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SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 04th April, 2016

G.S.R No. 395 (E). - Whereas the draft rules, namely the Hazardous And Other Wastes (Management and Transboundary Movement) Rules, 2015, were published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* number G.S.R. 582(E), dated the 24th July, 2015 in the Gazette of India, Extraordinary Part II, section 3, sub-section (ii) inviting objections 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 the copies of the said Gazette containing the said notification were made available to the public on the 24th day of July, 2015;

AND WHEREAS the objections and suggestions received within the specified 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, Handling and Transboundary Movement) Rules, 2008, except as respects 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 and Other Wastes (Management and Transboundary Movement) Rules, 2016.

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

2. Application. - These rules shall apply to the management of hazardous and other wastes as specified in the Schedules to these rules but 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 and as amended from time to time;
- (b) wastes arising out of the operation from ships beyond five kilometres of the relevant baseline as covered under the provisions of the Merchant Shipping Act, 1958 (44 of 1958) and the rules made thereunder and as amended from time to time;

- (a) contain contaminants and prevent accidents and limit their consequences on human beings and the environment; and
- (b) provide persons working in the site with appropriate training, equipment and the information necessary to ensure their safety.

5. Responsibilities of State Government for environmentally sound management of hazardous and other wastes. – (1) Department of Industry in the State or any other government agency authorised in this regard by the State Government, to ensure earmarking or allocation of industrial space or shed for recycling, pre-processing and other utilisation of hazardous or other waste in the existing and upcoming industrial park, estate and industrial clusters;

(2) Department of Labour in the State or any other government agency authorised in this regard by the State Government shall,-

- (a) ensure recognition and registration of workers involved in recycling, pre-processing and other utilisation activities;
- (b) assist formation of groups of such workers to facilitate setting up such facilities;
- (c) undertake industrial skill development activities for the workers involved in recycling, pre-processing and other utilisation;
- (d) undertake annual monitoring and to ensure safety and health of workers involved in recycling, pre-processing and other utilisation.

(3) Every State Government may prepare integrated plan for effective implementation of these provisions and to submit annual report to the Ministry of Environment, Forest and Climate Change, in the Central Government.

6. Grant of authorisation for managing hazardous and other wastes.- (1) Every occupier of the facility who is engaged in handling, generation, collection, storage, packaging, transportation, use, treatment, processing, recycling, recovery, pre-processing, co-processing, utilisation, offering for sale, transfer or disposal of the hazardous and other wastes shall be required to make an application in **Form 1** to the State Pollution Control Board and obtain an authorisation from the State Pollution Control Board within a period of sixty days from the date of publication of these rules. Such application for authorisation shall be accompanied with a copy each of the following documents, namely:-

- (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);
- (b) Consent to operate granted by the State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974 (25 of 1974) and/or Air (Prevention and Control of Pollution) Act, 1981, (21 of 1981);
- (c) in case of renewal of authorisation, a self-certified compliance report in respect of effluent, emission standards and the conditions specified in the authorisation for hazardous and other wastes:

Provided that an application for renewal of authorisation may be made three months before the expiry of such authorisation:

Provided further that-

- (i) any person authorised under the provisions of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008, prior to the date of commencement

of these rules, shall not be required to make an application for authorisation till the period of expiry of such authorisation;

- (ii) any person engaged in recycling or reprocessing of the hazardous waste specified in Schedule IV and having registration under the provisions of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008, shall not be required to make an application for authorisation till the period of expiry of such registration.

(2) On receipt of an application complete in all respects for the authorisation, the State Pollution Control Board may, after such inquiry as it considers necessary, and on being satisfied that the applicant possesses appropriate facilities for collection, storage, packaging, transportation, treatment, processing, use, destruction, recycling, recovery, pre-processing, co-processing, utilisation, offering for sale, transfer or disposal of the hazardous and other waste, as the case may be, and after ensuring technical capabilities and equipment complying with the standard operating procedure or other guidelines specified by the Central Pollution Control Board from time to time and through site inspection, grant within a period of one hundred and twenty days, an authorisation in **Form 2** to the applicant, which shall be valid for a period of five years subject to such conditions as may be laid down therein. For commonly recyclable hazardous waste as given in Schedule IV, the guidelines already prepared by the Central Pollution Control Board shall be followed:

Provided that in the case of an application for renewal of authorisation, the State Pollution Control Board may, before granting such authorisation, satisfy itself that there has been no violation of the conditions specified in the authorisation earlier granted by it and same shall be recorded in the inspection report.

(3) The authorisation granted by the State Pollution Control Board under sub-rule (2) shall be accompanied by a copy of the field inspection report signed by that Board indicating the adequacy of facilities for collection, storage, packaging, transportation, treatment, processing, use, destruction, recycling, recovery, pre-processing, co-processing, utilisation, offering for sale, transfer or disposal of the hazardous and other wastes and compliance to the guidelines or standard operating procedures specified by the Central Pollution Control Board from time to time.

(4) The State Pollution Control Board may, for the reasons to be recorded in writing and after giving reasonable opportunity of being heard to the applicant, refuse to grant any authorisation under these rules.

(5) Every occupier authorised under these rules, shall maintain a record of hazardous and other wastes managed 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 the financial year to which that return relates.

(6) The State Pollution Control Board shall maintain a register containing particulars of the conditions imposed under these rules for management of hazardous and other wastes and it shall be open for inspection during office hours to any interested or affected person.

(7) The authorised actual user of hazardous and other wastes shall maintain records of hazardous and other wastes purchased in a passbook issued by the State Pollution Control Board along with the authorisation.

(8) Handing over of the hazardous and other wastes to the authorised actual user shall be only after making the entry into the passbook of the actual user.