

# MINISTRY OF ENVIRONMENT AND FORESTS

## NOTIFICATION

New Delhi. the 21st May, 2002

**S.O. 553 (E).**-- In exercise of the powers conferred clause (d) of sub-section (2) of section 6 and sections 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), read with rule 13 of Environment Protection Rules, 1986, the following draft of certain rules further to amend the Hazardous Wastes(Management and Handling) Rules, 1989, is hereby published as draft rules, for information of all persons likely to be affected thereby and notice is hereby given that the said rules will be taken into consideration after the expiry of sixty days from the date on which the Gazette copies containing this notification are made available to the public;

Any objections or suggestions which may be received from any person in respect of the said draft rules before expiry of the period specified above, will be taken into consideration by the Central Government. The objection or suggestion may be addressed to the Secretary, Ministry of Environment and Forests, Paryavaran Bhawan, Central Government Office Complex, New Delhi- 110003.

### DRAFT RULES

1. (1) These rules may be called the Hazardous Wastes (Management and Handling) Amendment Rules, 2002;

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

2. In the Hazardous Wastes (Management and Handling) Rules, 1989 (herein after referred to as the said rules), in rule 2, after clause (c), the following clauses shall be inserted namely: -

"(d) the bio-medical wastes covered under the Bio-medical Wastes (Management and Handling) Rules, 1998 made under the Act;

(e) wastes covered under the Municipal Solid Wastes (Management and Handling) Rules, 2000 made under the Act; and

(f) the lead acid batteries covered under the Batteries (Management and Handling) Rules, 2001 made under the Act".

3. For rule 3 of the said rules, the following shall be substituted, namely: -

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

- (2) "applicant" means a person or an organisation that applies, in Form 1, for granting of authorisation to perform specific activities connected with handling of hazardous wastes;
- (3) "auction" means bulk sale of wastes by invitation of tenders or auction, contract or negotiation by individual(s), companies or government departments.
- (4) "auctioneer" means a person who auctions wastes;
- (5) "authorisation" means permission for collection, reception, treatment, transport, storage and disposal of hazardous wastes, granted by the competent authority in Form 2;
- (6) "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;
- (7) "Central Pollution Control Board" means the Central Board appointed under subsection (1) of section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974); and under section 3 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981)"
- (8) "disposal" means deposit, treatment, storage and recovery of any hazardous wastes;
- (9) "export" with its grammatical variations and cognate expressions, means taking out of India to a place outside India:
- (10) "exporter" means any person under the jurisdiction of the exporting country who exports hazardous wastes and the exporting country itself, who exports hazardous wastes;
- (11) "environmentally sound management of hazardous wastes" means taking all steps to ensure that the hazardous wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes;
- (12) "facility" means any location wherein the processes incidental to the waste generation, collection, reception, treatment, storage and disposal are carried out;
- (13) "form" means a Form appended to these rules;
- (14) "hazardous waste" means, any waste which by reason of any of its physical, chemical, reactive, toxic, flammable, explosive or corrosive characteristics causes danger or is likely to cause danger to health or environment, whether alone or when in contact with other wastes or substances, and shall include:
- (a) wastes listed in column (3) of Schedule-1 generated in the process listed in column (2) of the said Schedule;

(b) wastes listed in Schedule (2) unless their concentration is less than the limit indicated therefor in the said Schedule; and

(c) Wastes listed in Lists 'A' and 'B' of Part A Schedule-3 applicable only in case(s) of export/import of hazardous wastes in accordance with rules 12, 13 and 14 only if they possess any of the hazard characteristics listed in Part-B of the said Schedule".

"[Explanation: All wastes mentioned in column 3 of Schedule-1 are hazardous wastes, irrespective of concentration limits/classes given in Schedule - 2. Schedule - 2 shall be applicable only for wastes not covered in Schedule 1. Schedule-3 is applicable only in cases of export or import.]"

(15) "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;

(16) "illegal traffic" means any transboundary movement of hazardous wastes as specified in rule 15;

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

(18) "importer" means an occupier or any person who imports hazardous wastes;

(19) "manifest" means transporting document originated and signed by the occupier in accordance with rule 7(4) and 7(5);

(20) "non-ferrous metal wastes" means wastes listed in Schedule 4 of these rules.

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

(22) "recycler" means an occupier who processes wastes for recovery.

(23) "registered recycler" means a recycler registered with the Ministry of Environment and Forests or an agency designated by it for reprocessing wastes,

(24) "schedule" means Schedule appended to these rules;

(25) "State Government" means State Government and in relation to Union Territory the Administrator thereof appointed under Article 239 of the Constitution;

(26) "State Pollution Control Board/Committee" - means the Board/Committee 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);

(27) "storage" means keeping hazardous wastes for a temporary period, at the end of which the hazardous wastes is treated and disposed off,

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

(29) "transport" means movement of hazardous waste by air, rail, road or water;

(30) "transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, road or water;

(31) "treatment" means a method, technique or process, designed to change the physical, chemical or biological characteristics or composition of any hazardous waste so as to render such wastes harmless;

(32) "used oil" – means any used lubricating oil that has been derived from crude oil and mixtures containing synthetic oil and includes used engine oils, gear oils, hydraulic oils, turbine oils, compressor oils, industrial gear oils, heat transfer oils, transformer oils, spent oils, etc. Used lubricating oils are suitable for re-refining provided the final product meets the specifications laid down in Schedule 5;

(33) "waste oil" – means any oil that is contaminated so as to make it unsuitable for recycling. It includes spills of crude oil, tank bottom sludge, emulsions, etc. and can be used as fuel in furnaces and cement kilns.

4. For Rule 5 of the said rules,

(a) in sub-rule (2), the following shall be substituted namely:-

"(2) Every occupier or a recycler generating or recycling hazardous wastes shall make an application in Form 1 along with an application processing fee, as may be prescribed by the State Pollution Control Board/ Committee to the Member Secretary, State Pollution Control Board/Committee or any officer designated by the Board/Committee for the grant of authorization for any of the above activities:

Provided that an occupier or a recycler not having a hazardous wastes treatment and disposal facility of his own and is operating in an area under the jurisdiction assigned by the State Pollution Control Board/Committee. for a Common Treatment, Storage and Disposal Facility (TSDF) shall become a member of this facility, pay charges as may be required and take all other necessary steps to ensure proper treatment and disposal of hazardous wastes generated failing which the authorization granted to the said occupier or recycler in accordance with sub rule (2) above shall be cancelled after giving a

reasonable opportunity to be heard or shall not to ' be granted by the State Pollution Control Board/Committee as the case may be."

(b) in sub-rule (3), the following shall be substituted namely:-

"(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 1 along with A application processing fee as may be prescribed by the State pollution Control Board/Committee to the Member Secretary, State Pollution Control Board/Committee or any officer designated by the Pollution control Board/Committee for the grant of authorization for any of the above activities".

(c) in sub-rule (6), for clause(i), the following clause shall be substituted namely:-

"(i) An authorization granted under this rule shall unless sooner suspended or cancelled, be in force during the period of its validity as may be prescribed by the State Pollution Control Board/Committee from the date of issue or from the date of renewal."

(d) in sub-rule (8), for clause (ii), the following clause shall be substituted, namely:-

"On steps taken, wherever feasible, for reduction and prevention in the waste generated or recycled or reused";

(e) after sub-rule (8), the following sub-rule shall be inserted, namely:-

"(9) Every State Pollution Control Board/Committee shall maintain a register containing particulars of the conditions Imposed under these rules for any disposal of hazardous wastes, from any land or premises and it shall be open for inspection during office hours by any person interested or affected or a person authorized by him in this behalf The entries in the register shall be conclusive proof of the grant of authorisation for disposal of hazardous wastes from such land or premises and the conditions subject to which it was granted.

5. In rule 12 of the said rules,

(a) in sub-rule (3), for the word and figure "Schedule 4", the word and figure "Schedule 7" shall be substituted".

(b) after sub-rule(6), the following sub-rules shall be inserted, namely:-

"(7) The import or export of hazardous wastes or substances containing or contaminated with such hazardous wastes listed in Schedule 6 is prohibited".

6. In rule 13 of the said rules,

(a) for sub-rule (1), the following sub-rule shall be substituted, namely:-

"(1) Every occupier seeking to import hazardous wastes shall apply to the State Pollution Control Board/Committee 120 days in advance of the intended date of commencement of the shipment in Form 6 for permission to import hazardous wastes along with an application fee, as may be prescribed by the State pollution Control Board/Committee to the Member-Secretary, State Pollution Control Board/Committee or any officer designated by the Pollution Control Bdard/Committee".

(b) in sub-rule (3), clause (e) shall be omitted.

(C) after sub-rule (8), the following sub-rule shall be inserted, namely:-

(9) An occupier importing hazardous wastes listed under Open General Licence of the Directorate General of Foreign Trade is required to be registered with the Ministry of Environment and Forests in accordance with the procedure laid down under rule 19".

7. sub-rule 2 rule 15, in clause (ii), the following shall be added, namely:-

"in accordance with the procedure laid down by the Central Board in consultation with Ministry of Environment & Forests".

8. In rule 16 of the said rules, after sub-rule (3), the following sub-rule shall be added, namely:-

"(4) The occupier and operator of a facility, as the case may be, shall be liable to pay entire cost of remediation/restoration and pay in advance an amount equal to the estimate computed by State Pollution Control Board/Committee. Thereafter, the Board/committee shall plan and cause to be executed the programme for remediation/restoration. The advance paid to State Pollution Control Board/Pollution Control Committee towards the cost of remediation/restoration shall be adjusted once actual cost of remediation/restoration is finally determined and the remaining if any, shall be recovered from the occupier and/or operator of the facility".

9. In rule 18 of the said rules, after sub-rule (2), the following sub-rule shall be inserted, namely:-

"(3) every appeal filed under the said rule shall be disposed of within a period of sixty days from the date of such filing".

10. After rule 18 of the said rules, the following rules shall be added, namely:-

"19. Procedure for registration/renewal of registration of recyclers:- (1) Registration procedure shall be applicable to recyclers of non-ferrous metal wastes as given in Schedule 4 and used lubricating oil;

(2) Only recyclers registered with the Ministry of Environment & Forests shall be entitled to undertake recycling;

(3) Every recycler of wastes shall make an application in Form II along with the following documents to the Joint Secretary, Ministry of Environment and Forests or any officer or other authority designated by the Ministry for the grant of registration or renewal:

(a) a copy of the valid consents under the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, as amended;

(b) a copy of the valid authorisation under Hazardous Wastes (Management and Handling) Rules, 1989;

(c) a copy of valid certificate of registration with District Industries Centre;

(d) a copy of the proof of installed capacity of plant and machinery issued by either State Pollution Control Board or the District Industries Centre; and

(e) proof of compliance of effluent/emission standards and disposal of treated wastes as stipulated by SPCB.

(4) The Joint Secretary, Ministry of Environment and Forests or any officer or other authority designated by the Ministry shall ensure that the recyclers possess requisite facilities, technical capabilities, and equipment to recycle the wastes and dispose of the hazardous wastes generated;

(5) The Joint Secretary, Ministry of Environment and Forests or any officer or other authority designated by the Ministry shall dispose of the application for registration within 120 days of receipt of application form with complete details;

(6) The registration granted under this rule shall be in force for a period of two years from the date of issue or from the date of renewal unless suspended or cancelled earlier;

(7) An application for the renewal of registration shall be made in Form II at least six months before its expiry. The Joint Secretary, Ministry of Environment and Forests or any officer designated by the Ministry or an agency designated by it shall renew the registration of the recycler granted under sub-rule (v) of this rule, after examining each case on merit;

(8) The Joint Secretary, Ministry of Environment and Forests or any officer or other authority designated by the Ministry may, after giving reasonable opportunity to the applicant of being heard, refuse to grant registration;

(9) The Joint Secretary, Ministry of Environment and Forests or any officer or other authority designated by the Ministry may cancel or suspend a registration issued under these rules, if in his/her opinion the registered recycler has failed to comply with any of the conditions of registration, or with any provisions of the Act or rules made thereunder after giving him an opportunity to explain and after recording the reasons therefor;

(10) An appeal shall lie against any order of suspension or cancellation or refusal of registration passed by the Joint Secretary to the Ministry of Environment and Forests or other authority designated by the Ministry. The appeal shall be in writing and shall be accompanied with a copy of the order appealed against and shall be presented within 30 days of passing of the order.

(11) In pursuance of these rules, recyclers already registered with the Ministry of Environment & Forests - need not apply again.

(12) In case of units registered with the Ministry of Environment & Forests for items placed under "free category" in Notification nos. 22(RE-99) 1997-2002 dated 3<sup>rd</sup> July, 1999; 26((RE-99) 1997-2002 dated 10<sup>th</sup> September, 1999; 38 (RE2000) 1997-2002 dated 10<sup>th</sup> October, 2000 and 6(RE 200 1) dated 31<sup>st</sup> March, 2001 issued by the Directorate General of Foreign Trade and other similar notifications issued in future based on the Ministry of Environment & Forests' advice, prior import permission from the Ministry will not be required.

(13) Recyclers registered with MoEF shall maintain a record of wastes purchased, CL processed and sold and shall file six monthly returns in Form-12 to the respective State Pollution Control Board/Pollution Control Committee latest by 30<sup>th</sup> June and 31<sup>st</sup> December of every year.

20. Responsibilities of waste generator/auctioneer (i) Waste generators of non-ferrous metal wastes shall ensure that such non-ferrous metal wastes, as given in Schedule 6 auctioned sold to the registered - recyclers only;

(ii) Major used, oil generators namely State Road Transport, Corporations, Railways, fence Establishments, Shipping Companies, Ports, Power Plants, Fertilizer Industry Electricity Boards, etc. shall auction/sell used oil only to registered recyclers. All other generators of used oil generating used oil in quantities equal to or more than tons per annum. shall also auction/sell used lubricating oil only to registered recyclers;

(iii) The waste generators/auctioneers shall ensure that at the time of auction or sale, balance validity period of registration of waste purchasers unit should be sufficient to reprocess the quantity of wastes being sold/auctioned.

(iv) The waste generators/auctioneers shall maintain a record of such auctions/sale and make these records available to the State Pollution Control Board or committee for inspections.

(v) The waste generators/auctioneers shall file a half-yearly return of auction/sale in form latest by 30<sup>th</sup> June and 31<sup>st</sup> December of every year to the respective State Pollution Control Board/Pollution Control, Committee.

21. Technology and standards for recycling - (i) Recyclers shall use only environmentally sound technologies while recycling/reprocessing non-ferrous metal wastes or used



lubricating oil. In case of used lubricating oil, reprocessors using acid clay process/modified acid clay process shall switch over within one year from the date of the notification to other environmentally sound technologies as under:

(a) Vacuum distillation with clay treatment

(b) Vacuum distillation with hydrotreating

(c) Thin film evaporation process

(d) Any other technology approved by the Ministry of Environment & Forests

(ii) The Recyclers registered with the Ministry of Environment & Forest in accordance with the procedure laid down under rule 19 of these rules, shall file a compliance report of having adopted one of the technologies mentioned in sub-rule (i) of rule 21 above by the due date. Units registered with the Ministry of Environment & Forests who fail to comply with the provisions mentioned in sub rule (i) of rule 21 above shall automatically cease to be registered with effect from the due date.

(iii) The SPCB/PCC shall inspect the units with upgraded technology within three months of the expiry of the one year period and submit a compliance report to MoEF.

(iv) The Ministry of Environment & Forests shall notify from time to time product specifications and standards to be followed by recyclers and reprocessors.

11. Schedules 1,2,3 and 4 appended to the said rules shall be substituted respectively by Schedules 1,2,3 and 7.

12. For Form 1 appended to the said rules, the revised Form 1 shall be substituted.

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## Schedules and Forms

Schedule-1 : [List of Processes Generating Hazardous Wastes](#) | [\[PDF File\]](#)

Schedule-2 : [List of Waste Substances with Concentration Limits](#) | [\[PDF File\]](#)

Schedule-3 : [List of Waste Applicable only for Imports and Exports](#) | [\[PDF File\]](#)

Schedule-4 : [List of Non-Ferrous Metal Wastes for Recycling & Reprocessing](#) | [\[PDF File\]](#)

Schedule-5 : [Used oil Specification for Re-refining](#) | [\[PDF File\]](#)

Schedule-6: [Hazardous Wastes Prohibited for Import to and Export from India](#) | [\[PDF File\]](#)

Schedule-7: [Duties and corresponding Rules of the Authority \(ies\)](#) | [\[PDF File\]](#)

Form-1: [Application for Obtaining Authorisation for Collection/ Reception/ Treatment/ Transports/ Storage/ Disposal of Hazardous Waste](#) | [\[PDF File\]](#)

Form-11: [Application for Registration of Facilities Possessing Environmentally Sound Management Practice for Recycling Non-Ferrous Metal Wastes/ Used Lubricating Oil](#) | [\[PDF File\]](#)

Form-12: [Form for Filling Recyclers Non-Ferrous Metal Wastes/ Used Oil](#) | [\[PDF File\]](#)

Form-13: [Form for Filling Returns of Auction/ Sale of Non-Ferrous Metal Wastes/ Used Oil](#) | [\[PDF File\]](#)