

[PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II,
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;

- (c) radio-active wastes as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and the rules made thereunder and as amended from time to time;
- (d) bio-medical wastes covered under the Bio-Medical Wastes (Management and Handling) Rules, 1998 made under the Act and as amended from time to time; and
- (e) wastes covered under the Municipal Solid Wastes (Management and Handling) Rules, 2000 made under the Act and as amended from time to time.

3. Definitions. - (1) In these rules, unless the context otherwise requires,-

- 1. "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
- 2. "actual user" means an occupier who procures and processes hazardous and other waste for reuse, recycling, recovery, pre-processing, utilisation including co-processing;
- 3. "authorisation" means permission for generation, handling, collection, reception, treatment, transport, storage, reuse, recycling, recovery, pre-processing, utilisation including co-processing and disposal of hazardous wastes granted under sub-rule (2) of rule 6;
- 4. "Basel Convention" means the United Nations Environment Programme Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal;
- 5. "captive treatment, storage and disposal facility" means a facility developed within the premises of an occupier for treatment, storage and disposal of wastes generated during manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of hazardous and other wastes;
- 6. "Central Pollution Control Board" means the Central Pollution Control Board constituted under sub-section (1) of section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- 7. "common treatment, storage and disposal facility" means a common facility identified and established individually or jointly or severally by the State Government, occupier, operator of a facility or any association of occupiers that shall be used as common facility by multiple occupiers or actual users for treatment, storage and disposal of the hazardous and other wastes;
- 8. "co-processing" means the use of waste materials in manufacturing processes for the purpose of energy or resource recovery or both and resultant reduction in the use of conventional fuels or raw materials or both through substitution;
- 9. "critical care medical equipment" means life saving equipment and includes such equipment as specified by the Ministry of Health and Family Welfare from time to time;
- 10. "disposal" means any operation which does not lead to reuse, recycling, recovery, utilisation including co-processing and includes physico-chemical treatment, biological treatment, incineration and disposal in secured landfill;

11. “export”, with its grammatical variations and cognate expressions, means taking out of India to a place outside India;
12. “exporter” means any person or occupier under the jurisdiction of the exporting country who exports hazardous or other wastes, including the country which exports hazardous or other waste;
13. “environmentally sound management of hazardous and other wastes” means taking all steps required to ensure that the hazardous and other wastes are managed in a manner which shall protect health and the environment against the adverse effects which may result from such waste;
14. “environmentally sound technologies” means any technology approved by the Central Government from time to time;
15. “facility” means any establishment wherein the processes incidental to the generation, handling, collection, reception, treatment, storage, reuse, recycling, recovery, pre-processing, co-processing, utilisation and disposal of hazardous and, or, other wastes are carried out;
16. “Form” means a form appended to these rules;
17. “hazardous waste” means any waste which by reason of characteristics such as physical, chemical, biological, reactive, toxic, flammable, explosive or corrosive, causes danger or is likely to cause danger to health or environment, whether alone or in contact with other wastes or substances, and shall include -
 - (i) waste specified under column (3) of Schedule I;
 - (ii) waste having equal to or more than the concentration limits specified for the constituents in class A and class B of Schedule II or any of the characteristics as specified in class C of Schedule II; and
 - (iii) wastes specified in Part A of Schedule III in respect of import or export of such wastes or the wastes not specified in Part A but exhibit hazardous characteristics specified in Part C of Schedule III;
18. “import”, with its grammatical variations and cognate expressions, means bringing into India from a place outside India;
19. “importer” mean any person or occupier who imports hazardous or other waste;
20. “manifest” means transporting document prepared and signed by the sender authorised in accordance with the provisions of these rules;
21. “occupier” in relation to any factory or premises, means a person who has, control over the affairs of the factory or the premises and includes in relation to any hazardous and other wastes, the person in possession of the hazardous or other waste;
22. “operator of disposal facility” means a person who owns or operates a facility for collection, reception, treatment, storage and disposal of hazardous and other wastes;
23. “other wastes” means wastes specified in Part B and Part D of Schedule III for import or export and includes all such waste generated indigenously within the country;

24. “pre-processing” means the treatment of waste to make it suitable for co-processing or recycling or for any further processing;
25. “recycling” means reclamation and processing of hazardous or other wastes in an environmentally sound manner for the originally intended purpose or for other purposes;
26. “reuse” means use of hazardous or other waste for the purpose of its original use or other use;
27. “recovery” means any operation or activity wherein specific materials are recovered;
28. “Schedule” means a Schedule appended to these rules;
29. “State Government” in relation to a Union territory means, the Administrator thereof appointed under article 239 of the Constitution;
30. “State Pollution Control Board” means the State Pollution Control Board constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and includes, in relation to a Union territory, the Pollution Control Committee;
31. “storage” mean storing any hazardous or other waste for a temporary period, at the end of which such waste is processed or disposed of;
32. “transboundary movement” means any movement of hazardous or other wastes from an area under the jurisdiction of one country to or through an area under the jurisdiction of another country or to or through an area not under the jurisdiction of any country, provided that at least two countries are involved in the movement;
33. “transport” means off-site movement of hazardous or other wastes by air, rail, road or water;
34. “transporter” means a person engaged in the off-site transportation of hazardous or other waste by air, rail, road or water;
35. “treatment” means a method, technique or process, designed to modify the physical, chemical or biological characteristics or composition of any hazardous or other waste so as to reduce its potential to cause harm;
36. “used oil” means any oil-
 - (i) derived from crude oil or mixtures containing synthetic oil including spent oil, used engine oil, gear oil, hydraulic oil, turbine oil, compressor oil, industrial gear oil, heat transfer oil, transformer oil and their tank bottom sludges; and
 - (ii) suitable for reprocessing, if it meets the specification laid down in Part A of Schedule V but does not include waste oil;
37. “utilisation” means use of hazardous or other waste as a resource;

38. “waste” means materials that are not products or by-products, for which the generator has no further use for the purposes of production, transformation or consumption.

Explanation.- for the purposes of this clause,

- (i) waste includes the materials that may be generated during, the extraction of raw materials, the processing of raw materials into intermediates and final products, the consumption of final products, and through other human activities and excludes residuals recycled or reused at the place of generation; and
 - (ii) by-product means a material that is not intended to be produced but gets produced in the production process of intended product and is used as such;
39. “waste oil” means any oil which includes spills of crude oil, emulsions, tank bottom sludge and slop oil generated from petroleum refineries, installations or ships and can be used as fuel in furnaces for energy recovery, if it meets the specifications laid down in Part-B of Schedule V either as such or after reprocessing.

(2) 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.

CHAPTER II

PROCEDURE FOR MANAGEMENT OF HAZARDOUS AND OTHER WASTES

4. Responsibilities of the occupier for management of hazardous and other wastes.-

(1) For the management of hazardous and other wastes, an occupier shall follow the following steps, namely:-

- (a) prevention;
- (b) minimization;
- (c) reuse,
- (d) recycling;
- (e) recovery, utilisation including co-processing;
- (f) safe disposal.

(2) The occupier shall be responsible for safe and environmentally sound management of hazardous and other wastes.

(3) The hazardous and other wastes generated in the establishment of an occupier shall be sent or sold to an authorised actual user or shall be disposed of in an authorised disposal facility.

(4) The hazardous and other wastes shall be transported from an occupier’s establishment to an authorised actual user or to an authorised disposal facility in accordance with the provisions of these rules.

(5) The occupier who intends to get its hazardous and other wastes treated and disposed of by the operator of a treatment, storage and disposal facility shall give to the operator of that facility, such specific information as may be needed for safe storage and disposal.

(6) The occupier shall take all the steps while managing hazardous and other wastes to-

- (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.

7. Power to suspend or cancel an authorisation.- (1) The State Pollution Control Board, may, if in its opinion the holder of the authorisation has failed to comply with any of the conditions of the authorisation or with any provisions of the Act or these rules and after giving him a reasonable opportunity of being heard and after recording reasons thereof in writing cancel or suspend the authorisation issued under rule 6 for such period as it considers necessary in the public interest.

(2) Upon suspension or cancellation of the authorisation, the State Pollution Control Board may give directions to the person whose authorisation has been suspended or cancelled for the safe storage and management of the hazardous and other wastes, and such occupier shall comply with such directions.

8. Storage of hazardous and other wastes.- (1) The occupiers of facilities may store the hazardous and other wastes for a period not exceeding ninety days and shall maintain a record of sale, transfer, storage, recycling, recovery, pre-processing, co-processing and utilisation of such wastes and make these records available for inspection:

Provided that the State Pollution Control Board may extend the said period of ninety days in following cases, namely:-

- (i) small generators (up to ten tonnes per annum) up to one hundred and eighty days of their annual capacity;
- (ii) actual users and disposal facility operators up to one hundred and eighty days of their annual capacity,
- (iii) occupiers who do not have access to any treatment, storage, disposal facility in the concerned State; or
- (iv) the waste which needs to be specifically stored for development of a process for its recycling, recovery, pre-processing, co-processing or utilisation;
- (v) in any other case, on justifiable grounds up to one hundred and eighty days.

9. Utilisation of hazardous and other wastes.- (1) The utilisation of hazardous and other wastes as a resource or after pre-processing either for co-processing or for any other use, including within the premises of the generator (if it is not part of process), shall be carried out only after obtaining authorisation from the State Pollution Control Board in respect of waste on the basis of standard operating procedures or guidelines provided by the Central Pollution Control Board.

(2) Where standard operating procedures or guidelines are not available for specific utilisation, the approval has to be sought from Central Pollution Control Board which shall be granting approval on the basis of trial runs and thereafter, standard operating procedures or guidelines shall be prepared by Central Pollution Control Board:

Provided, if trial run has been conducted for particular waste with respect to particular utilisation and compliance to the environmental standards has been demonstrated, authorisation may be granted by the State Pollution Control Board with respect to the same waste and utilisation, without need of separate trial run by Central Pollution Control Board and such cases of successful trial run, Central Pollution Control Board shall intimate all the State Pollution Control Board regarding the same.

(3) No trial runs shall be required for co-processing of waste in cement plants for which guidelines by the Central Pollution Control Board are already available; however, the actual users shall

ensure compliance to the standards notified under the Environment (Protection) Act, 1986 (29 of 1986), for cement plant with respect to co-processing of waste:

Provided that till the time the standards are notified, the procedure as applicable to other kind of utilisation of hazardous and other waste, as enumerated above shall be followed.

10. Standard Operating Procedure or guidelines for actual users.- The Ministry of Environment, Forest and Climate Change or the Central Pollution Control Board may issue guidelines or standard operating procedures for environmentally sound management of hazardous and other wastes from time to time.

CHAPTER III

IMPORT AND EXPORT OF HAZARDOUS AND OTHER WASTES

11. Import and export (transboundary movement) of hazardous and other wastes.- The Ministry of Environment, Forest and Climate Change shall be the nodal Ministry to deal with the transboundary movement of the hazardous and other wastes in accordance with the provisions of these rules.

12. Strategy for Import and export of hazardous and other wastes.- (1) No import of the hazardous and other wastes from any country to India for disposal shall be permitted.

(2) The import of hazardous and other wastes from any country shall be permitted only for recycling, recovery, reuse and utilisation including co-processing.

(3) The import of hazardous waste in Part A of Schedule III may be allowed to actual users with the prior informed consent of the exporting country and shall require the permission of the Ministry of Environment, Forest and Climate Change.

(4) The import of other wastes in Part B of Schedule III may be allowed to actual users with the permission of the Ministry of Environment, Forest and Climate Change.

(5) The import of other wastes in Part D of Schedule III will be allowed as per procedure given in rule 13 and as per the note below the said Schedule.

(6) No import of the hazardous and other wastes specified in Schedule VI shall be permitted.

(7) The export of hazardous and other wastes from India listed in Part A and Part B of Schedule III and Schedule VI shall be with the permission of Ministry of Environment, Forest and Climate Change. In case of applications for export of hazardous and other waste listed in Part A of Schedule III and Schedule VI, they shall be considered on the basis of prior informed consent of the importing country.

(8) The import and export of hazardous and other wastes not specified in Schedule III, but exhibiting the hazardous characteristics outlined in Part C of Schedule III shall require prior written permission of the Ministry of Environment, Forest and Climate Change before it is imported to or exported from India, as the case may be.

13. Procedure for import of hazardous and other wastes.- (1) Actual users intending to import or transit for transboundary movement of hazardous and other wastes specified in Part A and Part B of Schedule III shall apply in **Form 5** along with the documents listed therein, to the Ministry of Environment, Forest and Climate Change for the proposed import together with the prior informed consent of the exporting country in respect of Part A of Schedule III waste, and shall send a copy of the application, simultaneously, to the concerned State Pollution Control Board for information and the acknowledgement in this respect from the concerned State Pollution Control Board shall be submitted to the Ministry of Environment, Forest and Climate Change along with the application.

(2) For the import of other wastes listed in Part D of Schedule III, the importer shall not require the permission of the Ministry of Environment, Forest and Climate Change. However, the importer shall furnish the required information as per **Form 6** to the Customs authorities, accompanied with the following documents in addition to those listed in Schedule VIII, wherever applicable. For used electrical and electronic assemblies listed at serial numbers 4 (e) to 4(i) of Schedule VIII (Basel No. B1110), there is no specific requirement of documentation under these rules:

- (a) the import license from Directorate General of Foreign Trade, if applicable;
- (b) the valid consents 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) and the authorisation under these rules as well as the authorisation under the E-Waste (Management and Handling) Rules, 2011, as amended from time to time, whichever applicable;
- (c) importer who is a trader, importing waste on behalf of actual users, shall obtain one time authorisation in **Form 7** and copy of this authorisation shall be appended to **Form 6**.

(3) For Part B of Schedule III, in case of import of any used electrical and electronic assemblies or spares or part or component or consumables as listed under Schedule I of the E-Waste (Management and Handling) Rules, 2011, as amended from time to time, the importer need to obtain extended producer responsibility-authorisation as producer under the said E-Waste (Management and Handling) Rules, 2011.

(4) Prior to clearing of consignment of wastes listed in Part D of Schedule III, the Custom authorities shall verify the documents as given in column (3) of Schedule VIII.

(5) On receipt of the complete application with respect to Part A and Part B of Schedule III, the Ministry of Environment, Forest and Climate Change shall examine the application considering the comments and observations, if any, received from the State Pollution Control Boards, and may grant the permission for import within a period of sixty days subject to the condition that the importer has -

- (i) the environmentally sound facilities;
- (ii) adequate arrangements for treatment and disposal of wastes generated;
- (iii) a valid authorisation and consents from the State Pollution Control Board;
- (iv) prior informed consent from the exporting country in case of Part A of Schedule III wastes.

(6) The Ministry of Environment, Forest and Climate Change shall forward a copy of the permission to the concerned Port and Customs authorities, Central Pollution Control Board and the concerned State Pollution Control Board for ensuring compliance with respect to their respective functions given in Schedule VII.

(7) The importer of the hazardous and other wastes shall maintain records of the hazardous and other waste imported by him in **Form 3** and the record so maintained shall be made available for inspection.

(8) The importer of the hazardous and other wastes shall file an annual return in **Form 4** to the State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates.

(9) Samples of hazardous and other wastes being imported for testing or research and development purposes up to 1000 gm or 1000 ml shall be exempted from need of taking permission for import under these rules.

(10) The Port and Customs authorities shall ensure that shipment is accompanied with the movement document as given in **Form 6** and the test report of analysis of the waste, consignment, wherever applicable, from a laboratory accredited or recognised by the exporting country. In case of any doubt, the customs may verify the analysis.

14. Procedure for Export of hazardous and other wastes from India.- (1) Any occupier intending to export waste specified in Part A of Schedule III, Part B of Schedule III and Schedule VI, shall make an application in **Form 5** along with insurance cover to the Ministry of Environment, Forest and Climate Change for the proposed transboundary movement of the hazardous and other wastes together with the prior informed consent in writing from the importing country in respect of wastes specified in Part A of Schedule III and Schedule VI.

(2) On receipt of an application under sub-rule (1), the Ministry of Environment, Forest and Climate Change may give permission for the proposed export within a period of sixty days from the date of submission of complete application and may impose such conditions as it may consider necessary.

(3) The Ministry of Environment, Forest and Climate Change shall forward a copy of the permission granted under sub-rule (2) to the State Pollution Control Board of the State where the waste is generated and the Pollution Control Board of the State where the port of export is located and the concerned Port and Customs authorities for ensuring compliance of the conditions of the export permission.

(4) The exporter shall ensure that no consignment is shipped before the prior informed consent is received from the importing country, wherever applicable.

(5) The exporter shall also ensure that the shipment is accompanied with movement document in **Form 6**.

(6) The exporter of the hazardous and other wastes shall maintain the records of the hazardous or other waste exported by him in **Form 3** and the record so maintained shall be available for inspection.

15. Illegal traffic.- (1) The export and import of hazardous or other wastes from and into India, respectively shall be deemed illegal, if,-

- (i) it is without permission of the Central Government in accordance with these rules; or
- (ii) the permission has been obtained through falsification, mis-representation or fraud; or
- (iii) it does not conform to the shipping details provided in the movement documents; or

- (iv) it results in deliberate disposal (i.e., dumping) of hazardous or other waste in contravention of the Basel Convention and of general principles of international or domestic law.

(2) In case of illegal import of the hazardous or other waste, the importer shall re-export the waste in question at his cost within a period of ninety days from the date of its arrival into India and its implementation will be ensured by the concerned Port and the Custom authority. In case of disposal of such waste by the Port and Custom authorities, they shall do so in accordance with these rules with the permission of the Pollution Control Board of the State where the Port exists.

(3) In case of illegal import of hazardous or other waste, where the importer is not traceable then the waste either can be sold by the Customs authority to any user having authorisation under these rules from the concerned State Pollution Control Board or can be sent to authorised treatment, storage and disposal facility.

CHAPTER - IV

TREATMENT, STORAGE AND DISPOSAL FACILITY FOR HAZARDOUS AND OTHER WASTES

16. Treatment, storage and disposal facility for hazardous and other wastes.- (1) The State Government, occupier, operator of a facility or any association of occupiers shall individually or jointly or severally be responsible for identification of sites for establishing the facility for treatment, storage and disposal of the hazardous and other waste in the State.

(2) The operator of common facility or occupier of a captive facility, shall design and set up the treatment, storage and disposal facility as per technical guidelines issued by the Central Pollution Control Board in this regard from time to time and shall obtain approval from the State Pollution Control Board for design and layout in this regard.

(3) The State Pollution Control Board shall monitor the setting up and operation of the common or captive treatment, storage and disposal facility, regularly.

(4) The operator of common facility or occupier of a captive facility shall be responsible for safe and environmentally sound operation of the facility and its closure and post closure phase, as per guidelines or standard operating procedures issued by the Central Pollution Control Board from time to time.

(5) The operator of common facility or occupier of a captive facility shall maintain records of hazardous and other wastes handled by him in **Form 3**.

(6) The operator of common facility or occupier of a captive facility shall file an annual return in **Form 4** to the State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates.

CHAPTER - V

PACKAGING, LABELLING, AND TRANSPORT OF HAZARDOUS AND OTHER WASTES.

17. Packaging and Labelling.- (1) Any occupier handling hazardous or other wastes and operator of the treatment, storage and disposal facility shall ensure that the hazardous and other wastes are packaged in a manner suitable for safe handling, storage and transport as per the guidelines issued by the Central Pollution Control Board from time to time. The labelling shall be done as per **Form 8**.

(2) The label shall be of non-washable material, weather proof and easily visible.

18. Transportation of hazardous and other wastes.- (1) The transport of the hazardous and other waste shall be in accordance with the provisions of these rules and the rules made by the Central Government under the Motor Vehicles Act, 1988 and the guidelines issued by the Central Pollution Control Board from time to time in this regard.

(2) The occupier shall provide the transporter with the relevant information in **Form 9**, regarding the hazardous nature of the wastes and measures to be taken in case of an emergency and shall label the hazardous and other wastes containers as per **Form 8**.

(3) In case of transportation of hazardous and other waste for final disposal to a facility existing in a State other than the State where the waste is generated, the sender shall obtain 'No Objection Certificate' from the State Pollution Control Board of both the States.

(4) In case of transportation of hazardous and other waste for recycling or utilisation including co-processing, the sender shall intimate both the State Pollution Control Boards before handing over the waste to the transporter.

(5) In case of transit of hazardous and other waste for recycling, utilisation including co-processing or disposal through a State other than the States of origin and destination, the sender shall give prior intimation to the concerned State Pollution Control Board of the States of transit before handing over the wastes to the transporter.

(6) In case of transportation of hazardous and other waste, the responsibility of safe transport shall be either of the sender or the receiver whosoever arranges the transport and has the necessary authorisation for transport from the concerned State Pollution Control Board. This responsibility should be clearly indicated in the manifest.

(7) The authorisation for transport shall be obtained either by the sender or the receiver on whose behalf the transport is being arranged.

19. Manifest system (Movement Document) for hazardous and other waste to be used within the country only.- (1) The sender of the waste shall prepare seven copies of the manifest in **Form 10** comprising of colour code indicated below and all seven copies shall be signed by the sender:

Copy number with colour code	Purpose
(1)	(2)
Copy 1 (White)	To be forwarded by the sender to the State Pollution Control Board after signing all the seven copies.
Copy 2 (Yellow)	To be retained by the sender after taking signature on it from the transporter and the rest of the five signed copies to be carried by the transporter.
Copy 3 (Pink)	To be retained by the receiver (actual user or treatment storage and disposal facility operator) after receiving the waste and the remaining four copies are to be duly signed by the receiver.
Copy 4 (Orange)	To be handed over to the transporter by the receiver after accepting waste.
Copy 5 (Green)	To be sent by the receiver to the State Pollution Control Board.
Copy 6 (Blue)	To be sent by the receiver to the sender.
Copy 7 (Grey)	To be sent by the receiver to the State Pollution Control Board of the sender in case the sender is in another State.

(2) The sender shall forward copy 1 (white) to the State Pollution Control Board, and in case the hazardous or other wastes is likely to be transported through any transit State, the sender shall intimate State Pollution Control Boards of transit States about the movement of the waste.

(3) No transporter shall accept waste from the sender for transport unless it is accompanied by signed copies 3 to 7 of the manifest.

(4) The transporter shall submit copies 3 to 7 of the manifest duly signed with date to the receiver along with the waste consignment.

(5) The receiver after acceptance of the waste shall hand over copy 4 (orange) to the transporter and send copy 5 (green) to his State Pollution Control Board and send copy 6 (blue) to the sender and the copy 3 (pink) shall be retained by the receiver.

(6) The copy 7 (grey) shall only be sent to the State Pollution Control Board of the sender, if the sender is in another State.

CHAPTER VI MISCELLANEOUS

20. Records and returns.- (1) The occupier handling hazardous or other wastes and operator of disposal facility shall maintain records of such operations in **Form 3**.

(2) The occupier handling hazardous and other wastes and operator of disposal facility shall send annual returns to the State Pollution Control Board in **Form 4**.

(3) The State Pollution Control Board based on the annual returns received from the occupiers and the operators of the facilities for disposal of hazardous and other wastes shall prepare an annual inventory of the waste generated; waste recycled, recovered, utilised including co-processed; waste re-exported and waste disposed and submit to the Central Pollution Control Board by the 30th day of September every year. The State Pollution Control Board shall also prepare the inventory of hazardous waste generators, actual users, and common and captive

disposal facilities and shall submit the information to Central Pollution Control Board every two years.

(4) The Central Pollution Control Board shall prepare the consolidated review report on management of hazardous and other wastes and forward it to the Ministry of Environment, Forest and Climate Change, along with its recommendations before the 30th day of December once in every year.

21. Responsibility of authorities. - The authority specified in column (2) of Schedule VII shall perform the duties as specified in column (3) of the said Schedule subject to the provisions of these rules.

22. Accident reporting. - Where an accident occurs at the facility of the occupier handling hazardous or other wastes and operator of the disposal facility or during transportation, the occupier or the operator or the transporter shall immediately intimate the State Pollution Control Board through telephone, e-mail about the accident and subsequently send a report in **Form 11**.

23. Liability of occupier, importer or exporter and operator of a disposal facility.-

(1) The occupier, importer or exporter and operator of the disposal facility shall be liable for all damages caused to the environment or third party due to improper handling and management of the hazardous and other waste.

(2) The occupier and the operator of the disposal facility shall be liable to pay financial penalties as levied for any violation of the provisions under these rules by the State Pollution Control Board with the prior approval of the Central Pollution Control Board.

24. Appeal.- (1) Any person aggrieved by an order of suspension or cancellation or refusal of authorisation or its renewal passed by the State Pollution Control Board may, within a period of thirty days from the date on which the order is communicated to him, prefer an appeal in **Form 12** to the Appellate Authority, namely, the Environment Secretary of the State.

(2) The Appellate Authority may entertain the appeal after expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Every appeal filed under this rule shall be disposed of within a period of sixty days from the date of its filing.

SCHEDULE I

[See rule 3 (1) (17) (i)]

List of processes generating hazardous wastes

S.No.	Processes	Hazardous Waste*
(1)	(2)	(3)
1.	Petrochemical processes and pyrolytic operations	1.1 Furnace or reactor residue and debris 1.2 Tarry residues and still bottoms from distillation 1.3 Oily sludge emulsion 1.4 Organic residues 1.5 Residues from alkali wash of fuels

(1)	(2)	(3)
		1.6 Spent catalyst and molecular sieves 1.7 Oil from wastewater treatment
2.	Crude oil and natural gas production	2.1 Drill cuttings excluding those from water based mud 2.2 Sludge containing oil 2.3 Drilling mud containing oil
3.	Cleaning, emptying and maintenance of petroleum oil storage tanks including ships	3.1 cargo residue, washing water and sludge containing oil 3.2 cargo residue and sludge containing chemicals 3.3 Sludge and filters contaminated with oil 3.4 Ballast water containing oil from ships
4.	Petroleum refining or re-processing of used oil or recycling of waste oil	4.1 Oil sludge or emulsion 4.2 Spent catalyst 4.3 Slop oil 4.4 Organic residue from processes 4.5 Spent clay containing oil
5.	Industrial operations using mineral or synthetic oil as lubricant in hydraulic systems or other applications	5.1 Used or spent oil 5.2 Wastes or residues containing oil 5.3 Waste cutting oils
6.	Secondary production and / or industrial use of zinc	6.1 Sludge and filter press cake arising out of production of Zinc Sulphate and other Zinc Compounds. 6.2 Zinc fines or dust or ash or skimmings in dispersible form 6.3 Other residues from processing of zinc ash or skimmings 6.4 Flue gas dust and other particulates
7.	Primary production of zinc or lead or copper and other non-ferrous metals except aluminium	7.1 Flue gas dust from roasting 7.2 Process residues 7.3 Arsenic-bearing sludge 7.4 Non-ferrous metal bearing sludge and residue. 7.5 Sludge from scrubbers
8.	Secondary production of copper	8.1 Spent electrolytic solutions 8.2 Sludge and filter cakes 8.3 Flue gas dust and other particulates
9.	Secondary production of lead	9.1 Lead bearing residues 9.2 Lead ash or particulate from flue gas 9.3 Acid from used batteries
10.	Production and/or industrial use of cadmium and arsenic and their compounds	10.1 Residues containing cadmium and arsenic
11.	Production of primary and secondary aluminum	11.1 Sludges from off-gas treatment 11.2 Cathode residues including pot lining wastes 11.3 Tar containing wastes 11.4 Flue gas dust and other particulates 11.5 Drosses and waste from treatment of salt sludge

(1)	(2)	(3)
		11.6 Used anode butts 11.7 Vanadium sludge from alumina refineries
12.	Metal surface treatment, such as etching, staining, polishing, galvanizing, cleaning, degreasing, plating, etc.	12.1 Acidic and alkaline residues 12.2 Spent acid and alkali 12.3 Spent bath and sludge containing sulphide, cyanide and toxic metals 12.4 Sludge from bath containing organic solvents 12.5 Phosphate sludge 12.6 Sludge from staining bath 12.7 Copper etching residues 12.8 Plating metal sludge
13.	Production of iron and steel including other ferrous alloys (electric furnace; steel rolling and finishing mills; Coke oven and by products plant)	13.1 Spent pickling liquor 13.2 Sludge from acid recovery unit 13.3 Benzol acid sludge 13.4 Decanter tank tar sludge 13.5 Tar storage tank residue 13.6 Residues from coke oven by product plant.
14.	Hardening of steel	14.1 Cyanide-, nitrate-, or nitrite -containing sludge 14.2 Spent hardening salt
15.	Production of asbestos or asbestos-containing materials	15.1 Asbestos-containing residues 15.2 Discarded asbestos 15.3 Dust or particulates from exhaust gas treatment.
16.	Production of caustic soda and chlorine	16.1 Mercury bearing sludge generated from mercury cell process 16.2 Residue or sludges and filter cakes 16.3 Brine sludge
17.	Production of mineral acids	17.1 Process acidic residue, filter cake, dust 17.2 Spent catalyst
18.	Production of nitrogenous and complex fertilizers	18.1 Spent catalyst 18.2 Carbon residue 18.3 Sludge or residue containing arsenic 18.4 Chromium sludge from water cooling tower
19.	Production of phenol	19.1 Residue or sludge containing phenol 19.2 Spent catalyst
20.	Production and/or industrial use of solvents	20.1 Contaminated aromatic, aliphatic or naphthenic solvents may or may not be fit for reuse. 20.2 Spent solvents 20.3 Distillation residues 20.4 Process Sludge
21.	Production and/or industrial use of paints, pigments, lacquers, varnishes and inks	21.1 Process wastes, residues and sludges 21.2 Spent solvent
22.	Production of plastics	22.1 Spent catalysts 22.2 Process residues
23.	Production and /or industrial use of glues, organic cements,	23.1 Wastes or residues (not made with vegetable or animal materials)

(1)	(2)	(3)
	adhesive and resins	23.2 Spent solvents
24.	Production of canvas and textiles	24.1 Chemical residues
25.	Industrial production and formulation of wood preservatives	25.1 Chemical residues 25.2 Residues from wood alkali bath
26.	Production or industrial use of synthetic dyes, dye-intermediates and pigments	26.1 Process waste sludge/residues containing acid, toxic metals, organic compounds 26.2 Dust from air filtration system 26.3 Spent acid 26.4 Spent solvent 26.5 Spent catalyst
27.	Production of organic-silicone compound	27.1 Process residues
28.	Production/formulation of drugs/pharmaceutical and health care product	28.1 Process Residue and wastes 28.2 Spent catalyst 28.3 Spent carbon 28.4 Off specification products 28.5 Date-expired products 28.6 Spent solvents
29.	Production, and formulation of pesticides including stock-piles	29.1 Process wastes or residues 29.2 Sludge containing residual pesticides 29.3 Date-expired and off-specification pesticides 29.4 Spent solvents 29.5 Spent catalysts 29.6 Spent acids
30.	Leather tanneries	30.1 Chromium bearing residue and sludge
31.	Electronic Industry	31.1 Process residue and wastes 31.2 Spent etching chemicals and solvents
32.	Pulp and Paper Industry	32.1 Spent chemicals 32.2 Corrosive wastes arising from use of strong acid and bases 32.3 Process sludge containing adsorbable organic halides(AO _x)
33.	Handling of hazardous chemicals and wastes	33.1 Empty barrels/containers/liners contaminated with hazardous chemicals /wastes 33.2 Contaminated cotton rags or other cleaning materials
34.	De-contamination of barrels / containers used for handling of hazardous wastes/chemicals	34.1 Chemical-containing residue arising from decontamination. 34.2 Sludge from treatment of waste water arising out of cleaning / disposal of barrels / containers
35.	Purification and treatment of exhaust air/gases, water and waste water from the processes in this schedule and common industrial effluent treatment plants (CETP's)	35.1 Exhaust Air or Gas cleaning residue 35.2 Spent ion exchange resin containing toxic metals 35.3 Chemical sludge from waste water treatment 35.4 Oil and grease skimming 35.5 Chromium sludge from cooling water
36.	Purification process for organic	36.1 Any process or distillation residue

(1)	(2)	(3)
	compounds/solvents	36.2 Spent carbon or filter medium
37.	Hazardous waste treatment processes, e.g. pre-processing, incineration and concentration	37.1 Sludge from wet scrubbers 37.2 Ash from incinerator and flue gas cleaning residue 37.3 Concentration or evaporation residues
38.	Chemical processing of Ores containing heavy metals such as Chromium, Manganese, Nickel, Cadmium etc.	38.1 Process residues 38.2 Spent acid

*** The inclusion of wastes contained in this Schedule does not preclude the use of Schedule II to demonstrate that the waste is not hazardous. In case of dispute, the matter would be referred to the Technical Review Committee constituted by Ministry of Environment, Forest and Climate Change.**

Note: The high volume low effect wastes such as fly ash, Phosphogypsum, red mud, jarosite, Slags from pyrometallurgical operations, mine tailings and ore beneficiation rejects are excluded from the category of hazardous wastes. Separate guidelines on the management of these wastes shall be issued by Central Pollution Control Board.

SCHEDULE II
[See rule 3 (1) (17) (ii)]

List of waste constituents with concentration limits

Class A: Based on leachable concentration limits [Toxicity Characteristic Leaching Procedure (TCLP) or Soluble Threshold Limit Concentration (STLC)]

Class	Constituents	Concentration in mg/l
(1)	(2)	(3)
A1	Arsenic	5.0
A2	Barium	100.0
A3	Cadmium	1.0
A4	Chromium and/or Chromium (III) compounds	5.0
A5	Lead	5.0
A6	Manganese	10.0
A7	Mercury	0.2
A8	Selenium	1.0
A9	Silver	5.0
A10	Ammonia	50*
A11	Cyanide	20*
A12	Nitrate (as nitrate-nitrogen)	1000.0
A13	Sulphide (as H ₂ S)	5.0
A14	1,1-Dichloroethylene	0.7
A15	1,2-Dichloroethane	0.5
A16	1,4-Dichlorobenzene	7.5
A17	2,4,5-Trichlorophenol	400.0
A18	2,4,6-Trichlorophenol	2.0
A19	2,4-Dinitrotoluene	0.13
A20	Benzene	0.5
A21	Benzo (a) Pyrene	0.001
A22	Bromodichloromethane	6.0
A23	Bromoform	10.0
A24	Carbon tetrachloride	0.5
A25	Chlorobenzene	100.0
A26	Chloroform	6.0
A27	Cresol (ortho+ meta+ para)	200.0
A28	Dibromochloromethane	10.0
A29	Hexachlorobenzene	0.13
A30	Hexachlorobutadiene	0.5
A31	Hexachloroethane	3.0
A32	Methyl ethyl ketone	200.0
A33	Naphthalene	5.0
A34	Nitrobenzene	2.0
A35	Pentachlorophenol	100.0
A36	Pyridine	5.0
A37	Tetrachloroethylene	0.7
A38	Trichloroethylene	0.5