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To
The Secretary
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi- 110 003

Subject: Submission of comments/views on the draft SWM Rules 2024

Dear Sir/Madam,

Citizen consumer and civic Action Group (CAG), founded in 1985, is a non-profit and non-political organisation. CAG has an established reputation for undertaking high-quality, independent, objective action research on urban governance, consumer protection, and environmental protection and, based on that, providing recommendations that inform and improve policy and practice.

The Ministry of Environment, Forests and Climate Change has come out with a draft for SWM Rules 2024 on 9th December 2024, with the provision of allowing the public to submit comments. We are highly appreciative of the efforts the government has made to initiate a process to implement SWM rules on waste and introduce several novel elements in the guideline document.

However, to make it more effective and inclusive, we are of the opinion that some serious modifications have to be made to the guideline document. We hereby submit our comments and recommendations on the SWM Rules 2024 in the document attached to this email, in the hopes that you will incorporate these suggestions, which would help strengthen the guidelines and achieve a more effective system to reduce and eliminate waste.

Yours sincerely,

Vamsi Sankar Kapilavai
Programme Lead

S.No.:	Page No.	Original text	Revised text	Comments
1	65	C.1(3)(1)(a) "aerobic composting" means a controlled process involving microbial decomposition of organic matter in the presence of oxygen;	S.3(1)(a) "aerobic composting" means a controlled process involving microbial decomposition of **biodegradable waste** in the presence of oxygen;	Ensure uniform terminology throughout the document. For example, use 'biodegradable waste' consistently instead of switching between 'organic matter' and other terms. In legal terms, inconsistent language can create ambiguities, leading to challenges in interpretation and enforcement. It may also weaken regulatory compliance and legal enforceability.
2	65	C.1(3)(1)(d) "authorisation" means the permission given by the State/UT Government through its Department, State Pollution Control Board or Pollution Control Committee or the Local Body, as the case may be, to the operator of a facility or the local body and/or authority, or any other agency/ third party engaged in collection, segregation, sorting, transporting, recycling/ processing/disposal of solid waste as well as to those engaged in establishment, operation, and management of sanitary/ operational landfill;		The definition of "sanitary landfill" lacks reference to CPCB guidelines on landfill site selection and management.
3	65	C.1(3)(1)(h) "buffer zone" means zone of no development to be maintained around solid waste processing and disposal facility, exceeding 5 TPD of installed capacity. This will be maintained within total and area allotted for the solid waste processing and disposal facility.		The term "buffer zone" states a "zone of no development" but does not define the exact buffer distance required.
4	65	C.1(3)(1)(i)		1) The definition of "bulk waste generator" includes multiple criteria but does not specify if all must be met or just one. 2) To enhance compliance, local bodies should be incentivised to recognise smaller generators as BWGs, as done in Indore (30kg per day threshold), and Pune (50kg per day threshold). 3) Minimum number of units for residential BWGs for e.g. minimum 100 dwellings in a single gated enclosure. This reduces the uncertainty about the exact generation of waste and water utilization – which is often contested by residents of the BWG during on-ground implementation. 4) Definition should address existing gaps for e.g. single gated communities have multiple separate cooperative housing society registrations in order to fall below the minimum size criteria for BWGs.
5	66	C.1(3)(1)(o) "co-processing" means use of non-biodegradable and non-recyclable solid waste having calorific value exceeding 1500kcal/kg 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;	This should be removed	1) Burning of waste in any form should be eliminated 2) Refuse Derived Fuel (RDF) plants / cement plants / pyrolysis plants, waste-to-road, waste-to-energy, incineration, thermal power plants (co-processing) are not a environmentally sound processes to treat the waste.
6	67	C.1(3)(1)(aa) "incineration" means an engineered process involving burning or combustion of solid waste to thermally degrade waste materials at high temperatures;	This should be removed	1) Burning of waste in any form should be eliminated 2) Refuse Derived Fuel (RDF) plants / cement plants / pyrolysis plants, waste-to-road, waste-to-energy, incineration, thermal power plants (co-processing) are not a environmentally sound processes to treat the waste.
7	67	C.1(3)(1)(ii) "processing" means any scientific process by which segregated solid waste is handled for the purpose of reuse, recycling or transformation into new products;	"processing" means any scientific process by which segregated solid waste is handled for the purpose of reuse, recycling or transformation into same or a similar product".;	The problem with the present definition is it gives scope for misinterpretation. For example, PET bottle can be recyled and be can be used to make new bottle. But with the current definition including the phrase "transformation into new products" gives scope of converting PET waste into Polyester.
8	67	C.1(3)(1)(jj) "recycling" means the process of transforming segregated non-biodegradable solid waste into new material or product or as raw material for producing new products which may or may not be similar to the original products;	We recommend the definition for recycling as prescribed by the European Environment Agency in the General Multilingual Environment Thesaurus "Recycling is a resource recovery method involving the collection and treatment of a waste product for use as raw material in the manufacture of the same or a similar product".	The problem with the present definition is it gives scope for misinterpretation. For example, PET bottle can be recyled and be can be used to make new bottle. But with the current definition including the phrase "transforming segregated non-biodegradable solid waste into new material" gives scope of converting PET waste into Polyester.
9	67	C.1(3)(1)(ll) "refused derived fuel"(RDF) means fuel derived from combustible waste fraction of solid waste like plastic, wood, pulp or inorganic waste, other than chlorinated materials, in the form of pellets or fluff produced by drying, shredding, dehydrating and compacting of solid waste ;	This should be removed	1) Burning of waste in any form should be eliminated 2) Refuse Derived Fuel (RDF) plants / cement plants / pyrolysis plants, waste-to-road, waste-to-energy, incineration, thermal power plants (co-processing) are not a environmentally sound processes to treat the waste.
10	67	C.1(3)(1)(mm) "residual solid waste" means and includes the waste and rejects from the solid waste processing facilities which are not suitable for recycling or further processing;		There should be clear details about what "further processing" includes.
11	68	C.1(3)(1)(ddd) "treatment" means the method, technique or process designed to modify physical, chemical or biological characteristics or composition of any waste so as to reduce its volume and potential to cause harm;	"treatment" means the method, technique, or process that modifies the physical, chemical, or biological characteristics of waste to reduce its volume, hazardous nature, and environmental impact while ensuring compliance with applicable pollution control standards and prioritising recovery and reuse over disposal.	Problems with the Definition of "Treatment": 1) Absence of a Sustainability Principle: The definition does not mention waste hierarchy principles such as reduce, reuse, and recycle (3Rs), which are internationally recognized. Without this, there is a risk of prioritizing treatment methods that are not environmentally sustainable, such as incineration over composting or recycling. 2) No Reference to Pollution Control Standards

S.No.:	Page No.	Original text	Revised text	Comments
12	68	C.1(3)(1)(hhh) "waste hierarchy" means the priority order in which the solid waste is to should be managed by giving emphasis to prevention, reduction, reuse, recycling, recovery and disposal, with prevention being the most preferred option and the disposal at the landfill being the least;	"waste hierarchy" means the priority order in which the solid waste is to should be managed by giving emphasis to prevention, reduction, reuse, recycling, diaposal and recovery (through burning), with prevention being the most preferred option and the recovery being the least;	In the waste hierarchy, recovery through burning (incineration with energy recovery) is often considered worse than landfilling. The incineration of waste, even with energy recovery, contradicts the fundamental principles of waste management, which prioritise waste prevention, reuse, and recycling over disposal methods. The European Waste Framework Directive and Basel Convention emphasise that material recovery should always take precedence over energy recovery.
13	68	C.1(3)(1)(iii) "waste picker" means a person or groups of persons informally engaged in collection and recovery of reusable and recyclable solid waste from the source of waste generation the streets, bins, material recovery facilities, processing and waste disposal facilities for sale to recyclers directly or through intermediaries to earn their livelihood.	"waste picker" means a person who is self-employed or informally engaged in collection and recovery of reusable and recyclable solid waste from the source of waste generation the streets, bins, material recovery facilities, processing and waste disposal facilities for sale to recyclers directly or through intermediaries to earn their livelihood.	
14	69	C.2(1)(1)(a) segregate and store the waste generated by them in four separate streams at source namely wet waste, dry waste, sanitary waste and special care waste; and handover segregated waste to authorized waste pickers or waste collectors;	segregate and store the waste generated by them in four separate streams at source namely biodegradable waste, non-biodegradable waste, sanitary waste and special care waste; and handover segregated waste to authorized waste pickers or waste collectors;	Ensure uniform terminology throughout the document. For example, use 'biodegradable waste' consistently instead of switching between 'organic matter' and other terms. In legal terms, inconsistent language can create ambiguities, leading to challenges in interpretation and enforcement. It may also weaken regulatory compliance and legal enforceability.
15	69	C.2(1)(1)(i) not organise an event or gathering of more than one hundred persons at any unlicensed place without intimating the local body, at least three working days in advance; and such person or the organiser of such event shall ensure segregation of waste at source and handing over of segregated waste to waste collector or agency as specified by the local body. Local bodies shall give these licenses. The waste generated shall be disposed off in the manner prescribed under these rules.	No person shall organize an event or gathering of more than one hundred persons at any location not designated for such activities without obtaining prior approval from the local body. The event organizer must submit a request at least five working days in advance, allowing for necessary inspections and compliance verification. The organizer is responsible for ensuring waste segregation at the source and handing over segregated waste to an authorized waste collector or agency designated by the local body. Local bodies shall have the authority to approve, deny, or revoke event permissions based on compliance with waste management regulations. Failure to comply with these requirements shall result in penalties as prescribed under these rules. The waste generated must be managed in accordance with specific provisions outlined in these rules to ensure proper disposal and environmental compliance.	Problems with the present text: 1) The paragraph mandates waste segregation and disposal but does not specify penalties if an organizer fails to comply. This weakens enforcement. 2) The requirement to inform the local body "at least three working days in advance" may be impractical in cases where local bodies require additional approvals or inspections before granting permission.
16	70	C.2(2)(1)(c) shall make necessary arrangements to collect and process wet waste and/or horticulture waste if applicable , generated by them, in a decentralized manner through composting or biomethanation or any other approved technology;	shall make necessary arrangements to collect and process in-situ wet waste and/or horticulture waste if applicable , generated by them, in a decentralized manner through composting or biomethanation or any other approved technology;	The SWM Rules, 2016 introduced the revolutionary mandate for management of organic waste at source by Bulk Waste Generators. In-situ wet waste management has the potential to generate 3.6 jobs per tonne of wet waste, compared to only 1 job per tonne for decentralised offsite processing. These jobs can be accessible to waste pickers, waste workers and the urban poor. In-situ management also eliminates the capital and operational costs, and pollution of vehicular collection and transportation.
17	70	C.2(3)(1)(a) shall register themselves on the centralized online portal in case of wet waste, dry waste, sanitary waste, special care waste, horticulture waste processing facilities including WtE, CBG, composting, incinerators, common biomedical waste facilities;	shall register themselves on the centralized online portal in case of wet waste, dry waste, sanitary waste, special care waste, horticulture waste processing facilities including CBG, composting, common biomedical waste facilities;	1) Burning of waste in any form should be eliminated 2) Refuse Derived Fuel (RDF) plants / cement plants / pyrolysis plants, waste-to-road, waste-to-energy, incineration, thermal power plants (co-processing) are not a environmentally sound processes to treat the waste.
18	73	C.2(7) Duties of industrial units and waste to energy plants located within specified distance from refuse derived fuel plants based on solid waste		Waste that cannot be recycled should be phased out, changes in designs should be brought and emphasis on managing these should be on the producers along with the recyclable waste. The emphasis should be not be on Refuse Derived Fuel (RDF) plants / cement plants /pyrolysis plants or any other harmful technologies.
19	74	C.2(9) Criteria for waste to energy process		Every plastic can be used for energy production or fuel generation if pollution, economics and health of human beings and environment are excluded from the selected parameters. Refuse Derived Fuel (RDF) plants / cement plants / pyrolysis plants, waste-to-road, waste-to-energy, incineration, thermal power plants (co-processing) are not a environmentally sound processes to treat the plastic waste. Reuse should be a higher priority in the waste management hierarchy than recycling, disposal and burning, as it reduces resource extraction, energy consumption, and waste generation.
20	75	C.3(1)(4) Only non-recyclable and non-energy recoverable dry waste and inerts shall be disposed off in the sanitary/ operational landfill. No wet waste or construction and demolition waste shall be dumped in the sanitary/ operational landfill.	Only non-recyclable and non-reusable dry waste and inerts shall be disposed off in the sanitary/ operational landfill. No wet waste or construction and demolition waste shall be dumped in the sanitary/ operational landfill.	Every plastic can be used for energy production or fuel generation if pollution, economics and health of human beings and environment are excluded from the selected parameters. Refuse Derived Fuel (RDF) plants / cement plants / pyrolysis plants, waste-to-road, waste-to-energy, incineration, thermal power plants (co-processing) are not a environmentally sound processes to treat the plastic waste. Reuse should be a higher priority in the waste management hierarchy than recycling, disposal and burning, as it reduces resource extraction, energy consumption, and waste generation.

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21	75	C.3(1)(6) The sanitary/operational landfill user fee levied for unsegregated waste or recyclable or energy recoverable waste or unprocessed biodegradable waste or construction and demolition waste shall be higher than the collection, transportation and waste processing costs. The user fee so collected shall be deposited in a separate account operated by the local body and shall be used towards processing of unsegregated waste or recyclable or energy recoverable waste or unprocessed biodegradable waste at the sanitary/operational landfill and further development solid waste management infrastructure of the local body.	C.3(1)(6) The sanitary/operational landfill shall reject the unsegregated waste.	Unsegregated waste should not be collected at all.
22	77	C.5 Industrial solid waste		1. The process for calculating, procuring, and verifying EBWGR certificates lacks: • Guidelines for the local body to determine compliance. • Consequences of non-compliance. 2. Define a transparent mechanism for EBWGR certification, including fees, verification methods, and penalties for violations.
23	78	C.6(2) Imposition of Environmental Compensation		The imposition of Environmental Compensation (EC) should not be restricted to procedural non-compliances. For non-fulfilment of the Rules, the imposition of EC shall also be extended to compensate for the tangible and intangible loss and damage to the environment, life and property due to processors' negligent, fraudulent or non-compliant acts. Further, action against non-compliance should not be limited to fines such as EC but also include non-monetary sanctions. This can include measures like revoking of licenses or permissions, business closure, restriction of activities, and appropriate civil and criminal liabilities Otherwise, this will create a perverse regulatory environment where violators can get away by paying fines.
24	79	C.6(3)(4) The committee shall comprise of representatives from concerned Central Ministries/Departments, all SPCBs,expert institutions such as National Environmental Engineering Research Institute and stakeholders such as associations representing obligated entities, treatment facility providers and any other stakeholders as invited by the chair of the committee.	The committee shall comprise of representatives from concerned Central Ministries/Departments, all SPCBs, expert institutions such as National Environmental Engineering Research Institute and stakeholders such as associations representing obligated entities, waste picker groups, other marginalised communities, civil society organisations, treatment facility providers and any other stakeholders as invited by the chair of the committee.	Waste pickers play a vital role in retrieving and segregating a significant portion of waste including paper, glass, metal leading to a substantial reduction in waste sent to landfills and dumpsites. The immense contribution of the informal sector, especially waste pickers in waste management in India has been well-established and rightly acknowledged even in the SWM Rules, 2016. Members of the committee do not include representatives from waste picker groups, other marginalised communities or civil society organisations. Members of the EPR committee must include (by law) representatives of the waste picker communities, civil society organisations, public policy and legal practitioners, economists, sociologists, scientists etc
25	79	C.6(4)(3) The committee shall comprise of representatives from concerned State Departments, all SPCBs, expert institutions such as National Environmental Engineering Research Institute and stakeholders such as obligated entities, treatment facility providers and any other stakeholders as invited by the chair of the committee.	The committee shall comprise of representatives from concerned State Departments, all SPCBs, expert institutions such as National Environmental Engineering Research Institute and stakeholders such as obligated entities, waste picker groups, other marginalised communities, civil society organisations, treatment facility providers and any other stakeholders as invited by the chair of the committee.	Waste pickers play a vital role in retrieving and segregating a significant portion of waste including paper, glass, metal leading to a substantial reduction in waste sent to landfills and dumpsites. The immense contribution of the informal sector, especially waste pickers in waste management in India has been well-established and rightly acknowledged even in the SWM Rules, 2016. Members of the committee do not include representatives from waste picker groups, other marginalised communities or civil society organisations. Members of the EPR committee must include (by law) representatives of the waste picker communities, civil society organisations, public policy and legal practitioners, economists, sociologists, scientists etc
26	80	C.7(2)(1)(6) facilitate States and Union Territories in formulation of state policy and strategy on solid management in urban areas including projection of waste generation in all urban areas, assessment of waste management infrastructure in all urban areas, policy on waste to energy in consultation with stakeholders taking into account guidelines on solid waste management by 31 March 2026, and shall undertake this exercise every 5 years;	facilitate States and Union Territories in formulation of state policy and strategy on solid management in urban areas including projection of waste generation in all urban areas, assessment of waste management infrastructure in all urban areas, in consultation with stakeholders taking into account guidelines on solid waste management by 31 March 2026, and shall undertake this exercise every 5 years;	1. Methods like incineration, co-processing, and WtE initiatives often serve as temporary fixes and exacerbate environmental and social issues. These approaches are typically resource and energy-intensive, expensive, environmentally harmful, and non-circular. 2.Rules should be designed to advance a circular economy by incorporating the principles of reduction, reuse, and redesign to reduce & reuse.
27	87	C.7(18)(2)(xii) plan for environmentally sound management of sanitary waste including sanitary pads, diapers, through the use dedicated incinerators designed for the purpose or common biomedical waste treatment facilities as per guidelines prescribed by CPCB;	This should be removed	Problems with Mandatory Incineration of Sanitary Waste: 1) Environmental Pollution & Health Risks: Incineration of sanitary waste releases toxic emissions and hazardous residues. 2) Exclusion of Alternative Treatment Methods: The rule exclusively mandates incineration, ignoring safer, decentralized disposal methods. 3) High Costs & Burden on Local Authorities: Incinerators require significant investment and operational costs, which are often passed on to municipalities and waste processors. Mandatory incineration of sanitary waste is environmentally harmful, costly, and ignores sustainable alternatives. Starting with waste prevention, EPR should promote existing reusable sanitary products like reusable cloth pads, diapers and menstrual cups over end-of-life disposal. Reusable sanitary products are circular and minimise waste generation.
28	91	C.7(18)(52)(b) waste to energy processes including refused derived fuel for combustible fraction of waste or supply as feedstock to solid waste based power plants or cement kilns or other furnaces;	This should be removed	1) Burning of waste in any form should be eliminated 2) Refuse Derived Fuel (RDF) plants / cement plants / pyrolysis plants, waste-to-road, waste-to-energy, incineration, thermal power plants (co-processing) are not a environmentally sound processes to treat the waste.

S.No.:	Page No.	Original text	Revised text	Comments
29	93	C.7(19)(x)(b) waste to energy processes including refused derived fuel for combustible fraction of waste or supply as feedstock to solid waste based power plants or cement kilns or other furnaces;	This should be removed	1) Burning of waste in any form should be eliminated 2) Refuse Derived Fuel (RDF) plants / cement plants / pyrolysis plants, waste-to-road, waste-to-energy, incineration, thermal power plants (co-processing) are not a environmentally sound processes to treat the waste.