

## **Solid Waste Management Rules, 2070 (2013)**

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The following Rules have been issued by the Government of Nepal by exercising the power conferred by section 50 of the Solid Waste Management Act, 2068.

1. **Short Title and Commencement:** (1) These Rules may be called as "Solid Waste Management Rules 2070."

(2) These Rules shall come into force immediately.

2. **Definitions:** Unless the Subject or Context Otherwise Requires, in these Rules,

(a) "Source of Generation" means a place from where the solid waste comes out, or starts to commence.

(b) "Act" means the Solid Waste Management Act, 2068.

(c) "Organic" means any substance that decomposes in a very short time and that word shall also denote materials, paper, and wood like substances made up from organic materials.

(d) "Non-Organic" means any material that does not decompose or rot very fast.

3. **Segregation and Management of Solid Waste:**

(1) The Local Body shall, while fixing segregation at least of organic and non-organic solid waste at its source under Section 6, have to make management and segregation of harmful or chemical waste separately. If it is prescribed as above, the individual, organization or agency generating such solid waste, shall have to make segregation as prescribed.

(2) The responsibility of managing the chemical or harmful solid waste under Sub-Rule (1) shall be of concerned generator.

- (3) The Local Body shall conduct programs for increasing people's awareness in relation to applying appropriate technology for making segregation through reduction of generation of solid waste at its source and management under Sub-Rule (1).

**4. Discharge of Solid waste:**

- (1) Local Body shall, while fixing time, place and manner of solid waste discharge, determine taking into account the easy, comfortable manner for transportation, processing and final discharge of solid waste.
- (2) The Local Body may determine a separate time, place and manner for transportation of solid waste up to the processing site.
- (3) The Local Body shall, while determining the time, place and manner for solid waste discharge and making management for the same under Sub Rule (1) and (2), take into account the possible adverse effects on the public health and the environment and the ways of reduction of such effects.

**5. Discharge and Management of Harmful and Chemical Waste:**

- (1) No one shall discharge solid waste by mixing harmful, chemical, organic or inorganic waste with other waste.
- (2) The arrangement for final discharge should only be made after processing of harmful, chemical, organic or inorganic waste into a general waste.
- (3) Any individual, organization or agency having liability for the management of harmful, chemical, organic and inorganic waste shall obtain permission from the Local Body for generating, processing, discharging and managing solid waste. After the permit is granted, information about the ways to manage solid waste, standard, method, technology, and management site shall be given to the Local Body and a record of such information shall be maintained.
- (4) The Local Body shall, in the process of awarding permission under Sub-Rule (3), award permission only after ascertaining whether the

submitted system and technology meet the standard set by the Government of Nepal or not.

- (5) The Local Body shall follow up on whether the individual, organization or agency which has obtained permission under Sub-Rule (3) for the management of harmful chemical, organic or inorganic waste, has managed according to the permitted ways, standard, process, and technology compatible with the site for the management.
- (6) After processing, if the harmful, chemical, organic or inorganic waste needs to be managed through the Local Body, any individual, organization or agency responsible for the management of solid waste may make a request to the Local Body for the management of the solid waste, and the Local Body may manage such solid waste by charging the required service fees.
- (7) The collection, storage and transportation of harmful, chemical, organic or inorganic waste shall only be done by applying a safe mode.
- (8) The processing of harmful, chemical, organic or inorganic waste shall be done so as to destroy the harmful elements in the such waste and the final discharge and disposal shall only be done if the treated waste has turned into a normal waste.
- (9) Any individual, organization or agency producing harmful, chemical, organic or inorganic waste, while making management of such waste, shall fully abide by the standard set by the Government of Nepal and the prevailing environmental law.

**6. Discharge and Management of Health Institution Related Waste:**

- 1) The health institution shall make processing and management of the health institution related waste generated and discharged by itself segregating at its source.

- 2) Regarding procedures and technology to be applied, and management site for purification, processing and management of health related waste, the permission from the Local Body shall be obtained. The Local Body shall, while issuing the permit, ascertain whether the procedure, technology submitted along with the application for the permission request and the management site meets or not the standard set by the Government of Nepal.
- 3) The health institution, which has obtained permission under Sub-Rule (2), shall itself undertake the task of processing, purification and management of related activities of health institution related waste.
- 4) In case of the inability of the health institution for processing, purification and management by itself under Sub-Rule (3), the health institution may request the Local Body for processing, purification and management. The Local Body may, if such request is made, carry out the processing, purification and management by itself or cause to carry out in its coordination.
- 5) After processing and purification of general solid waste and health institution related harmful waste generated and discharged from the health institution, the Local Body may, charging a service fee to the related health institution, make arrangement for the disposal of including such wastes.
- 6) Whether the complete purification of health institution related infectious waste has been completely done or not, should be tested by a recognized laboratory and certified to that effect.
- 7) The health institution, generating harmful waste, shall completely abide by the prevailing environmental law and the set standard concerning the management of such solid waste
- 8) The Local Body shall monitor on whether the health institution obtaining permission under sub Rule (3) for the management of such

solid waste has used or not the approved procedures, technology or site.

**7. Transportation of Solid Waste:**

The Local Body shall, for the transportation of solid waste, utilize vehicles having the following facilities or arrangements.

- (a) Solid waste should not be visible, should not fall out and no seepage of liquid materials should be made,
- (b) No leach and odor coming out of the solid waste,
- (c) Solid waste can be easily loaded and unloaded.
- (d) Conducive to the road capacity and condition.

**8. Operation of the Sanitary Landfill Site:**

- 1) The Local Body shall, make operation of the Sanitary Landfill Site by following the below mentioned matters:
  - (a) Measures to reduce the adverse effect on the environment that might be caused by factors like leach, gas and odor coming out during the operation of the Sanitary Landfill Site,
  - (b) Possible changes that might come in the geographical condition of the Sanitary Landfill Site, and measures for its management,
  - (c) The possible economic, social, physical and biological effect that might affect the population around the Sanitary Landfill Site and the measures for its management,
  - (d) Provisions on the opportunity to be created from the operation of the Sanitary Landfill Site and its utmost utilization,
  - (e) Issues concerning the stoppage of road movement during the time of operation of the Sanitary Landfill Site and the awareness to be created.
- 2) Other provisions related to the operation of the Sanitary Landfill Site, shall be as prescribed by the Local Body in the standard set and matters mentioned in the directives.

**9. Management after the Closure of the Sanitary Landfill Site:**

(1) The management of the Sanitary Landfill Site after its closure shall be as follows:

- a) To apply the measures for the reduction of negative impact on the environment of the area by leach, gas, obnoxious odor, etc. coming out of the site after the closure of the discharging in the Sanitary Landfill Site,
- b) To apply measures to the utilization and management of gases emanating from the Sanitary Landfill Site after its closure,
- c) The possibility of reuse of the Sanitary Landfill Site area after its closure and the procedures and measures to be followed if reused,
- d) To apply measure for the management of the place around the affected area after the closure of the Sanitary Landfill Site,
- e) To apply measures, after the closure of the Sanitary Landfill Site, bans on road movement for a certain time period and to follow the related issues on which awareness is to be created,
- f) To follow the recommendations made in the initial environmental examination and the environmental impact assessment report.

(2) The management of other related matters, after the closure of the Sanitary Landfill Site, shall be made according to the standard set by the Local Body and as mentioned in the directives.

**10. Application to be Given for License:**

- 1) The company, organization or agency wishing for solid waste management, shall have to apply in the format given in Annexure-1, along with the necessary documents and the fee prescribed by the local body in addition to the details mentioned in Section 13 of Sub-Section (2) of the Act, the following details should be mentioned in the application filed to the Local Body:

- a) Financial resources necessary for the solid waste management, manpower, vehicle for collection and transportation, details of working experience.
  - b) Desired working area for solid waste management.
  - c) Arrangement of land needed for solid waste collection, transfer, processing and final discharge.
  - d) Procedure and method of solid waste management,
  - e) Proposed arrangement for meeting the social responsibility,
  - f) Desired time and duration for the solid waste management,
  - g) The measures to be applied for reducing possible effect on the environment by the solid waste management,
  - h) The liability to be borne by the generator of solid waste and charges to be paid,
  - i) The amount proposed to be paid to the Local Body by the applicant.
- 2) While applying for license under Sub-Rule (1), it must be clearly mentioned whether the management of solid waste is being done in a business manner or with a nonprofit objectives for the community or society.

**11. The License may be Issued:**

- 1) The Local Body may make necessary investigation over the documents and details of the application submitted under Rule 10.
- 2) A notice of fifteen days shall be issued to the concerned applicant to submit documents and details while the investigation is being made over the documents and details submitted along with the application under Sub-Rule (1) reveals lack of necessary

documents and details submitted along with the application within seven days of receipt of such application.

- 3) The Local Body may, after receipt of documents in the event of a time bound notice has been issued by it under Sub- Rule (2), make necessary investigation over the documents received, if it finds appropriate to issue a license, charge necessary fee and issue license in the format given in Annexure -2 within thirty days of receipt of such application.
- 4) If it is not found appropriate to issue a license to the applicant, the information shall be given along with the reasons for the same within seven days.
- 5) The Local Body, while issuing a license, may for the management of solid waste issue license for business and non business form separately.
- 6) The duration of the license shall be five years.

**12. The License may be Revoked:** The license issued by the Local Body under Rule 11 may be revoked under the following conditions:

- a) If the condition mentioned in the license are violated,
- b) If the management of solid waste is not made according to the prescribed standard,
- c) If the prevailing environmental law is violated,
- d) If the (license) is not renewed.

**13. Provisions on the Renewal of License**

- 1) The company, organization or agency licensed under Rule11, shall have to apply along with the fee prescribed by the Local Body, six months before the expiry of such license, in the format given in Annexure-3, for the renewal of a license to the concerned Local Body.

- 2) The Local Body shall make decision over such application received under Sub-Rule (1) three months before the expiry of such license.
- 3) After making necessary investigation over application received under Sub-Rule (1), the Local Body may renew the license.
- 4) In case of non-renewal of license by the applicant within the time period under Sub- Rule (1) or if the license is not renewed, the license shall be considered revoked from the date of expiry of such license. In the situation of non-renewal of license the Local Body, shall initiate necessary action, three months before the expiry of such license.

**14. Mobilization of Non-Governmental Organization in the Solid**

**Waste Management Works:**

- 1) The Local Body, for the purpose of Sub-section (5) of the Section 15 of the Act, may empower the company, organization and agency, producing solid wastes, for segregating, reducing the solid wastes at its source, reuse and recycling use solid wastes and mobilize community and non governmental organization for creating awareness for the management of the solid waste.
- 2) The Local Body, shall for the works under Sub-Rule (1), prepare a list of community and non-governmental organizations working in the area of management of solid waste.
- 3) The process of mobilizing after preparing lists of community and non-governmental organization under Sub-Rule (1), shall be according to the prevailing law.

**15. Compliance with the Standard:**

- 1) Private sector obtaining license from the Local Body, for the operation of the Sanitary Landfill Site, or solid waste processing site, shall carry out its activities according to the standard

prescribed by the Local Body and the terms and conditions mentioned in the permission.

- 2) In case of non-compliance with the standard prescribed by the Local Body and directives by the private sector getting a license under Sub-Rule (1), the Local Body may revoke the permission after completing the following procedures:
  - a) For the first time the Local Body, shall issue directions to make corrections, up to a time period of ninety days if it finds standards set by the Local Body and directives during follow up by the private sector in the solid waste management works,
  - b) In case, the private sector requests for extra time required for correction to the Local Body as partial correction could only be made by the set time on the direction given under paragraph (a), the Local Body may provide up to sixty days of additional time,
  - c) If the concerned private sector does not make corrections according to the directions given by the Local Body within the time period under paragraph (a) the permission obtained by such private sector may be revoked.
  - d) The Local Body shall provide information to the private sector and the stakeholders about the revocation of permission under paragraph (c).
- 3) Notwithstanding anything written in Sub-Rule (2) the Local Body, shall make the realization of the amount of loss or damage inflicted upon a anybody for loss or damage due to nonperformance by the private sector due to the revocation of permission issued to the private sector for the operation of the Sanitary Landfill Site, Processing site or other Plant Operations and the arrears due to be paid by the private sector to the Local Body

**16. Determination of Service Charge:**

- 1) The Local Body shall, while determining service charges for the solid waste management, take into account the following factors, in addition to the matters mentioned in Section 18 Sub-Section (2) of the Act:
  - a) The technology, procedure and process adopted by the generator of solid waste for its management at the source of its generation,
  - b) The shape, size and types of solid waste to be discharged by the generator,
  - c) The environmental impact to be caused by the discharged solid waste,
  - d) The estimated expense that may incur in the management of solid waste.
- 2) If the solid waste management work is done by Local Body in partnership with the private sector, community and non-governmental organizations or agency, the service charge that may be charged shall be determined as per Sub-Rule(1).

**17. Service Charge may be Discounted:**

- 1) The Local Body may offer discounts on the predetermined service charge up to fifty percent to the underprivileged group, taking into consideration the financial condition of the generator of solid waste.
- 2) The Local Body shall publish the list of the underprivileged group, by identifying such group each year. The underprivileged group shall be prescribed, before entering into an agreement with the private sector, community or non-governmental organization or agency for the solid waste management works.

- 3) The concerned Local Body may award full discount on service charges determined by it to individual households involved in the reduction of solid waste at the source of generation.

Explanation- For the purpose of this Rule the “underprivileged group” means any individual recommended by the local body, ward office in the context of Municipality and in the context of other areas by the Village Development Committee as incapable of paying the determine service charges completely.

**18. A committee may be Formed in the Sanitary Landfill Site**

**Affected Area:**

- 1) For the purpose of Section 22 Sub- Section (6), the Local Body may form a committee to recommend for solid waste management consisting of the following members.
  - a) Chairperson of the Village Development Committee, where the Sanitary Landfill Site is located – Coordinator
  - b) Ward chairpersons of wards lying on the Solid Waste Management Site -Member
  - c) Three representatives of the Village Development Committees lying on the Sanitary Landfill Site and the adjoining areas affected by the Site – Member
  - d) Chief of health institution located in the area affected by the Sanitary Landfill Site – Member
  - e) Two members, including one woman, nominated from the social organizations and agencies, by the Local Body - Member
  - f) An experienced person in the area of solid waste management and the environment – Member

- g) Official of the Local Body nominated by the Local Body – Member-Secretary
- 3) The committee formed under Sub -Rule (1) shall decide its own working procedure for its functions and activities.

**19. The Responsibilities, Duties and Powers of the Council:**

- 1) The responsibilities, duties and powers of the council, in addition to the responsibilities, duties and powers mentioned under Section 24 of the Act shall be as follows.
  - a) To make policy decisions on subjects related to the solid waste management.
  - b) To create required mechanism and structure so as to foster coordination between the agencies related to the solid waste management.
  - c) To demarcate the jurisdictions of various mechanisms established for the solid waste management.

**20. Responsibilities, Duties and Powers of the Centre:**

In addition to the responsibilities, powers and duties of the Centre under section 28 of the Act, the Centre shall have the following responsibilities, duties and powers:

- a) To recommend the Local Body by making a study on the appropriateness of solid waste management technology,
- b) To cause participation of private sector in the solid waste management,
- c) To recommend Local Body on the appropriateness of technology and equipments to be imported by the private sector for the management of the solid waste,
- d) To prepare the required directives and measures by consulting with Local Body for the solid waste management works.

- e) To provide technical assistance to the Local Body relating to the management of the solid waste.
- f) To recommend to the Government of Nepal and Local Body to minimize the import of materials which generate more waste and to ban on the import of such materials.
- g) To provide a suggestion to the Local Body in order to bring effectiveness in the solid waste management.
- h) To conduct or cause to conduct awareness programs and trainings by mobilizing the Local Body and private sector in the solid waste management work.
- i) To resolve disputes arising between the local bodies through mediation relating to solid waste management.
- j) To coordinate between local bodies during the formation of a committee relating to the construction, operation and management works in the Sanitary Landfill Site,
- k) To act as a liaison office for the solid relating to waste management,
- l) To make follow-up of the solid waste management condition of the local bodies,
- m) To follow measures of the improvement of the solid waste management.

**21. Functions, Duty and Powers of Board:**

In addition to the functions, duty and powers of the Board mentioned under Section 30 of the Act, the functions, duty and powers of the Board shall be as follows:

- a) To approve the annual report submitted by the Centre,
- b) To give necessary direction to the Centre on the import of solid waste management technology,
- c) To approve the directives and measures prepared by the Centre,

d) To perform other necessary functions.

**22. Provisions Relating to Remuneration, Facility, Terms of Service of Executive Director:**

Remuneration, facility and terms of service of the Executive Director shall be as mentioned in Annexure – 4

**23. Internal Audit:**

(1) The Centre shall keep an updated account of its income and expenditure regularly audited by the registered auditor by making internal audit.

(2) While making internal audit under Sub-Rule (1) special attention shall be given to the following matters:-

(a) Whether or not spending has been made in the plans and programs approved by the Centre,

(b) Whether or not financial By-Rule has been followed,

(c) Whether or not property has been protected,

(d) Whether or not the work has been performed in accordance with the approved budget,

(e) Whether or not monthly report has been submitted to the Centre.

(3) The Ministry may, if it wishes, examine or cause to examine the account of income and expenditure, cash, kinds or other documents of the Board, at any time.

(4) The Procedure to be followed for internal auditing shall be as determined by the Board.

**24. The Direction May Be Given:**

(1) The Government of Nepal may give direction to the Local Body in the works relating to the management of solid waste.

- (2) In relation to the management of the waste, the Local Body may give direction to the person, organization or agency generating solid waste on the following matters:-
- (a) To follow the measures for reduction of generating solid waste at its source and technology,
  - (b) To follow the procedures and process prescribed by the local body relating to re-use and recycling use of waste for the reduction of solid waste,
  - (c) To segregate the solid waste at its source, and to discharge the segregated solid waste at the place, time and manner prescribed by the local body,
  - (d) To pay the prescribed service charge at the specified time,
  - (e) To perform other necessary works related to the management of solid waste.
- (3) It shall be the duty of the concerned Local Body and the person, organization or agency generating solid waste to obey the direction given under Sub-Rule (1) by the Government of Nepal.

**25. Provisions Relating to Monitoring:** (1) There shall be a Committee at the central level to monitor relating to the segregation, processing, discharge and final disposal of the solid waste as follows:-

- (a) Division chief, the Ministry of Local Development and Federal Affairs looking after the concerned subject -Coordinator
- (b) Representative of officer rank at least Under-Secretary, Ministry of Environment, Science and Technology -Member
- (c) Representative of officer rank at least Under-Secretary, Ministry of Urban Development - Member

- (d) Representative of officer rank at least Under Secretary,  
Ministry of Health and Population -Member
  - (e) Representative of Officer rank Solid Waste Management  
Technical Assistance Centre -Member
  - (f) Section Chief, looking after the concerning field, Ministry  
of Federal affairs and Local  
Development - Member Secretary
- (2) The Committee may, in the course of follow up, involve specialist in the follow up as necessary.
- (3) The Committee shall itself manage its working procedure.
- (4) Local Body may, with respect to the management of solid waste, make follow up on the following subjects-
- (a) Whether the measures and technology for the reduction of solid waste at its source is followed or not,
  - (b) Whether the processes prescribed for the reduction of solid waste by the local body relating to re-use and recycling use of solid waste has been followed or not
  - (c) Whether the solid waste has been segregated at its source and the segregated waste is discharged according to the prescribed place, time and manner or not.
  - (d) Whether the matters prescribed by the Local Body relating to the management of waste has been obeyed or not.

**26. Annexure to be Modified or Altered:**

The Government of Nepal may, by publishing a notification in the Nepal Gazette, make any alteration or amendment, as required in the Annexure.

**27. Repeal and Savings:**

- (1) Solid Waste Management and Resource Mobilization Rules, 2046 is hereby repealed.
- (2) All acts and proceedings performed or executed under the Rules under the Sub Rule (1) shall be deemed to have been performed or executed under these Rules.

NEPAL LAW COMMISSION

Annexure – 1

**(Related to Sub-Rule (1) of Rule 10)**

To Mr.....

.....Metropolitan/Sub-Metropolitan/Municipality/Village  
Development Committee

**Subject:**

**Request for the License for Solid Waste Management**

As I/we permanent/temporary resident of..... am /are interested in working for the management of solid wastes in the..... area of this metropolitan/sub-metropolitan/municipality/village development committee, apply for the license along with the following details for making solid waste management work in that area under Sub-Section ( 3) Section 13 of the Solid Waste Management Act, 2068 and Sub- Rule (1) Rule 10 of Solid Waste Management Rules, 2070.

**Particulars:**

1. Descriptions of financial source, human resource, means of transportation and collection and work experience necessary for the management of solid waste,
2. Area wished for the management of solid waste,
3. Arrangement of the necessary land for the management of solid the waste,
4. Method and procedures for the management of solid waste,
5. Plans relating to the management of solid waste,
6. Technology to be used for the management of solid waste,

7. Tax clearance certificate.
8. Renewal of Organization/firm/Company.

Applicant:

Signature:

Name/Surname:

Address:

Date:

NEPAL LAW COMMISSION

## Annexure 2

### (Relating to Sub-Rule (3) of Rule 11)

To.....

.....

#### **Subject: License**

As you Mr/Mrs/Ms.....having permanent/temporary resident of..... District..... Metropolitan City/Sub-Metropolitan city/Municipality/Village Development Committee have submitted application on..... at this office expressing interest to make management of solid waste in the.....area.....district.....Metropolitan/Sub-Metropolitan City/Municipality/village Development Committee, this license is hereby issued to work on the basis of following terms and conditions as according to the Sub-Section 3 Section 13 of the Solid Waste Management Act, 2068 and Sub-Rule (3) Rule 11 of Solid Solid Waste Management Rules 2070.

#### **Terms and Conditions:**

1. ....
2. ....
3. ....

Authority Issuing License:

Signature:

Name:

Date:

Annexure – 3

**(Related to Sub-Rule (1) of Rule 13)**

To.....

.....Metropolitan/Sub-Metropolitan/Municipality/Village  
Development Committee

**Subject: Renewal of License**

As the license issued from your office on..... date for the management of the solid waste of ..... area of ..... Metropolitan/Sub Metropolitan/Municipality/Village Development Committee is going to expire on ..... I/we apply for the renewal of Licenses under the Rule 13 of Solid Waste Management Rules, 2070 along with the renewal fee of Rs. ....

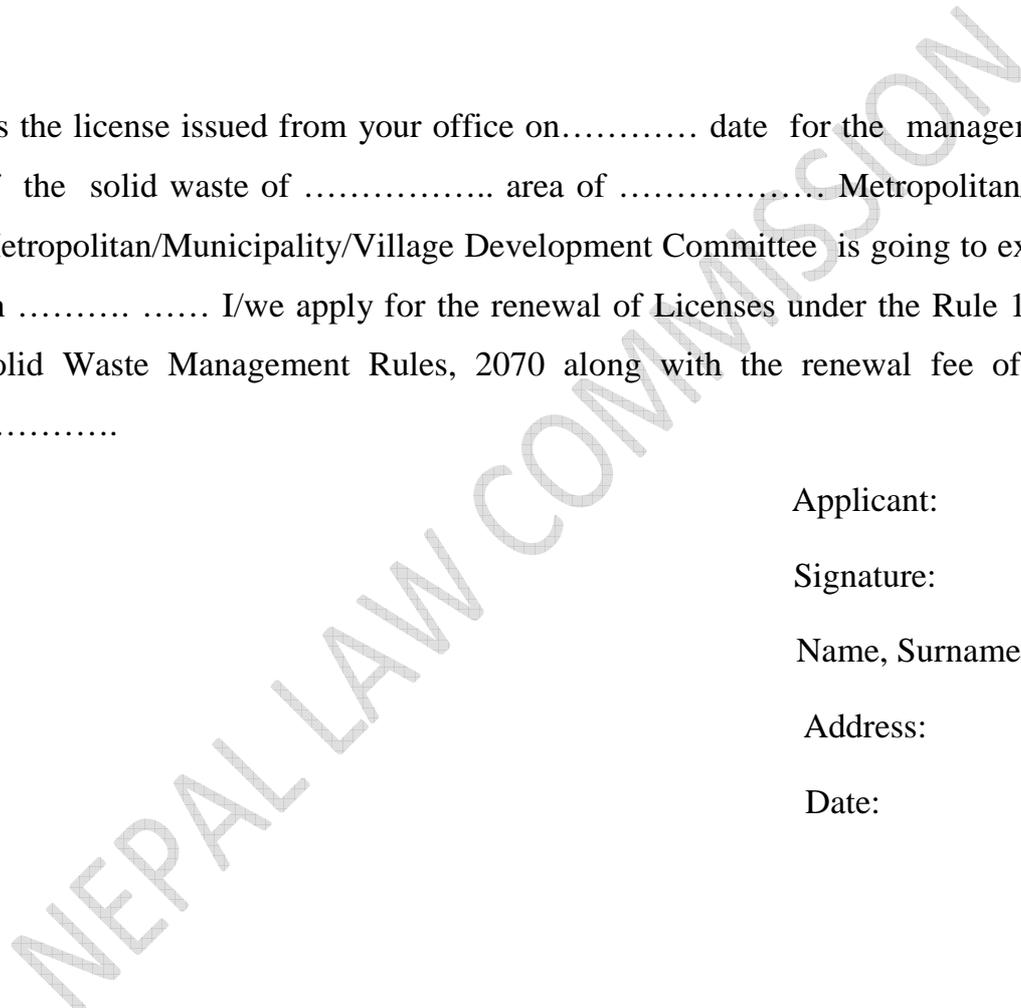
Applicant:

Signature:

Name, Surname:

Address:

Date:



Annexure-4

**(Relating to Rule 22)**

**Provision Relating to Remuneration, Facilities and Terms of Service of Executive Director**

(a) Monthly Remuneration	Remuneration equivalent to the Remuneration of Civil Service Gazetted first class officer of the Government of Nepal
(b) Motor Vehicle	Appropriate vehicle with a driver
(c) Fuel	Petrol/Diesel: Monthly Eighty Liters Mobil/Break Oil: Five Liters at every three month interval
(d) Telephone	Service equivalent to the service provided to the Gazetted First Class civil servants of civil service of the Government of Nepal
(e) Festival Allowances	Amount equivalent to the remuneration of one month
(f) Leave	Home Leave, Sick Leave, Festival Leave, Causal Leave Equivalent to Civil Servant.
(g) Provident Fund	The additional cent percent amount added to the ten percent of the amount deducted from the remuneration (this provision shall be applicable only after Shrawan 1st 2070)
(h) Daily Travel Allowances	Equivalent to the allowances provided to the Gazetted first class civil servants of civil service of the Government of Nepal

NEPAL LAW COMMISSION