



CAG

Citizen consumer and civic Action Group

Salient Features of SWM rules 2016 and Annual Report Submission Process

7 July 2017

Table of Contents

1. INTRODUCTION	2
2. SOLID WASTE MANAGEMENT RULES, 2016	2
2.1 MAJOR HIGHLIGHTS OF THE NEW SWM RULES, 2016	2
2.1.1 SEGREGATION AT SOURCE	2
2.1.2 DUTIES OF LOCAL AUTHORITIES	3
2.1.3 MANUFACTURERS OR BRAND OWNER'S RESPONSIBILITY	3
2.1.4 COLLECTION AND DISPOSAL OF SANITARY WASTE	3
2.1.5 USER FEES FOR COLLECTION	3
2.1.6 PROMOTING USE OF COMPOST	4
2.1.7 PROMOTION OF WASTE TO ENERGY	4
2.1.8 MANAGEMENT OF WASTE IN HILLY AREA	4
2.1.9 REVISED REGULATION FOR LANDFILL SITE	4
2.1.10 CONSTITUTION OF A CENTRAL MONITORING COMMITTEE	5
3. ANNUAL REPORT SUBMISSION PROCESS	6
3.1 ROLES AND RESPONSIBILITIES UNDER SWM RULES, 2016	6
3.1.1 ANNUAL REPORT - TIMELINE	8
3.2 ROLES AND RESPONSIBILITIES UNDER PWM RULES, 2016	8
3.2.1 ANNUAL REPORTS - TIMELINE	9

List of figures

Figure 1. Annual report submission process under SWM Rules, 2016	6
--	---

1. INTRODUCTION

This chapter explains the salient features of Solid Waste Management Rules, 2016 and Plastic Waste Management Rules, 2016. And it includes the duties, responsibilities and process of operator of the facility of recycle or recover unit, local bodies, State and Central Pollution Control Board by submitting the annual report to the Central Government.

2. SOLID WASTE MANAGEMENT RULES, 2016

The SWM rules, 2016 published under the notification of the Government of India in the Ministry of Environment, Forest and Climate Change number G.S.R. 451 (E), dated the 3rd June, 2015 in the Gazette of India, part II, Section 3, sub-section (1). And these rules will replace the earlier SWM rules i.e. Municipal Solid Waste (Management and Handling) Rules, 2000.

2.1 MAJOR HIGHLIGHTS OF THE NEW SWM RULES, 2016

2.1.1 SEGREGATION AT SOURCE

- a. The new rules have mandated the source segregation of waste in order to channelise the waste to wealth by recovery, reuse, and recycle. Waste generators can now segregate waste into three types - Biodegradables, Dry (plastic, paper, metal, wood, etc.) and Domestic Hazardous waste (diapers, napkins, mosquito repellants, cleaning agents etc.) before handing it over to the collector.¹
- b. Institutional generators, market associations, event organisers and hotels and restaurants have been directly made responsible for segregation and sorting and managing the waste in partnership with local bodies. *i.e. in case of an event, or gathering of more than 100 persons at any licensed/ unlicensed place, the organiser will have to ensure segregation of waste at source and handing over of segregated waste to waste collector or agency, as specified by the local authority.*²
- c. All hotels and restaurants will also be required to segregate biodegradable waste and set up a system of collection to ensure that such food waste is utilised for composting / Bio-Methanation.³
- d. The rules mandate that all resident welfare and market associations and gated communities with an area of above 5,000 sq. m will have to segregate waste at

¹ Section 4, sub-section 1(a)

² Section 4(4)

³ Section 4(8)

source into material like plastic, tin, glass, paper and others and hand over recyclable material either to authorised waste-pickers and recyclers or to the urban local body.⁴

- e. Construction waste should be stored separately in their own construction site and should be disposed-off as per the Construction and Demolition Waste Management Rules, 2016.⁵

2.1.2 DUTIES OF LOCAL AUTHORITIES

- a. Prepare SWM plan and strategies as per the state policy and arrange door to door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional buildings and other non-residential premises.⁶
- b. Establish a system to recognise the organisation of waste pickers and collectors. Promote and integrate them in effective solid waste management systems and door to door collection.⁷
- c. Setup material recovery facilities or secondary storage facilities with sufficient space for sorting the recyclable waste.⁸
- d. Establish waste deposition centers for domestic hazardous waste and give direction to waste generators for safe disposal.⁹

2.1.3 MANUFACTURERS OR BRAND OWNERS' RESPONSIBILITY

- a. All manufacturers of disposable products such as tin, glass, plastics packaging, etc., should provide necessary financial assistance to the local body for the better waste management system.¹⁰
- b. All the brand owners selling products which are packed in non- biodegradable materials should be responsible to collect back the waste and it should be reused and recovered in a proper manner.¹¹

⁴ Section 4(7)

⁵ Section 4, sub-section 1(c)

⁶ Section 15(a) (b)

⁷ Section 15(c)

⁸ Section 15(h)

⁹ Section 15(i)

¹⁰ Section 17(1)

¹¹ Section 17(2)

2.1.4 COLLECTION AND DISPOSAL OF SANITARY WASTE¹²

The sanitary manufacturer is responsible for creating public awareness for proper disposal of sanitary waste i.e. the manufacture of the product should be provided with the pouch or bags in their packages for disposal of sanitary waste.

2.1.5 USER FEES FOR COLLECTION

- a. The rule gave power to local authorities or bodies to levy the fee from the waste generator and it should be paid to the waste collector. Spot fine will be charged for disposal of waste in the public spaces.
- b. All the informal workers like waste pickers and rag pickers should be integrated with the formal sector by the state government.
- c. Waste processing and treatment should be mandatory.
- d. The bio-degradable waste should be collected, processed, treated and disposed through composting or bio-methanation.
- e. Residual waste¹³ should be given to the waste collector or local agency.
- f. The SEZs and industrial units have to allot a specific space (i.e. 5 percent of total land area) within the premises and establish a waste recovery and recycle unit.¹⁴
- g. Waste processing facilities should be setup in all local bodies which have population of above one million.

2.1.6 PROMOTING USE OF COMPOST

Usage of domestic waste (food waste and leaves) for preparation of compost, it can be used for farming. So that domestic waste dumping can be reduced in the dumping yards.

2.1.7 PROMOTION OF WASTE TO ENERGY¹⁵

- a. Waste to energy plants should be setup at local level, the Ministry of New and Renewable Energy Source should facilitate the infrastructure for setting up and providing subsidies for establishing the plant.
- b. Non- recyclable waste having calorific value of 1500 K/cal/kg or more shall not be disposed of on landfills and shall only be utilised for generating energy.

¹² Section 4, sub-section 1(b)

¹³ **Residual waste** refers to the material that remains after the process of waste treatment has taken place. Such treatment can include agricultural, industrial and mining. It can also be applied in a more domestic sense, referring to the household rubbish not able to be recycled, re-used or composted

¹⁴ Section 11, sub-section 1(i)

¹⁵ Section 21

2.1.8 MANAGEMENT OF WASTE IN HILLY AREA¹⁶

- a. The construction of landfills on hills should be avoided and the land for construction of sanitary landfills in hilly areas will be identified in the plain areas, within 25 kilometers.
- b. Local body can levy charges from the tourist to manage the solid waste management in a sustainable way.

2.1.9 REVISED REGULATION FOR LANDFILL SITE

The landfill site shall be 100 metres away from a river, 200 metres from a pond, 500, 200 metres away from highways, habitations, public parks and water supply wells and 20 km away from airports/airbase.¹⁷

2.1.10 CONSTITUTION OF A CENTRAL MONITORING COMMITTEE

The GoI has setup a central monitoring committee under the Ministry of Environment, Forest and Climate Change which will be headed by the Secretary. The committee consists of various stakeholders of State and Central government and a committee meeting will be held once in a year to discuss/monitor the implementation of these rules.¹⁸

¹⁶ Section 20

¹⁷ Schedule I

¹⁸ Section 24

3. ANNUAL REPORT SUBMISSION PROCESS

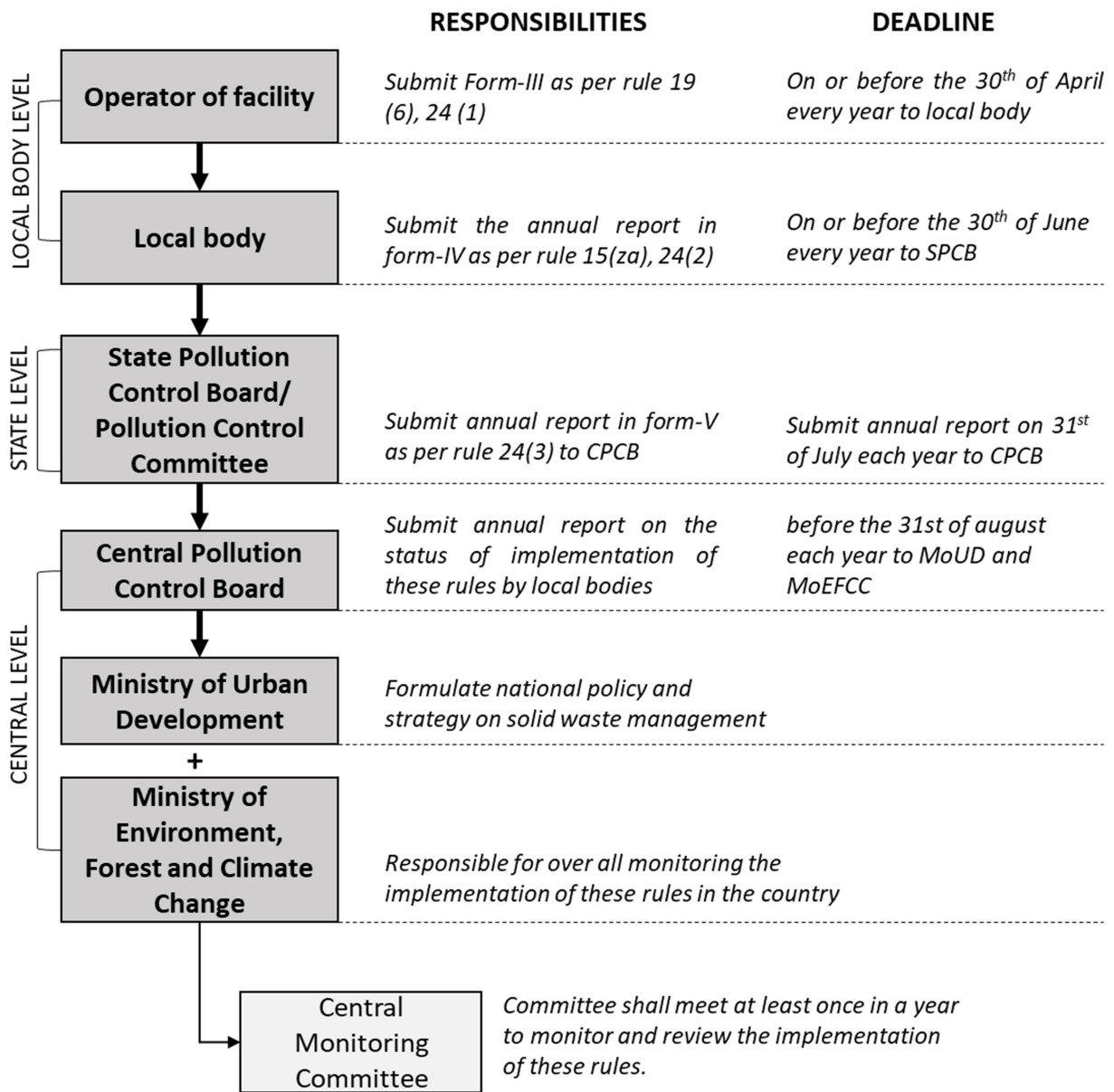


Figure 1. Annual report submission process under SWM Rules, 2016

3.1 ROLES AND RESPONSIBILITIES UNDER SWM RULES, 2016

1. Duties of the Secretary-in-Charge, Urban Development in the States and Union territories¹⁹

- a. Prepare a state policy and solid waste management strategy for the state or the union territory in consultation with stakeholders including representative of waste pickers, self-help groups and similar groups working in the field of waste management consistent with these rules, national policy on solid waste management and national urban sanitation policy of the ministry of urban development, in a period not later than one year from the date of notification of these rules.
- b. While preparing State policy and strategy on solid waste management, lay emphasis on waste reduction, reuse, recycling, recovery and optimum utilisation of various components of solid waste to ensure minimisation of waste going to the landfill and minimise impact of solid waste on human health and environment.

2. Duties of Central Pollution Control Board²⁰

- a. Review the proposals of State Pollution Control Boards or Pollution Control Committees on use of any new technologies for processing, recycling and treatment of solid waste and prescribe performance standards, emission norms for the same within 6 months.
- b. Prepare an annual report on implementation of these rules on the basis of reports received from State Pollution Control Boards and Committees and submit to the Ministry of Environment, Forest and Climate Change and the report shall also be put in public domain.

3. Duties and responsibilities of local authorities and village Panchayats of census towns and urban agglomerations²¹

- a. Prepare a solid waste management plan as per state policy and strategy on solid waste management **within six months** from the date of notification of state policy and strategy and submit a copy to respective departments of State Government or Union territory Administration or agency authorised by the State Government or Union territory Administration.
- b. Prepare and submit annual report in **Form IV** on or before the **30th April** of the succeeding year to the Commissioner or Director, Municipal Administration or designated Officer.

¹⁹ Section 11, sub-section (1)a & b

²⁰ Section 14(e), (g)

²¹ Section 15(a), (za), (zb)

- c. The annual report shall then be sent to the Secretary -in-Charge of the State Urban Development Department or village panchayat or rural development department and to the respective State Pollution Control Board or Pollution Control Committee by the **31st May of every year**.

4. Criteria for Duties regarding setting-up solid waste processing and treatment facility²²

The operator of the solid waste processing and treatment facility shall submit annual report in **Form III each year by 30th April** to the State Pollution Control Board or Pollution Committee and concerned local body.

3.1.1 ANNUAL REPORT²³ - TIMELINE

1. The operator of facility shall submit the annual report to the local body in **Form-III (rule 19 (6), 24 (1))** on or before the **30th day of April every year**.
2. The local body shall submit its annual report in **Form-IV (rules 15(za), 24(2))** to State P Control Board or P Committee and the Secretary-in-Charge of the Department of Urban Development of the concerned State or Union Territory in case of metropolitan city and to the Director of Municipal Administration or Commissioner of Municipal Administration or Officer in -Charge of Urban local bodies in the state in case of all other local bodies of state on or before the **30th day of June every year**.
3. Each State Pollution Control Board or Pollution Control Committee, as the case may be, shall prepare and submit the consolidated annual report to the Central Pollution Control Board and Ministry of Urban Development on the implementation of these rules and action taken against non-complying local body by the **31st day of July of each year in Form-V (rule 24(3))**.
4. The Central Pollution Control Board shall prepare a consolidated annual review report on the status of implementation of these rules by local bodies in the country and forward the same to the Ministry of Urban Development and Ministry of Environment, Forest and Climate Change, along with its recommendations before the **31st day of August each year**.

3.2 ROLES AND RESPONSIBILITIES UNDER PWM RULES, 2016

1. Responsibility of producers, Importers and Brand Owners²⁴

The producers, **within a period of six months** from the date of publication of these rules, shall work out modalities for waste collection system based on

²² Section 19(6)

²³ Section 24(1), (2), (3), (4)

²⁴ Section 9(1)

Extended Producers Responsibility and involving State Urban Development Departments, either individually or collectively, through their own distribution channel or through the local body concerned.

2. Registration of producer, recyclers and manufacturer²⁵

- a. Every producer shall, for the purpose of registration or for renewal of registration, make an application to the State Pollution Control Board or the Pollution Control Committee of the Union territory concerned, **in Form I.**
- b. 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.**
- c. 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.**
- d. The registration granted under this rule shall initially be valid for a period of one year, unless revoked, suspended or cancelled and shall subsequently be granted for three years.

3.2.1 ANNUAL REPORTS - TIMELINE²⁶

- a. Every person engaged in recycling or processing of plastic waste shall prepare and submit an annual report in **Form-IV (rule 17(1))** to the local body concerned under intimation to the concerned State Pollution Control Board or Pollution Control Committee by the **30th April, of every year.**
- b. Every local body shall prepare and submit an annual report in **Form –V (rule 17(2))** to the concerned Secretary in charge of the Urban Development Department under intimation to the concerned State Pollution Control Board or Pollution Control Committee by the **30th June, every year.**
- c. Each State Pollution Control Board or Pollution Control Committee shall prepare and submit an annual report in **Form VI** to the CPCB on the implementation of these rules by the **31st July, of every year.**
- d. The CPCB shall prepare a consolidated annual report on the use and management of plastic waste and forward it to the Central Government along with its recommendations before the **31st August of every year.**

²⁵ Section 13(2), (3), (4), (9)

²⁶ Section 17(1), (2), (3), (4)