

**PART I : SECTION (1) – GENERAL
Government Notifications**

L.D.B 4/81

NATIONAL ENVIRONMENTAL ACT, NO 47 OF 1980

REGULATION made by the Minister of Transport, Environment and Women's Affairs under Section 32 read with Section 23 A and 23B of the National Environmental Act. No. of 47 of 1980 as amended by Act No. 56 of 1988.

**SRIMANI ATHULATHMUDALI
Minister Of Transport
Environment and Women's Affairs,**

Colombo , 25th April 1996

REGULATION

National Environmental (Protection And Quality) Regulation, No 01, 1990, published Gazette Extra Ordinary NO 95/16 of February 2, 1990 are hereby amended as follows:-

- (1) by the insertion immediately after regulation 1 of those regulations of the following heading:

“PART 1”

- (2) by the substitution for regulation 15 thereof of the following regulation:-

“15 for the purpose of this Part of these regulations “Act” means the National Environmental Act, No 47 of 1980 and

“Waste” shall have the same meaning as in the Act”

- (3) by the addition immediately after the renumbered Part I of those regulations of the following new Part :

“PART II”

16. No person shall collect, transport, store, recover, recycle or dispose waste or establish any site or facility for the disposal of any waste except under the authority of a licence issued by the Authority and in accordance with such standards and other criteria as may be specified by the Authority.

17. Every application for a licence under regulation 16 shall be substantially in Form A as set out in Schedule II of Part I of these regulations, and be accompanied by-

- a. a valid certificate of insurance or any other form of financial security acceptable to the Authority, adequately covering the risk or damage that may be caused by the public as a result of any activity referred in regulation 16 being carried on by the applicant: and
- b. Such other additional information as set out in Form A in Schedule II of this Part of these regulations.

18. Every application for a licence under regulation 17 shall be accompanied by a fee calculated on the following basis:

Collector	-	Rs	250 (First two years)
Storer	-	Rs	10,000
Transporter	-	Rs	2,000
Recycler	-	Rs	5,000
Recoverer	-	Rs	5,000
Disposer	-	Rs	100,000

19. On receipt of an application for a licence under regulation 17 and after such risk assessment as the Authority shall see appropriate, and where the Authority is satisfied that waste will be disposed of safely and disposal will not pose a significant risk to human health and the environment, the Authority may issue a licence to the applicant.

20. Every licence issued by the Authority under regulation 19 shall:

- (a) be in such form as set out in Schedule III to this Part of these Regulations:
- (b) be subject to such terms, conditions and standards as may be stipulated in the licence:
- (c) be valid for such period as shall be specified in the licence: and
- (d) on application being made therefore be renewable, by the Authority;

21. No person shall continuously engage in the management of waste with the same physical and chemical characteristics or any aspects thereof, except under a separate licence for multiple waste management operations of the same kind issued by the Authority in accordance with the provisions of regulation 19 for multiple waste management operations of the same kind. Such licence shall be for a specified period and for a specified quantity of waste as shall be specified in the licence.

22. Notwithstanding the fact that a person has been issued with a licence under regulation 20, a licence shall be absolutely liable jointly and severally for all damage caused to any member of the public due to the carrying on of any activity for which the licence was issued, and shall compensate and indemnify all such members of the public who suffer damage as a result of carrying on such activity.

23. A licence issued under Regulation 19 or 21 shall not authorize the mixing of waste with waste within the meaning of this Part of these regulations and specified in Part

I of these regulations, unless the generator, collector, storer, transporter or person disposing proves to the satisfaction of the Authority that such mixing may reduce the load of pollutants.

24. A licence issued under this Part of these regulations shall not be transferable and any transfer made in contravention of these regulations shall render the licence issued null and void.
25. A licence issued under these regulations to any person shall not be used for the benefit of any other person.
26. Where a person to whom licence has been issued under this Part of these regulations acts in violation of any of the terms, standards and conditions of the licence, the Authority may be order suspend the operation of such licence for a period specified in such order, or cancel such licence after granting to the licensee an opportunity to show cause and after recording reasons therefore:

Provided however the Authority shall have power to temporarily suspend the licence pending the conclusion of an inquiry under this regulation, where it considers such action urgently necessary in the public interest.

27. The Authority shall have the power to monitor and inspect activities conducted by a licensee pursuant to any licence granted to him under this Part of these regulations.
28. (1) The Authority shall have the power to specify guidelines from time to time, for _
 - a the establishment of waste disposal sites:
 - b safety measures to be adopted during collection, transportation, storage, recovery, recycling or disposal or wastes:
 - c operations regarding recycling or recovery of waste
- (2) The guidelines specified under paragraph (1) shall be published in the *Gazette* and otherwise be made available to the public.
29. It shall be the duty of every licensee to

- a maintain records in the form set out in the Schedule IV to this Part of these regulation in respect of collection. transportation, storage, recovery, recycling, or disposal of waste:
- b send an annual return to the Authority in the form set out in the Schedule V to this Part of these regulations regarding the disposal of waste, duly certified by any person authorized for such purposes by the Authority:
- c provide the Authority annually with such information as may be required by the Authority: and
- d record in a register to be maintained by the licensee the quantity, type, quality and origin of waste, collected, stored, transported, recovered, recycled and disposed of by them.

30. The register to be maintained under regulation 29 shall be readily made available by the licensee for inspection at any time by the Authority and it shall be the duty of a licensee to issue a certified copy of any extract of the register so maintained at the request of any member of the public, on the payment of a fee.
31. Any authorized officer of the Authority or a police officer may, for the purpose of ascertaining whether the provisions of these regulations are being complied with
- a enter and inspect any facility or site of collection storage, recover, recycling or disposal of waste:
 - b stop and inspect any vehicle in transit suspected to contain waste:
 - c examine any records maintained under these regulations and take copies of such records:
 - d Take samples of waste transported, stored, collected, recovered, recycled or disposed of
32. The Authority shall maintain a record of licences granted under these regulations.
33. Every person involved with the management of waste shall, in addition to any other signs or symbols required under any other law. Display a plainly visible notice in Sinhala, Tamil and English, on The-
- a site of generation or storage:
 - b vehicles used for transportation
 - c containers or tanks used for collection and storage: and
 - d disposal sites whether approved or not, the following statement and visual sign.

“WARNING”: **CONTAINS WASTE DANGEROUS TO HUMAN HEALTH AND THE ENVIRONMENT**

34. The licence issued under these regulations or a certified copy thereof shall be carried on the vehicle transporting waste, and shall be produced by the driver of the vehicle for inspection by any police officer or other officer authorized by the Authority:-
35. Every collector, storer, transporter, recycler, recoverer and disposer of waste shall -
- a ensure that all its employees are adequately trained in handling waste and shall report to the Authority on a bi-annual basis the steps taken to ensure that its employees are so trained:
 - b have a regularly updated emergency plan approved by the Authority:
 - c ensure that all employees handling waste shall be protected by appropriate clothing and other precautions from the adverse effects of the waste: and

- d ensure that immediate and adequate medical care is available for employees and the public at all times, including emergency situations.
36. Every collector, storer, transporter, recycler, recoverer, or disposer, of waste shall forthwith report to the Authority of any accident that may have occurred during or as a result of the collection, storage, transportation, recycling, recovery or disposal of waste in the form set out in Schedule VI of this Part of these regulations.
37. Every person who carries on any activity which generates or produces waste or is in possession control of waste or is an importer of waste into Sri Lanka, shall inform the Authority –
- a on or before the 31st day of July and the 31st day of January each year, the quantity and characteristics of waste generated or produced or in possession or control of or imported as the case may be, in the previous six months and estimate the quantity and composition of waste that might be so generated or produced, or be in possession or control of or be imported as the case may be for the ensuing year, including information on process modifications and changes in chemical usage: and
 - b of the measures adopted to apply technologies for the reduction or elimination of the generation or production or the possession or control of waste including method adopted for treatment and final disposal of such waste.
38. For the purpose of this Part of these regulations –
- “Act” means the National Environmental Act. 47 of 1980;
- “Authority” means the Central Environmental Authority established by the National Environmental Act, No 47 of 1980:
- “Management” means the collection, storage, transport, recycling recovery and disposal of waste into or upon the environment and includes other operation such as recycling and recovery and disposal of waste, including aftercare of disposal sites.
- “collection” means the collection including storage for the time being of waste including those generated in small quantities
- “disposal” includes any operation which leads to the emission, discharge or deposit of waste into or upon the environment and further includes other operation such as recycling and recovery.
- “Storage” includes the storing of waste for a minimum reasonable period under conditions which will prevent their release to the environment.
- “Transport” means the movement of waste from the site of generation, importation or storage to any other site including a facility for disposal.
- “facility” means any location wherein the processes incidental to the generation, collection, storage, recycling, recovery and disposal are carried out.

“Waste” means waste as defined in the Act specified in Schedule I of this Part of these regulations.

SCHEDULE I

WASTES HAVING AS CONSTITUENTS:

- (1) Metal carbonyls
- (2) Beryllium: beryllium compounds
- (3) Hexavalent chromium compounds
- (4) Copper compounds
- (5) Zinc compounds
- (6) Cadmium : cadmium compounds
- (7) Arsenic: arsenic compounds
- (8) Mercury: mercury compounds
- (9) Thallium ; thallium compounds
- (10) Lead : lead compounds
- (11) Inorganic cyanide
- (12) Asbestos (dust and fibres)
- (13) Organic phosphorous compounds
- (14) Organic cyanide
- (15) Halogenated organic solvents
- (16) Any congener of polychlorinated dibenzo -furan
- (17) Any congener of polychlorinated dibenzo -p dioxim
- (18) Antimony; antimony compounds
- (19) Tellurium; tellurium compounds

Waste Streams

- (20) Wastes from the manufacture, formulation and use of wood preserving chemicals.
- (21) Waste from the production, formulation and use of organic solvents.,
- (22) Wastes from heat treatment and tempering operations containing cyanide.
- (23) Waste substances and articles containing or contaminated with polychlorinated biphenyes(PCBs) and / or polychlorinated terphenyls (PCTs) and / or polybrominated byphenyles (PBBs)
- (24) Wastes from production, formulation and use of links, dyes, pigments, paints, lacquers, varnish.
- (25) Wastes from production, formulation and use of resins, latex, plasticizers, glues / adhesives
- (26) Wastes resulting from surface treatment of metals and plastics.
- (27) Residues arising from industrial waste disposal operations.
- (28) Wastes arising from formulation and / or manufacture of pesticides.

SCHEDULE II

FORM A

(Additional information for obtaining a licence or for its renewal for collection / transportations / storage / recovery / recycling or disposal of waste)

1. Authorization required for (Please tick appropriate activity/activities)

- (a) Collection ()
- (b) Transportation ()
- (c) Storage ()
- (d) Recovery ()
- (e) Recycling ()
- (f) Disposal ()

() Permit for one operation () Permit for multiple operations

.....

1. Full Name of:

.....

2. Applicant / Industry

Address:

Tel No:

Fax No:

3. In case of renewal of licence, previous licence number and date:

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.....
.....
.....

4. Qualifications to engage in the activity covered by the permit:

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5. Insurance cover details:

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6. Arrangements for security and emergency procedures:

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7. Information on accidents as a result of the management of waste

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8. Health and safety measures adopted for the workers and the public:

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.....

9. Important Environmental features of the surrounding areas of the site (Please attach a map of the area 2.5 km radius with the site at the centre indicating therein water bodies and important human activities sensitive features):

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.....

10. Chemical identify of waste as per the Schedule I :

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.....

11. Quality and quantity waste handled:

.....
.....

12. Details of the operation system for carrying out the activity / activities:

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.....

13. if application is for the establishment of a disposal site, location description and other details:

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.....

To be filled by collector

14. Site of collection :

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.....

15. Proposed dates or frequency of collection:

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16. Estimated quantity to be collected:

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.....

17. Type of packaging envisaged (Eg. bulk, drummed, tanker etc) and method of collection

.....
.....

To be filled by transporter

18. Mode of transportation to be used:

.....
.....

19. Details of Routes (include road maps) times and dates:

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.....

20. What are the emergency measures adopted (including notice of warning to the public) and what are the precautions taken to prevent accidents:

.....
.....

To be filled by storer

21. Location and extent of the storage site:

.....
.....

22. Type of packaging envisaged (bulk, drummed, tanker, concrete blocks etc) for storing:

.....
.....

23. Period of time waste will be stored:

.....
.....

24. Information relating to recycling / recovery of final disposal of the waste:

.....
.....

25. What are the emergency measures adopted (including posting notices of warning to public and what are the precautions taken to prevent accidents:

.....
.....

To be filled by recycler / recoverer:

26. Location of the recycling / recovery facility
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.....

27. Method used in the recycling / recovery process:
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.....

28. Purpose of recycling / recovery and the market availability for the end product”
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.....

29. Emergency measures adopted in the event of an accident:
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.....

To be filled by disposer:

30. Location of the site for Disposal:
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.....

31. Method of Disposal”
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32. Description of the treatment process:
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.....

33. Emergency measures adopted at the site in the even of an accident:
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.....

34. Information on the after care of the disposal site:
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.....

SCHEDULE III

National Environmental Act. No. 47 of 1980

Licence for operating a facility for collection, transportation, storage, recovery, recycle or disposal of waste.

1. Number of licence and date of issue:.....
2. of Is hereby authorized to operate a facility for collection, storage, recovery recycle or disposal of the waste more fully described in the Schedule hereto, on the premises situated at and / or to transport the same from to along the route, time and date set out in the Schedule.
3. The licence shall be in force for a period offrom the date of the issue.
4. The licence is subject to the terms conditions stated below and to such terms as may be specified in the regulations or guidelines for the time being in force under the National Environmental Act, No. 47 of 1980 as amended by Act. No 56 of 1988.

.....
Signature

Designation:.....

Date:

SCHEDULE
(described the quantity and types, etc of waste)

Terms and Conditions

1. The licence shall comply with the provisions of the National Environmental Act. No 47 of 1980 as amended by Act. No 56 of 1988.
2. The licence or its renewal shall be produced for inspection at the request of an officer authorized by the Central Environmental Authority or any delegate. The Licence shall be displayed in a place accessible to public.
3. The licensee shall not rent, lend sell, transfer or otherwise transport the waste without obtaining prior permission of the Central Environmental Authority.
4. Any unauthorized change in personnel, equipment, processes and working conditions as mentioned in the application by the licensee shall constitute breach of this authorization.
5. It is the duty of the authorized person to take prior permission of the Central Environmental Authority to close down the facility.
6. An application for the renewal of a licence shall be made as laid down in regulation 16 of the National Environmental (Protection and Quantity) regulation No. 1 of 1990.

7. Date on environmental surveillance:

<i>Date of Measurement</i>			<i>Analysis of Ground Water</i>			<i>Analysis of soil samples</i>			<i>Analysis of air sampling</i>		<i>Analysis of any other Samples (give details)</i>
<i>Location of Sampling</i>		<i>Depth of Sampling</i>	<i>Data</i>	<i>Location of Sampling</i>		<i>Depth of Sampling</i>	<i>Data</i>	<i>Location of sampling</i>		<i>Data</i>	

Name and Signature of the Head of facility

SCHEDULE V

Format for the submission of returns, regarding disposal of waste)

1. Name and Address of the institution:
2. Details of waste disposal operations:

<i>S No.</i>	<i>Date of issuance of the licence</i>	<i>Description of Waste</i>			<i>Mode of transportation to the site of disposal</i>	<i>Site of disposal (attach a sketch showing the location of disposal)</i>	<i>Brief description of the method of disposal</i>	<i>Date of disposal</i>
		<i>Physical form & contents</i>	<i>Chemical Form</i>	<i>Total volume of the waste disposed with No of packages</i>				

3. Detail of environmental surveillance:

<i>Date of Measurement</i>			<i>Analysis of Ground Water</i>			<i>Analysis of soil samples</i>			<i>Analysis of air Sampling</i>		<i>Analysis of any other samples</i>
<i>Location of Sampling</i>		<i>Depth of Sampling</i>	<i>Data</i>	<i>Location of Sampling</i>		<i>Depth of Sampling</i>	<i>Data</i>	<i>Location of sampling</i>		<i>Data</i>	

Name and address of the Head of facility

Certificate by authorized person

This is to certify that I have examined the above return, and have satisfied myself of the accuracy of the facts stated therein by physical examination and scientific tests as are necessary for such purpose

.....
Authorized Person

Date:

**SCHEDULE VI
(FORM FOR REPORTING ACCIDENTS)**

1. The date and time of the accident:.....
2. Sequence of events leading to accident:
3. The waste involved in the facility:
4. The data for assessing the effects of the accidents on health or the environment:
.....
5. The emergency measures taken:
6. The steps taken to alleviate the effects of accident:
7. The steps taken to prevent the recurrence of such an accident:
8. Names, address and next of kin of persons affected by the accident :
.....
9. Step taken to pay compensation to victims of the accident together with insurance claiming and settlements: