

Recommendation # 108

Define clear timelines mandated through legislation for approval of complete

[भाग II—खण्ड 3(ii)] भारत का राजपत्र : असाधारण 73

MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION
New Delhi, the 24th September, 2008

S. O. 2265(E).—Whereas the draft rules, namely, the Hazardous Material (Management, Handling and Transboundary Movement) Rules 2007 was published by the Government of India in the Ministry of Environment and Forest vide number S.O.1676(E), dated 28th September, 2007 in the Gazette of India, Extraordinary of the same date inviting objection and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

AND WHEREAS copies of the said Gazette were made available to the public on the 28th day of September, 2007;

AND WHEREAS the objections and suggestions received within the said period from the public in respect of the said draft rules have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Hazardous Wastes (Management and Handling) Rules, 1989, excepts in respect of things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

CHAPTER - I
PRELIMINARY

1. Short title and commencement: - (1) These rules may be called the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008.
(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 the rules made thereunder;

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CHAPTER II PROCEDURE FOR HANDLING HAZARDOUS WASTES

4. Responsibilities of the occupier for handling of hazardous wastes. ✓

- (1) The occupier shall be responsible for safe and environmentally sound handling of hazardous wastes generated in his establishment.
- (2) The hazardous wastes generated in the establishment of an occupier shall be sent or sold to a recycler or re-processor or re-user registered or authorized under these rules or shall be disposed of in an authorized disposal facility.
- (3) The hazardous wastes transported from an occupier's establishment to a recycler for recycling or reuse or reprocessing or to an authorized facility for disposal shall be transported in accordance with the provisions of these rules.
- (4) The occupier or any other person acting on his behalf who intends to get his hazardous wastes treated and disposed of by the operator of a Treatment, Storage and Disposal Facility shall give to the operator of a facility, such information as may be determined by the State Pollution Control Board.
- (5) The occupier shall take all adequate steps while handling hazardous wastes to:
 - (i) contain contaminants and prevent accidents and limit their consequences on human beings and the environment; and
 - (ii) provide persons working on the site with the training, equipment and the information necessary to ensure their safety.

5. Grant of authorization for handling hazardous wastes.

(1) Every person who is engaged in generation, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of the hazardous waste shall require to obtain an authorization from the State Pollution Control Board.

(2) The hazardous waste shall be collected, treated, re-cycled, re-processed, stored or disposed of only in such facilities as may be authorized by the State Pollution Control Board for the purpose.

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(3) Every person engaged in generation, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of the hazardous waste or occupier of the facility shall make an application in **Form 1** to the State Pollution Control Board for authorization within a period of sixty days from the date of commencement of these rules:

Provided that any person authorized under the provisions of the Hazardous Waste (Management and Handling) Rules, 1989, prior to the date of coming into force of these rules, shall not require to make an application for authorization till the period of expiry of such authorization.

(4) On receipt of the application complete in all respects for the authorization, the State Pollution Control Board may, after such inquiry as it considers necessary and on being satisfied that the applicant possesses appropriate facilities, technical capabilities and equipment to handle hazardous waste safely, grant within a period of one hundred and twenty days an authorization in **Form 2** to the applicant which shall be valid for a period of five years and shall be subject to such conditions as may be laid down therein.

(5) The State Pollution Control Board may after giving reasonable opportunity of being heard to the applicant refuse to grant any authorization.

(6) Every person authorized under these rules shall maintain the record of hazardous wastes handled by him in **Form 3** and prepare and submit to the State Pollution Control Board, an annual return containing the details specified in **Form 4** on or before the 30th day of June following to the financial year to which that return relates.

(7) An application for the renewal of an authorization shall be made in **Form 1**, before its expiry and the State Pollution Control Board may renew the authorization after examining each case on merit subject to the condition that there has been no report of violation of the provisions of the Act or the rules made thereunder or conditions specified in the authorization.

(8) The occupier or operator of the facility shall take all the steps, wherever required, for reduction and prevention of the waste generated or for recycling or reuse and comply the conditions specified in the authorization.

(9) The State Pollution Control Board shall maintain a register containing particulars of the conditions imposed under these rules for management of hazardous waste, and it shall be open for inspection during office hours to any person interested or affected or a person authorized by him on his behalf.

6. Power to suspend or cancel an authorization.

- (1) The State Pollution Control Board, may, if in its opinion the holder of the authorization has failed to comply with any of the conditions of the authorization or with any provisions of the Act or these rules and after giving him a reasonable opportunity of being heard and after recording reasons thereof in writing cancel or suspend the authorization issued under rule -- 4 for such period as it considers necessary in the public interest.
- (2) Upon suspension or cancellation of the authorization the State Pollution Control Board may give directions to the person whose authorization has been suspended or cancelled for the safe storage of the hazardous wastes, and such person shall comply with such directions.

7. Storage of Hazardous Waste.

- (1) The occupiers, recyclers, re-processors, re-users, and operators of facilities may store the hazardous wastes for a period not exceeding ninety days and shall maintain a record of sale, transfer, storage, recycling and reprocessing of such wastes and make these records available for inspection:
Provided that the State Pollution Control Board may extend the said period in following cases, namely:-
 - (i) small generators up to ten tones per annum;
 - (ii) recyclers, re-processors and facility operators up to six months of their annual capacity;
 - (iii) generators who do not have access to any Treatment, Storage, Disposal Facility in the concerned State; or
 - (iv) the waste which needs to be specifically stored for development of a process for its recycling, reuse.

CHAPTER - III

PROCEDURE FOR RECYCLING , REPROCESSING OR REUSE OF HAZARDOUS WASTES

8. Procedure for grant of registration :

- (1) Every person desirous of recycling or reprocessing the hazardous waste specified in Schedule -IV may make an application in Form 5 accompanied with a copy each of the following documents for the grant or renewal of the registration:-
 - (a) consent to establish granted by the State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974 (25 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981(21 of 1981);

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- (b) certificate of registration issued by the District Industries Centre or any other government agency authorised in this regard;
 - (c) proof of installed capacity of plant and machinery issued by the District Industries Centre or any other government agency authorised in this behalf, and
 - (d) in case of renewal, certificate of compliance of effluent, emission standards and treatment and disposal of hazardous wastes, as applicable, from the State Pollution Control Board or the Concerned Zonal Office of Central Pollution Control Board.
- (2) The Central Pollution Control Board, on being satisfied that the applicant is utilizing environmentally sound technologies and possesses adequate technical capabilities, requisite facilities, and equipment to recycle, reprocess or reuse hazardous wastes, may grant registration to such applicants stipulating therein necessary conditions for carrying out safe operations in the authorized place only.
- (3) The Central Pollution Control Board shall dispose of the application for registration within a period of one hundred twenty days from the date of the receipt of such application complete in all respects.
- (4) The registration, issued under sub-rule (2) shall be valid for a period of five years from the date of its issue, unless the operation is discontinued by the unit or the registration is suspended or cancelled by the Central Pollution Control Board.
- (5) The Central Pollution Control Board may cancel or suspend the registration granted under these rules, if it has reasons to believe that the recycler or re-processor has failed to comply with any of the conditions of the registration, or with any provision of the Act or rules made thereunder.
- (6) The Central Pollution Control Board may after giving a reasonable opportunity of being heard to the applicant, by order, refuse to grant or renew the registration.
- (7) The recycler or re-processor shall maintain records of hazardous wastes purchased and processed and shall file an annual return of its activities of previous year in Form 6 to the State Pollution Control Board, on or before the 30th day of June of every year.