

## **HAZARDOUS WASTES (MANAGEMENT AND HANDLING) RULES, 1989(1)**

In exercise of the powers conferred by section 6, 8 and 25 of the Environment (Protection) Act,

1986 (29 of 1986), the Central Government hereby makes the following rules, namely.-

1. Short title and commencement.- (1) These rules may be called the Hazardous Wastes (Management and Handling) Rules, 1989.

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

2. Application.- These rules shall apply to hazardous wastes as specified in the Schedule and shall not apply to.-

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; wastes arising out of the operation from ships beyond five kilometres as covered under the provisions of the Merchant Shipping Act, 1958 (44 of 1958), and the rules made thereunder, radio active wastes as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962), and rules made thereunder.

3. Definitions.-In these rules, unless the context otherwise requires,-

"Act" means the Environment (Protection) Act, 1986 (29 of 1986);

"applicant" means a person or an organisation that applies, in Form I, for granting of authorisation to perform specific activities connected with handling of hazardous wastes;

"authorisation" means permission for collection, reception, treatment, transport, storage

and disposal of hazardous wastes, granted by the competent authority in Form 2;

"authorised person" means a person or an organisation authorised by the competent authority to collect, treat, transport, store or dispose of hazardous wastes in accordance with the guidelines to be issued by the competent authority from time to time;

"export" with its grammatical variations and cognate expressions, means taking out of India

to a place outside India;

"export" means any person under the jurisdiction of the exporting country who exports hazardous wastes and the exporting country itself, which exports hazardous wastes;

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

"Form" means Form appended to these rules;

(i) "hazardous wastes" means categories of wastes specified in the Schedules;

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

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

(l) "importer" means an occupier or any person who imports hazardous waste;

(m)"operator of a facility" means a person who owns or operates a facility for collection, reception, treatment, storage and disposal of hazardous waste;

(n)"Schedule" means the Schedule appended to these rules;

(o)"State Pollution Control Board" means the Board appointed under sub-section (1) of section 4 of the Water (Prevention and Control of Pollution Act, 1974 (6 of 1974) and under section 4 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);

(p)"transboundary movement" means any movement of hazardous wastes 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 to or through an area not under the national jurisdiction of any country, provided at least two countries are involved in the movement;

(q)the 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 for handling of wastes - (1) The occupier generating hazardous wastes listed in column (2) of the Schedule in quantities equal to or exceeding the limits given in column (3) of the said Schedule, shall take all practical steps to ensure that such wastes are properly handled and disposed of without any adverse, effects which may result for such wastes and the occupier shall also be responsible for proper collection, reception, treatment, storage and disposal of these wastes either himself or through the operator of facility.

(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 (2)[State Pollution Control Board or (\*)Committee].

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 generating hazardous wastes and having a facility for collection, reception, treatment, transport, storage and disposal of such wastes shall make an application in Form 1 to

the (2)[State Pollution Control Board or Committee for the grant of authorisation for any of the above activities:

Provided that the occupier not having a facility for the collection, reception, treatment, transport, storage and disposal of hazardous wastes shall make an application to the State Pollution Control Board in Form I for the grant of authorisation within a period of six months from the date of commencement of these rules.

(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 I to the (3)[State Pollution Control Board or Committee] for the grant of authorisation for any of the above activities:

Provided that the operator engaged in the business of collection, reception, treatment, transport, storage and disposal of hazardous wastes shall make an application to the State Pollution Control Board in Form 1 for the grant of authorisation within a period of six months from the date of commencement of these rules.

(4)The (3)[State Pollution Control Board or Committee] shall not issue an authorisation unless it 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.

(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 sooner suspended or cancelled, be in force for period of two years from the date of issue or from the date of renewal.

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

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

(7) The (3)[State Pollution Control Board or Committee] may, after giving reasonable opportunity of being heard to the applicant, refuse to grant any authorisation.

6. Power to suspend or cancel an authorisation.- (1) The 3[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 3[State Pollution Control Board or Committee] may give directions to the persons whose authorisation has been suspended or cancelled for the safe storage of the hazardous wastes, and such person shall comply with such directions.

7. Packaging, labelling and transport of hazardous wastes.- (1) Before hazardous waste is delivered at the hazardous wastes site, the occupier or operator of a facility shall ensure that the hazardous waste is packaged in a manner suitable for 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 issued by the Central Government under the Motor Vehicles Act, 1988, and other guidelines issued from time to time.

8. Inventory of disposal sites.- (1) The State Government or a person authorised by it shall undertake a continuing programme to identify the sites and compile and publish periodically an inventory of disposal sites within the State for the disposal of hazardous wastes.

(2) The State Government or a person authorised by it shall undertake an environmental impact study before identifying a site as waste disposal site in the State.

(3) The State Government or a person authorised by it shall undertake a continuing programme to compile and publish an inventory of sites within the State at which hazardous wastes have at any time been stored or disposed of and such inventory shall contain, besides the location and description, information relating to the amount, nature and toxicity of hazardous wastes at each such site as may be associated with such site.

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 (4)[State Pollution Control Board or Committee] in Form 4.

10. Accident reporting and follow-up.- Where an accident occurs at the facility or on a hazardous waste site or during transportation of hazardous wastes, the occupier or operator of a facility shall report immediately to the 4[State Pollution Control Board or Committee] about the accident in Form 5.

11. Import of hazardous wastes.- (1) Import of hazardous wastes from any country to India shall not be permitted for dumping and disposal of such wastes. However, import of such wastes may be allowed for processing or reuse as raw material, after examining each case on merit by the 4[State Pollution Control Board or Committee] or by an officer authorised in this behalf.

(2)The exporting country or the exporter, as the case may be, of hazardous wastes shall communicate in Form 6 to the Central Government (the Ministry of Environment and Forests) of the proposed transboundary 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), it may refuse permission to import such hazardous wastes.

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

(5)The 4[State Pollution Control Board or Committee] shall examine the information received under sub-rule (4) and issue such instructions to the importer as it considers necessary.

(6)The Central Government or the (5)[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 5[State Pollution Control Board or Committee]/the Ministry of Environment and Forests/the Central Pollution Control Boards in the case of Union Territories or an officer appointed by them in this behalf.

12.Appeal.- (1) An appeal shall lie, against any order of suspension or cancellation or refusal of

an authorisation by the 5[State Pollution Control Board to the State Government or Committee to the Union Territory] and to the Ministry of Environment and Forests in the case of the Central Pollution Control Board.

(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 order passed.

### Schedule

(See Rule 3 (i), 3(n) and 4)

#### Categories of Hazardous Wastes

Waste Categories	Types of wastes	Regulatory quantities
1	2	3
Waste Category No.1	Cyanide waste	1 kilogram per year calculated as cyanide
Waste Category No.2	Metal finishing wastes	10 kilogram per year the sum of the specified substance calculated as pure metal
Waste Category No. 3	Waste containing water-soluble chemical compounds of lead, copper, zinc, chromium, nickel, selenium, barium and antimony	10 kilogram per year sum of the specified substance calculated as pure metal.
Waste Category No. 4	Mercury, arsenic, thallium and cadmium bearing wastes	5 kilograms per year of the specified substance calculated as pure metal.