

# **The Hazardous Wastes (Management and Handling) Rules, 1989**

**(as amended, May, 2003)**

## **1. Short title and commencement**

(1) These rules may be called the Hazardous Wastes (Management and Handling) Rules, 1989, as amended in January 6, 2000 and May 21, 2003.

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

## **2. Application**

These rules shall apply to the handling of hazardous wastes as specified in Schedules and shall not apply to-

(a) waste water and exhaust gases as covered under the provisions of 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) and rules made thereunder;

(b) wastes arising out of the operation from ships beyond five kilometers as covered under the provisions of the Merchant Shipping Act, 1958 (44 of 1958) and the rules made thereunder.

(c) radio-active wastes as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and rules made thereunder.

(d) bio-medical wastes covered under the Bio-Medical Wastes (Management and Handling) Rules, 1998 made under the Act;

(e) wastes covered under the Municipal Solid Wastes (Management and Handling) Rules, 2000 made under the Act; and

(f) the lead acid batteries covered under the Batteries (Management and Handling) Rules,

2001, made under the Act.

### 3. Definitions

In these rules, unless the context otherwise requires:-

- (1) "**Act**" means the Environment (Protection) Act, 1986 (29 of 1986);
- (2) "**applicant**" means a person or an organisation that applies, in Form 1, for granting of authorisation to perform specific activities connected with handling of hazardous wastes;
- (3) "**auction**" means bulk sale of wastes by invitation of tenders or auction, contract or negotiation by individual(s), companies or Government departments;
- (4) "**auctioneer**" means a person or an organisation that auctions wastes;
- (5) "**authorisation**" means permission for collection, transport, treatment, reception, storage and disposal of hazardous wastes, granted by the competent authority in Form-2;
- (6) "**authorised person**" means a person or an organisation authorised by the competent authority;
- (7) "**Central Pollution Control Board**" means the Central Board constituted under sub-section (1) of section 3 of Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (8) "**disposal**" means deposit, treatment, recycling and recovery of any hazardous wastes;
- (9) "**export**" means with its grammatical variations and cognate expressions, means taking out of India to a place outside India;

(10) "**exporter**" means any person under the jurisdiction of the exporting country who exports hazardous wastes and the exporting country itself, who exports hazardous waste to India;

(11) "**environmentally sound management of hazardous wastes**" means taking all steps required to ensure that the hazardous wastes are managed in a manner which will protect health and the environment against the adverse effects which may result from such wastes;

(12) "**facility**" means any location wherein the processes incidental to the waste generation, collection, reception, treatment, storage and disposal are carried out;

(13) "**form**" means a Form appended to these rules;

(14) "**hazardous waste**" means any waste which by reason of any of its physical, chemical, reactive, toxic, flammable, explosive or corrosive characteristics causes danger or is likely to cause danger to health or environment, whether alone or when in contact with other wastes or substances, and shall include-

(a) wastes listed in column (3) of Schedule-1;

(b) wastes having constituents listed in Schedule-2 of their concentration is equal to or more than the limit indicated in the said Schedule; and

(c) wastes listed in Lists 'A' and 'B' of Schedule-3 (Part-A) applicable only in case(s) of import or export of hazardous wastes in accordance with rules 12, 13 and 14 if they possess any of the hazardous characteristics listed in Part-B of Schedule-3.

Explanation: For the purposes of this clause-

(i) all wastes mentioned in column (3) of Schedule-1 are hazardous wastes irrespective of

concentration limits given in Schedule-2 except as otherwise indicated and Schedule-2 shall be applicable only for wastes or waste constituents not covered under column (3) of Schedule-1;

(ii) Schedule-3 shall be applicable only in case(s) of import or export;

(15) "**hazardous waste site**" means a place for collection, reception, treatment, storage and disposal of hazardous wastes which has been duly approved by the competent authority;

(16) "**illegal traffic**" means any transboundary movement of hazardous wastes as specified in rule 15;

(17) "**import**" with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(18) "**importer**" means an occupier or any person who imports hazardous wastes;

(19) "**manifest**" means transporting document(s) prepared and signed by the occupier in accordance with rule 7;

(20) "**non-ferrous metal wastes**" means wastes listed in Schedule 4;

(21) "**operator of facility**" means a person who owns or operates a facility for collection, reception, treatment, storage or disposal of hazardous wastes;

(22) "**recycler**" means an occupier who procures and processes wastes for recovery;

(23) "**recycling of waste oil**" means reclamation by way of treatment to separate solids and water from waste oils using methods such as heating, filtering, gravity, settling, centrifuging, dehydration, viscosity and specific gravity adjustment;

(24) "**registered re-refiner or recycler**" means a re-refiner or recycler registered for reprocessing wastes with the Minister of Environment and forests or the Central Pollution Control Board as the case may be for reprocessing wastes;

(25) "**re-refining of used oil**" means applying a process to the material composed of used oil so as to produce high quality base stock for further manufacture of lubricants or for other petroleum products by blending or any other process;

(26) "**schedule**" means a Schedule appended to these rules;

(27) "**State Government**" means a State Government and in relation to a Union territory, the Administrator thereof appointed under article 239 of the Constitution;

(28) "**State Pollution Control Board or Committee**" means the Board or Committee constituted under sub-section (1) of section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974).

(29) "**storage**" means storing hazardous wastes for temporary period, at the end of which the hazardous wastes is treated and disposed off;

(30) "**transboundary movement**" means any movement of hazardous waste or other wastes from an area under the national jurisdiction of one country to or through an area under the national jurisdiction of another country or to or through an area not under the national jurisdiction of any country, provided at least two countries are involved in the movement;

(31) "**transport**" means off-site movement of hazardous waste by air, rail, road or water;

(32) "**transporter**" means a person engaged in the off-site transportation of hazardous waste by air, rail, road or water;

(33) "**treatment**" means a method, technique or process, designed to change the physical, chemical or biological characteristics or composition of any hazardous waste so as to render such wastes harmless;

(34) "**used oil**" means any oil-

(i) derived from crude oil or mixtures containing synthetic oil including used engine oil, gear oil, hydraulic oil, turbine oil, compressor oil, industrial gear oil, heat transfer oil, transformer oil, spent oil and their tank bottom sludges; and

(ii) suitable for re-refining if it meets the specifications laid daown in Schedule 5, but does not include waste oil;

(35) "**waste oil**" means any oil-

(i) which includes spills of crude oil, emulsions, tank bottom sludge and slop oil generated from petroleum refineries, installations or ships; and

(ii) is unsuitable for re-refining but can be used as fuel in furnaces if it meets the specifications laid down in Schedule 6;

(36) words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.'

#### **4. Responsibility of the occupier and operator of facility for handling of the wastes.**

(1) The occupier and the operator of a facility shall be responsible for proper collection, reception, treatment, storage and disposal of hazardous wastes listed in Schedule 1, 2 and 3.

(2) The occupier or any other person acting on his behalf who intends to get his hazardous waste treated by the operator of a facility under sub-rule(1), shall give, to the operator of a facility, such information as may be specified by the State Pollution Control Board.

(3) It shall be the responsibility of the occupier and the operator of a facility, to take all steps to ensure that the wastes listed in schedules-1, 2 and 3 are properly handled, and disposed of without any adverse effects to the environment.

#### **4A. Duties of the occupier and operator of a facility**

It shall be the duty of the occupier and the operator of a facility to take adequate steps while handling hazardous waste to-

- (i) Contain contaminants and prevent accidents and limit their consequences on human and the environment; and
- (ii) provide persons working on the site with information, training and equipment necessary to ensure their safety.

#### **5. Grant of authorisation for handling hazardous wastes**

(1) Hazardous wastes shall be collected, treated, stored and disposed of only in such facilities as may be authorised for this purpose

(2) Every occupier handling, or a recycler recycling, hazardous wastes shall make an application in Form 1 to the Member Secretary, State Pollution Control Board or Committee, as the case may be or any officer designated by the State Pollution Control Board or Committee for the grant of authorization for any of the said activities:

Provided that an occupier or a recycler not having a hazardous wastes treatment and disposal facility of his own and is operating in an area under the jurisdiction assigned by the State Pollution Control Board or Committee, as the case may be, for a Common Treatment, Storage and Disposal Facility (TSDF) shall become a member of this facility and send his waste to this facility to ensure proper treatment and disposal of hazardous wastes generated failing which the authorization granted to the said occupier or recycler in accordance with sub-rule may be cancelled after giving a reasonable opportunity to

such occupier or recycler as the case may be, of being heard or shall not to be granted by the State Pollution Control Board or Committee, as the case may be.;

(3) Any person who intends to be an operator of a facility for the collection, reception, treatment, transport, storage and disposal of hazardous wastes, shall make an application in Form 1 to the Member Secretary, State Pollution Control Board or Committee for the grant of authorization for all or any of the above activities specified in this rule.

(4) The Member Secretary, State Pollution Control Board or any officer designated by the Board or Committee shall not issue an authorisation unless he is satisfied that the operator of a facility or an occupier, as the case may be, possesses appropriate facilities, technical capabilities and equipment to handle hazardous wastes safely.

(4A) The authorisation application complete in all respect shall be processed by the State Pollution Control Boards within ninety days of the receipt of such application.

(5) The authorisation to operate a facility shall be issued in Form 2 and shall be subject to conditions laid down therein.

(6)(i) An authorisation granted under this rule shall, unless suspended or cancelled, be in force during the period of its validity as specified by the State Pollution Control Board or Committee from the date of issue or from the date of renewal, as the case may be.

(ii) An application for the renewal of an authorisation shall be made in Form 1 before its expiry.

(iii) the authorisation shall continue to be in force until it is renewed or revoked.

(7) The Member Secretary, State Pollution Control Board or any officer designated by the Board or Committee, may, after giving reasonable opportunity of being heard to the applicant refuse to grant any, authorisation.



(8) The Member Secretary, State Pollution Control Board or any officer designated by the Board shall renew the authorisation granted under sub-rule (6), after examining each case on merit, subject to the following-

(i) on submission of annual returns by the occupier or operator of facility in Form 4;

(ii) on steps taken, by the applicant wherever feasible, for reduction and prevention in the waste generated or recycling or reuse;

(iii) on fulfillment of conditions prescribed in the authorisation regarding management in an environmentally sound manner of wastes.

(9) Ever State Pollution control Board or Committee shall maintain a register containing particulars of the conditons imposed under these rules for any disposal of hazardous wastes, on any land or premises and it shall be open for inspection during office hours to any person interested or affected or a person authorized by him in this behalf. The entries in the register shall be conclusive proof of grant of authorisation for management and handling of hazardous wastes on such land or premises and the conditions subject to which it was granted.

## **6. Power to suspend or cancel an authorisation**

(1) The State Pollution Control Board or Committee may cancel an authorisation issued under these rules or suspend it for such period as it thinks fit, if in its opinion, the authorised person has failed to comply with any of the conditions of the authorisation or with any provisions of the act or these rules, after giving the authorised person an opportunity to show cause and after recording reasons therefor.

(2) Upon suspension or/cancellation of the authorisation and during the pendency of an appeal under rule 12, the State Pollution Control Board or Committee may give directions to the persons whose authorisation has been suspended or cancelled for the safe storgae of the hazardous wastes, and such person shall comply with such directions.

## 7. Packaging, labelling and transport of hazardous wastes

(1) The occupier or operator of a facility shall ensure that the hazardous wastes are packages, based on the composition in a manner suitable for handling, storage and transport and the labelling and packaging shall be easily visible and be able to withstand physical conditions and climatic factors.

(2) Packaging, labelling and transport of hazardous wastes shall be in accordance with the provisions of the rules made by the Central Government under the Motor Vehicles Act, 1988 and other guidelines issued from time to time.

(3) All hazardous waste containers shall be provided with a general label as given in Form 8.

(4) The occupier shall prepare six copies of the manifest in Form 9 comprising of colour code indicated below (all six copies to be signed by the transporter):

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<b>Copy number with colour code</b>	<b>Prupose</b>
Copy 1 (White)	to be forwarded by the occupier to the State Pollution Control Board or Committee
Copy 2 (Yellow)	to be retained by the occupier after taking signature on it from the transporter and rest of the four copies to be carried by the transpoter
Copy 3 (Pink)	to be retained by the operator of the facility after signature

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Copy 4 (Orange)	to be returned to the transporter by the operator of facility after accepting waste
Copy 5 (Green)	to be returned by the operator of the facility to State Pollution Control Board/Committee after treatment and disposal of wastes.
Copy 6 (Blue)	to be returned by the operator of the facility to the occupier after treatment and disposal of wastes

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(5) The occupier shall forward copy number 1 (white) to the State Pollution Control Board or Committee and in case the hazardous waste is likely to be transported through any transit State, the occupier shall prepare an additional copy each for such State and forward the same to the concerned State Pollution Control Board or Committee before the hands over the hazardous waste to the transporter. No transporter shall accept hazardous wastes from an occupier for transport unless it is accompanied by copy number 2 to 5 of the manifest. The transporter shall return copy number 2 (yellow) of the manifest signed with date to the occupier as token of receipt of the other four copies of the manifest and retain the remaining four copies to be carried and handed over to respective agencies as specified in sub-rule (4).

(6) In case of transport of hazardous wastes to a facility for treatment, storage and disposal existing in a State other than the State where hazardous wastes are generated, the occupier shall obtain 'No Objection Certificate' from the State Pollution Control Board or Committee of the concerned State or Union Territory Administration where the facility is existing.

(7) the occupier shall provide the transporter with relevant information in Form 10, regarding the hazardous nature of the wastes and measures to be taken in case of an emergency.

## 8. Disposal Sites

(1) The occupier or operator of a facility or any association of occupiers, shall be jointly and severally responsible for identifying sites for establishing the facility for treatment, storage and disposal of hazardous wastes.

(2) The State Government, operator of a facility or any association of occupiers shall jointly and severally be responsible for and identify sites for common facility for treatment, storage and disposal of hazardous wastes in the State.

(3) The operator of a facility, occupier or any association of occupiers shall undertake an environmental impact assessment (EIA) of the selected site(s) and shall submit the EIA report to the State Pollution Control Board or Committee.

(4) The State Pollution Control Board or Committee shall on being satisfied with the EIA report, cause a public notice for conducting a public hearing as per the procedure contained in the Environmental Impact Assessment Notification, 1994 published vide S.O. 60(E) dated 27<sup>th</sup> January, 1994 as amended from time to time.

(5) The State Pollution Control Board or Committee shall forward to the State Government or Union territory Administrator, as the case may be, the project report including EIA report and details of public hearing alongwith its recommendations within a period of 30 days from the last date of public hearing.

(6) The State Government shall complete the assessment within a period of thirty days from the date of receipt of the documents mentioned in sub-rule (5) and convey the decision of its approval of site(s) or otherwise within 30 days thereafter to the concerned operator of the facility, occupier or any association of occupiers.

(7) After approval of the site or sites, the State Government shall acquire the site or inform the occupiers to acquire the site(s) for settling up the facility for treatment, storage and disposal of hazardous wastes. The State Government shall simultaneously notify such site(s). The State Government shall also compile and publish periodically an inventory of

such hazardous wastes disposal sites and facilities;

(8) Setting up of an on-site facility for treatment, storage and disposal of hazardous wastes for captive use shall be governed by the authorisation procedure laid down in rule 5.

#### **8A. Design and setting up of disposal facility**

(1) The occupier any association or operator of a facility, as the case may be shall design and set up disposal facility as per the guidelines issued by the Central Government or the State Government as the case may be.

(2) The occupier, any association or operator, shall before setting up a disposal facility get the design and the layout of the facility approved by the State Pollution Control Board.

(3) The State Pollution control Board shall monitor the setting up and operation of a facility regularly.

#### **8B. Operation and closure of landfill site**

(1) The occupier or the operator as the case may be, shall be responsible for safe and environmentally sound operation of the facility as per design approved under Rule 8A by the State Pollution Control Board.

(2) The occupier or the operator shall ensure that the closure of the landfill is as per the design approved under Rule 8A by the State Pollution Control Board.

#### **9. Records and returns**

(1) The occupier generating hazardous waste and operator of a facility for collection, reception, treatment, transport, storage and disposal of hazardous waste shall maintain records of such operations in Form 3.

(2) The occupier and operator of a facility shall send annual returns to the State Pollution

Control Board or Committee in Form 4.

(3) The State Pollution Control Board or Committee shall prepare an inventory of hazardous wastes, as early as possible as per Form 4, within its jurisdiction and compile other related information like treatment and disposal of hazardous wastes based on the returns filed by respective occupier and operator of facility as per sub-rule(2).

#### **10. Accident reporting and follow-up**

Where an accident occurs at the facility or on a hazardous waste site or during transportation of hazardous waste, the occupier or operator of a facility shall report immediately to the State Pollution control Board or Committee about the accident in Form 5.

#### **11. Import and Export of Hazardous Wastes for dumping and disposal**

(1) Import of hazardous wastes from any country to India and export of hazardous wastes from India to any country for dumping or disposal shall not be permitted.

(2) The exporting country or the exporter or the importer as the case may be of hazardous wastes shall communicate in Form 6 to the Central Government (the Ministry of Environment & Forests) of the proposed trans-boundary movement of hazardous wastes.

(3) The Central Government shall, after examining the communication received under sub-rule (2) and on being satisfied that the import of such hazardous wastes is to be used for processing or reuse as raw material grant permission for the import of such wastes subject to such conditions as the Central Government may specify in this behalf and if, however the Central Government is not satisfied with the communication received under sub-rule (2), may refuse permission to import such hazardous wastes.

(4) Any importer importing hazardous waste shall provide necessary information as to the type of hazardous wastes he is to import, in Form 6, to the concerned State Pollution Control Board or Committee/the Central Pollution Control Board in the case of Union

Territories.

(5) The State Pollution Control Board or Committee shall examine the information received under the sub-rule (4) and issue instruction to the importers as its considers necessary.

(6) The Central Government or the State Pollution Control Board or Committee, as the case may be, shall inform the concerned Port Authority to take appropriate steps regarding the safe handling of the hazardous wastes at the time of off-loading the same.

(7) Any person importing hazardous wastes shall maintain the records of the hazardous wastes imported as specified in Form 7 and the records so maintained shall be open for inspection by the State Pollution Control Board or Committee/the Ministry of Environment and Forests/the Central Pollution Control Board in the case of Union Territories or an officer appointed by them in this behalf.

## **12. Import and Export of Hazardous Wastes for recycling and reuse**

(1) No person shall import or export hazardous wastes or substances containing or contaminated with such hazardous wastes as specified in Schedule 8, even for recycling.

(2) The Ministry of Environment and forests shall be the Nodal Ministry to deal with the trans-boundary movement of hazardous wastes and to grant permission of transit of hazardous wastes through any part of India.

(3) Import and export of hazardous wastes shall be permitted only as raw materials for recycling or reuse. (Schedule 3, 4).

(4) The authorities mentioned in column 2 of Schedule 7 shall be responsible for regulation of export and import of hazardous wastes.

(5) Any occupier importing or exporting hazardous wastes shall provide detailed

information in Form 7A to the Customs authorities.

(6) Any occupier importing or exporting hazardous wastes shall comply with the articles of the Basel Convention to which the Central Government is a signatory.

(7) In case of any dispute as the grant of permission to import or export of hazardous wastes, the matter shall be referred to the Central Government for a decision.

### **13. Import of Hazardous Waste**

(1) Every occupier seeking to import hazardous wastes shall apply to the State Pollution Control Board or Committee at least 120 days in advance of the intended date of commencement of the shipment in Form 6;

(2) The State Pollution Control Board shall examine the application received from the occupier within thirty days and forward the application with recommendation and requisite stipulations for safe transport, storage and processing, to the Ministry of Environment and Forests;

(3) The Ministry of Environment and Forests, Government of India will examine the application received from the State Pollution Control Board and after satisfying itself will grant permission for imports subject to the following:

(a) environmentally friendly/appropriate technology used for re-processing;

(b) the capability of the importer to handle and reprocess hazardous wastes in an environmentally sound manner;

(c) presence of adequate facility for treatment and disposal of wastes generated; and

(d) approvals, no objection certificates and authorisation from all concerned authorities.

(4) The Ministry of Environment & Forests, Government of India, shall forward a copy



of the permission granted, to the Central Pollution Control Board, the State Pollution Control Board and the concerned Port and Customs authorities for ensuring compliance of the conditions of imports and to take appropriate steps for safe handling of the waste at the time of off-loading;

(5) An application for licence to the directorate General of Foreign Trade for import shall be accompanied with the permission granted by the Ministry of Environment & Forests, Government of India under sub-rule (3) to the importer and an authenticated copy of Form 7 of the Exporter under sub-rule (3) of rule 14;

(6) The Port and Custom authorities shall ensure that the shipping document is accompanied with an authenticated copy of Form 7 and the test report from an accredited laboratory of analysis of the hazardous waste shipped;

(7) The occupier having valid permission to import shall inform the State and Central Pollution Control Board and the Port authorities of the arrival of the consignment of hazardous wastes ten days in advance;

(8) The occupier importing hazardous waste shall maintain the records of hazardous wastes imports as specified in Form 6A and the record so maintained shall be available for inspection;

(9) An occupier importing hazardous wastes listed under an Open General Licence of the Director General of Foreign Trade shall register himself with the Ministry of Environment and Forests or any other authority or agency such as the Central Pollution Control Board designed by it in accordance with the procedure laid down under rule 19.

#### **14. Export of Hazardous Waste**

(1) The exporting country or the exporter as the case may be of hazardous waste shall apply ninety days in advance in Form 7 to the Ministry of Environment and Forests, Government of India, seeking permission for the proposed export and transboundary

movement;

(2) The Ministry of Environment and Forests, Government of India, on receipt of such Form 7 from an exporter or an exporting country shall examine the case on merit and grant or refuse permission for export to India;

(3) The Ministry of Environment and Forests, shall communicate the grant of permission by authentication on Form 7 to the exporter and the exporting country and endorse a copy of the same to the Central Pollution Control Board and the State Pollution Control Board.

(4) The exporter shall ensure that no consignment is shipped prior to the requisite authentication being received. The exporter shall also ensure that the shipping document is accompanied with Form 7A, an authenticated copy of Form 7 and an authenticated copy of the test report from an accredited laboratory of analysis of the hazardous waste.

(5) The occupier, exporting hazardous waste to any other country shall seek permission from the competent authority of that country prior to any shipment.

(6) Every occupier exporting hazardous waste shall inform the Central Government of the permission sought for exporting, permission granted for export and details of the export in Form 7.

## **15. Illegal Traffic**

(1) The movement of hazardous wastes from or to the country shall be considered illegal:

(i) if it is without prior permission of the Central Government; or

(ii) if the permission has been obtained through falsification, mis-representation or fraud;

or

(iii) it does not conform to the shipping details provided in the document;

(2) In case of illegal movement, the hazardous wastes in question;

(i) shall be shipped back within thirty days either to the exporter or to the exporting country;

or

(ii) shall be disposed of within thirty days from the date of off-loading subject to inability to comply with sub-rule 2(i) above in accordance with the procedures laid down by the State Pollution Control Board or Committee in constitution with Central Pollution Control Board.

(3) In case of illegal transboundary movement of hazardous wastes, the occupier exporting hazardous waste from the country or the exporter exporting hazardous waste to the country and importer importing hazardous waste into the country shall ensure that the waste in question is safely stored and shipped or disposed off in an environmentally sound manner within thirty days from the date of off-loading.

(4) The exporter shall bear the costs incurred for the disposal of such wastes.

#### **16. Liability of the occupier, transporter and operator of a facility**

(1) The occupier, transporter and operator of a facility shall be liable for damages caused to the environment resulting due to improper handling and disposal of hazardous waste listed in Schedule 1, 2 and 3;

(2) The occupier and operator of a facility shall also be liable to reinstate or restore damaged or destroyed elements of the environment at his cost, failing which the occupier or the operator of a facility, as the case may be, shall be liable to pay the entire cost of remediation or restoration and pay in advance an amount equal to the cost estimated by the State Pollution Control Board or Committee. Thereafter the Board or Committee shall plan an cause to be executed the programme for remediation or restoration. The advance paid to State Pollution Control Board or Committee towards the cost of remediation or

restoration shall be adjusted once the actual cost of remediation or restoration is finally determined and the remaining amount, if any, shall be recovered from the occupier or the operator of the facility.

(3) The occupier and operator of a facility shall be liable to pay a fine as levied by the State Pollution Control Board with the approval of the Central Pollution Control Board for any violation of the provisions under these rules.

### **17. Transitional provisions - Where -**

(a) On the date of coming into operation of these rules, an occupier handling hazardous wastes who is required to comply with the provisions of these rules, it will be sufficient compliance if the occupier and the authorities do so within three months after the date of coming into force of these rules;

(b) State Pollution Control Board and Pollution Control Committee are required to oversee the compliance.

### **18. Appeal**

(1) An appeal shall lie, against any order of grant or refusal of an authorisation by the Member Secretary, State Pollution Control Board or any officer designated by the Board or the Secretary, Department of Environment of the State Government by whatever name called.

(2) Every appeal shall be in writing and shall be accompanied by a copy of the order appealed against and shall be presented within thirty days of the receipt of the order passed.

(3) Every appeal filed under this rule shall be disposed of within a period of sixty days from the date of such filing.

### **19. Procedure for registration and renewal of registration of recyclers and refiners.**

(1) Every person desirous of recycling or re-refining non-ferrous metal wastes as

specified in Schedule 4 or used oil or waste oil shall register himself with the Central Pollution Control Board

Provided that no owner or occupier of an industrial unit having captive recycling or non-ferrous metals or recycling or waste oil or re-refining oil or used oil facility shall be required to register under these rules.

Provided further that no person who has registered with the Ministry of Environment & Forests before the commencement of the Hazardous Wastes (Management and Handling) Amendment rules, 2003, shall, unless such registration is cancelled or ceases to operate under sub-rule (3) of rule 21, be required to register under this sub-rule as given in the certificate of registration.

(2) Every application for registration under this rule shall be made in Form 11 along with a copy of each of the following documents to the Central Pollution Control Board for the grant of such registration or renewal:-

(a) letter of consent granted under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981;

(b) authorisation granted under rule 5 of these rules;

(c) certificate of registration with District Industries Centre;

(d) proof of installed capacity of plant and machinery issued by either State Pollution Control Board or Committee or the District Industries Centre; and

(e) report from the State Pollution Control Board or Committee regarding proof of compliance of effluent and emission standards and treatment and disposal of hazardous wastes as stipulated by that Board or Committee.

(3) If the Central Pollution Control Board is satisfied that the recyclers or re-refiners

possess requisite facilities, technical capabilities, and equipment to recycle or re-refine the wastes and dispose of the hazardous wastes generated, it shall grant a certificate of registration to such recycler or re-refiner, as the case may be.

(4) The Central Pollution Control Board shall dispose of the application for registration within 120 days of receipt of such application with complete details.

(5) The certificate of registration granted under sub-rule(3) shall be valid for a period of two years from the date of its issue unless suspended or cancelled earlier.

(6) Every application for renewal of registration of a certificate of registration granted under sub-rule(3) shall be made in Form 11 along with the documents mentioned in such-rule(2) at least two months before the expiry of the period of validity of such certificate. The Central Pollution Control Board shall renew the registration of the recycler or re-refiner granted under sub-rule(3) after examining each case on merit.

(7) The Central Pollution Control Board may, after giving reasonable opportunity to the applicant of being heard, by order, refuse to grant certificate of registration of renewal.

(8) The Central Pollution Control Board may cancel or suspend a registration or renewal granted under these rules, if in its opinion the registered recycler has failed to comply with any of the conditions of registration, or with any provisions of the act or rules made thereunder after giving him an opportunity of being heard and after recording the reasons therefor;

(9) An appeal against any order of suspension or cancellation or refusal of registration or renewal passed by Central Pollution Control Board shall lie with the Secretary, Ministry of Environment and Forests (hereafter referred to as the appellate authority).

(10) The memorandum of appeal under sub-rule (9) shall be in writing and shall be accompanied with a copy of the order appealed against and shall be presented within 30

days of passing of the order;

Provided that the appellate authority may allow a memorandum of appeal to be filed after the expiry of the said period of thirty days, but in no case later than 45 days if the appellate authority is satisfied that there exists sufficient cause for not preferring the appeal in time.

(11) On receipt of a memorandum of appeal under sub-rule (9) the appellate authority shall within ninety days from the date of receipt of such memorandum of appeal and after giving the appellant an opportunity of being heard pass such order as he may deem fit.

(12) In case of units registered with the Ministry of Environment and Forests or the Central Pollution Control Board for items placed under "free category" in Notification nos. 22(RE-99), 1997-2002 dated 30<sup>th</sup> July, 1999; 26 (RE-99) 1997-2002 dated 10<sup>th</sup> September, 1999; 38(RE-2000) 1997-2002 dated 16<sup>th</sup> October, 2000 and 6(RE-2001) dated 31<sup>st</sup> March, 2001 issued by the Directorate General of Foreign Trades and other similar notifications issued based on the advice of Ministry of Environment and Forests, prior import permission from that Ministry shall not be required.

(13) Recyclers and re-refiners registered with the Government of India in the Ministry of Environment and Forests or the Central Pollution Control Board shall maintain a record of wastes purchased, processed and sold and shall file an annual return in Form 12 to the respective State Pollution Control Board or Committee, as the case may be, latest by 31<sup>st</sup> January of every year.

## **20. Responsibility of waste generator**

(1) No owner or occupier generating non-ferrous metal waste specified in Schedule 4 or generating used oil or waste oil of ten tons or more per annum shall sell or auction such non-ferrous metal wastes, used oil or waste oil except to registered re-refiner or recycler, as the case may be, who undertakes to re-refine or recycle the waste within the period of validity of his certificate of registration.

(2) Any waste oil which does not meet the specifications laid down in Schedule 6 shall not be auctioned or sold but shall be disposed of in hazardous wastes incineratory installed with air pollution control devices and meeting emission standards.

(3) The persons generating waste or auctioneers shall ensure that at the time of auction or sale, the period of validity of the certificate of registration of the registered re-refiner or recycler is sufficient to reprocess the quantity of wastes being sold or auctioned to him.

(4) The waste generators and auctioneers shall ensure that the wastes are not allowed to be stored for more than ninety days and shall maintain a record of auctions and sale of such wastes and make these records available to the State Pollution Control Board or Committee for inspections.

(5) The waste generators and auctioneers shall file annual returns of auctions and sale in Form 13 latest by 31<sup>st</sup> day of January of every year to the respective State Pollution Control Board or Committee.

## **21. Technology and standards for re-refining or recycling**

(1) Re-refiners and recyclers shall use only environmentally sound technologies while recycling and re-refining non-ferrous metal wastes or used oil or waste oil. In case of used oil, re-refiners using acid clay process or modified acid clay process shall switch over within six months from the date of commencement of the Hazardous Waste (Management and Handling) Amendment Rules, 2003 to other environmentally sound technologies as under:

(a) Vacuum distillation with clay treatment;

(b) Vacuum distillation with hydrotreating;

(c) Thin film evaporation process; or



- (d) Any other technology approved by the Ministry of Environment and Forests.
- (2) The re-refiners and recyclers registered with the Ministry of Environment and Forests or the Central Pollution Control Board in accordance with the procedure laid down in rule 19 shall file a compliance report of having adopted one of the technologies mentioned in sub-rule (1) within six months from the date of commencement of the Hazardous Wastes (Management and Handling) Amendment Rules, 2003.
- (3) Notwithstanding anything contained in a certificate of registration granted to a recycler or re-refiner, such registration with the Ministry of Environment and Forests shall cease to be valid if he fails to comply with sub-rule (1).
- (4) The State Pollution Control Board or Committee shall inspect the re-refining and recycling units within three months of the expiry of the six months period referred to in sub-rule(1) and submit a compliance report to the Central Pollution Control Board which shall compile such information and furnish the same to the Ministry of Environment and Forests on a regular basis.
- (5) The Ministry of Environment and Forests shall notify time-to-time specifications and standards to be followed by recyclers and re-refiners.