

BRIEF NOTE

Comments on the Draft Solid Waste Management Rules, 2015

Background

The MoEFCC has earlier on directions of Hon'ble Supreme Court have notified Municipal Solid Waste (Management & Handling) Rules, 2000 on 25.09.2000 which are being enforced in the Country for management & handling of MSW. Also, MoEF has notified Bio-Medical Waste (Management & Handling) Rules, 1998 on 20.07.1998 which are being enforced in the Country for management & handling of BMW. Since both the rules were constituted for the first time, thus said Rules have certain short-comings and overlapping of some categories causing in-convenience in implementation of the Rules. Therefore, MoEFCC have formulated various draft Waste Management Rules and sought comments from the States.

The comments/suggestions on the Draft Bio-Medical Waste (Management & Handling) Rules, 2015 & Draft Solid Waste Management Rules, 2015 were sent to MoEFCC after approval of the Competent Authority vide EPA letter no. 1231 dated 24.04.2015 & letter no. 1290 dated 29.04.2015 respectively. Thereafter, a MOEFCC-CII Stakeholders Consultation meet was held on 01.05.2015 to discuss the comments received from various States, the said meet was attended by Member Secretary and EE(EPA) from the Board. Now, MoEFCC has notified draft notification of these Rules on June 3, 2015 and uploaded the same on their website seeking comments within 60 days from date of notification. The time period for 60 days will be over by 02.08.2015, however MoEFCC have called Consultation meet on 16.07.2015 at New Delhi to discuss the revised Waste Management Rules 2015.

EPA Cell of the Board deals with the implementation of the following rules:

1. Draft Bio-Medical Waste (Management & Handling) Rules, 2015
2. Draft Municipal solid Waste Management Rules 2015

Although, the detailed comments sent on Draft Rules are under consideration of MoEFCC, however brief history on the rules are as under:

Draft Solid Waste Rules, 2015

Earlier, MoEF have issued draft Municipal Solid Waste (Management & Handling) Rules, 2013 in the year 2013 and Board has sent the desired comments vide EPA letter no. 2365 dated 08.11.2013 (**Annexure-A**). Thereafter, the Central Pollution Control Board vide letter no.B-11012/1/PCP/2014-15 dated 20.10.2014 intimated that the Ministry of Environment and

Forests & CC has constituted an Expert Committee to examine the comments received from the stakeholders on the draft notification. The Expert Committee examined the comments received and incorporated the suggestions appropriately.

Since, said Rules were not finalized/notified within the required time, the MoEFCC have issued draft notification for the Draft Solid Waste Management Rules, 2015 incorporating the comments received from the States on the previous Draft Rule. The Board have again forwarded its comments to MoEFCC on the new Draft Rule vide its letter no. 1290 dated 29.04.2015 (**Annexure-B**). The issue which needs to be highlighted in the meeting is as under:

"As per Rule 20 of the Draft Rules, there is a provision regarding constitution of Advisory Committee under SW Rules under the Chairmanship of Secretary, Urban Development or Local Govt. However, the Committee should be constituted under the Secretary, Environment as SPCB/PCC being a Prescribed Authority is responsible for monitoring of the implementation of SW Rule, however Secretary, Local Govt. is head of all the ULBs in the State which are generating MSW and thus polluter in the case."