitation Committee constituted as per the Solid Waste Management Bye-laws, 2017, shall oversee the sanitation activities in the ward including plastic waste management.

21. Responsibilities of City Sanitation Task Force (CSTF).-City Sanitation Task Force shall undertake the following actions, namely:-

(a) prepare the baseline database and situation analysis of Plastic Waste;
(b) monitor the progress of the campaign of plastic waste management and make periodic corrections as needed and regular reporting to district and state coordination agencies;
(c) work with ward sanitation committee, support organisations, line departments and civil society organisations in setting up systems that enable community level monitoring and management of plastic waste;
(d) review Detailed Project Reports for urban sanitation including plastic waste developed under various programmes and recommend them to the District Urban Sanitation Committee for consideration; and
(e) entrust responsibility to any committee or sub-committee for ward-level monitoring.

22. Responsibility of Ward Sanitation Committee (WSC).-Ward Sanitation Committee shall undertake the following actions, namely:-

(a) act as a grievances redressal point on sanitation issues including plastic waste at ward level; and
(b) create awareness on plastic waste management in the respective wards.

23. The Municipality / NAC may from time to time issue instructions, clarifications for implementation of the provisions of these Bye-laws.
APPLICATION FORM FOR REGISTRATION OF SHOP OWNER AND STREET VENDOR FOR USING PLASTIC CARRY BAGS

To

The Executive Officer.......................... (Paradeep Municipality, Paradeep).

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the Shop owner / Street Vendor</th>
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<tbody>
<tr>
<td>1.</td>
<td>Nature of trade</td>
</tr>
<tr>
<td>2.</td>
<td>Address: (In case of change of the location, shop owner/ street vendor to inform the new address details to the authorised officer of the name of the Municipality / NAC)</td>
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<tr>
<td>3.</td>
<td>Contact No. Mobile/ Land line</td>
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<td>4.</td>
<td>Email.id</td>
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<tr>
<td>5.</td>
<td>Location &amp; Ward No.</td>
</tr>
<tr>
<td>6.</td>
<td>Type of Activity</td>
</tr>
<tr>
<td>7.</td>
<td>Period for which registration is required (Monthly / Half Yearly/ Yearly)</td>
</tr>
<tr>
<td>8.</td>
<td>Mode of Payment (Demand draft/ cash/ online transfer, etc.)</td>
</tr>
<tr>
<td>9.</td>
<td>Details on the payment (amount, demand draft details, photo copy of the proof of online money transfer) and photocopy of Trade License, if any.</td>
</tr>
</tbody>
</table>

I Shri/Ms...........................Son/Daughter of...............................do hereby declare that the information furnished by me in the form is true to the best of my knowledge and belief.

Place: Signature of applicant
Date:

*Bank account details for payment of registration fee: Bank Name: _______Branch Name: _______ AC/No: _______ IFS Code: _______*

* Demand draft in favour of ________________________________

 Acknowledgement

Application in Form-1 for registration of shop owner and street vendor for using plastic carry bags has been received from .....................which is registered at Serial Number.......... Dated..............

Signature of Receiving Officer
Form 2

[See Bye-laws 17(6)]

........................................ (Name of the Municipality / NAC)

CERTIFICATE OF REGISTRATION
[FOR USE OF PLASTIC CARRY BAGS BY STREET VENDORS AND SHOP KEEPERS]

Regd. No. ..........& Date: _______ Period of validity: _________

This is to certify that Mrs. / Mr. / M/S __________________________

undertaking business of __________________________ and having the shop at (Address)

______________________________

______________________________

is hereby certified to provide the plastic carry bags for dispensing the commodities as per the plastic waste management bye laws of the Paradeep Municipality, 2019 for the period from ___________ to ___________ at the rate of Rs. __________ for _____ months which is valid till (Date) __________.

Place:

Date:

Executive Officer / Authorized Officer

Paradeep Municipality, Paradeep

Conditions:

[1] The shop keepers need to display in prominent places that plastic carry bags are given on payment;

[2] Shop keepers or street vendors must not use carry bags less than fifty microns in thickness (1 mm=1000microns),

[3] Seven days before the due date of validity of the registration certificate, the shop keeper/ street vendor must apply for renewal of the registration if intend to do so by paying prescribed fee with the authorized officer for continuing use of plastic carry bags.

[4] Each plastic carry bag and multilayered packaging shall have the required information printed in English and Odia as prescribed in the Plastic Waste Management Bye-laws of the ........ Paradeep Municipality

By order of the Executive Officer