

Hazardous Waste (Management and Handling) Rules, 1989

In exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules, namely :

1. Short title and commencement

- (1) These rules may be called the Hazardous Wastes (Management and Handling) Rules, 1989.
- (2) They shall come into force on the date of their publication in the official Gazette.

2. Application

These rules shall apply to the handling of hazardous wastes as specified in Schedule and 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 rules made thereunder;
- (b) wastes arising out of the operation from ships beyond five kilometres as covered under the provisions of the Merchant Shipping Act, 1958 (44 of 1958) and the rules made thereunder,
- (c) radio-active wastes as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and rules made thereunder,

3. Definitions

In these rules, unless the context otherwise requires,-

- (a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
- (b) "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;
- (c) "authorisation" means permission for collection, reception, treatment, transport, storage and disposal of hazardous wastes granted by the competent authority in Form 2;
- (d) "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;
- (e) "export" with its grammatical variation and cognate expression means taking out of India to a place outside India;
- (f) "exporter" means any person under the jurisdiction of the exporting country who exports hazardous wastes and the exporting country itself, who exports hazardous wastes;
- (g) "facility" means any location wherein the processes, incidental to the waste generation collection, reception, treatment, storage and disposal are carried out;
- (h) "Form" means Form appended to these rules;
- (i) "hazardous wastes" means,
 - (a) Waste Substances which are generated in the process indicated in column-2 of Schedule-1 and consists of wholly or partly of the waste substances referred to in column - 3 of the same schedule;
 - (b) Waste substances which consists wholly or partly of substances indicated in Schedule-2, unless the concentration of the substances is less than the limit indicated in the same schedule: and
 - (c) Waste substances indicated in Part-A, List 'A' and 'B' of Schedule -3 applicable only to rule 12, 13 and 14 unless they do not possess any of the hazardous characteristics in Part-B of the same schedule.
- (j) "hazardous wastes site" means a place for collection, reception, treatment, storage and disposal of hazardous wastes which has been duly approved by the competent authority;
- (k) "import" with its grammatical variations and cognate expressions, means bringing into India from a place outside India;
- (l) "importer" means an occupier or any person who imports hazardous wastes;
- (m) "operator of a facility" means a person who owns or operates a facility for collection, reception, treatment, storage and disposal of hazardous wastes;
- (n) "Schedule" means Schedule appended to these rules;
- (o) "State Pollution Control Board" means the Board appointed under sub-section of the section 4 of the Water (Prevention and Control of Pollution) Act 1974 (6 of 1974); and under Section 4 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);
- (p) "transboundary movement" means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one country to or through an area under the national jurisdiction of another country or to or through an area not under the national jurisdiction of any country, provided at least two countries are involved in the movement;
- (q) "disposal" means deposit, treatment, storage and recovery of any hazardous wastes; }
- (r) "manifest" means transporting document originated and signed by the occupier in accordance with rule 7(4) and 7(5);
- (s) "State Government" means State Government and in relation to Union Territory the Administrator thereof appointed under Article 239 of the Constitution;
- (t) "storage" means keeping hazardous wastes for a temporary period, at the end of which the hazardous waste is treated and disposed off;
- (u) "transport" means movement of hazardous waste by air, rail, road or water;
- (v) "transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, road or water;
- (w) "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;

- (x) "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;
- (y) "illegal traffic" means any transboundary movement of hazardous wastes as specified in rule 15;
- (z) the words and expressions used in these rules and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.

4. Responsibility of the occupier and operator of facility for handling of wastes

- (1) The occupier and the operator of a facility shall be responsible for proper collection, reception, treatment, storage and disposal of hazardous wastes listed in Schedule 1, 2 and 3.
- (2) The occupier or any other person acting on his behalf who intends to get his hazardous waste treated by the operator of a facility under sub-rule (1), shall give to the operator of a facility, such information as may be specified by the State Pollution Control Board.
- (3) It shall be the responsibility of the occupier and the operator of a facility, to take all steps to ensure that the wastes listed in schedules -1, 2 and 3 are properly handled, and disposed of without any adverse effects to the environment.

4A. Duties of the occupier and operator of a facility

It shall be the duty of the occupier and the operator of a facility to take adequate steps while handling hazardous waste to

- (i) Contain contaminants and prevent accidents and limit their consequences on human and the environment; and
- (ii) provide persons working on the site with information, training and equipment necessary to ensure their safety.

4B. Duties of the Authority

Subject to the provisions of these rules, the authority shall also perform duties as specified in Column 3 of Schedule 4.

5. Grant of authorisation for handling hazardous wastes

- (1) Hazardous wastes shall be collected, treated, stored and disposed of only in such facilities as may be authorised for this purpose.
- (2) Every occupier generating hazardous wastes and having a facility for collection, reception, treatment, transport storage and disposal of such wastes shall make an application in Form 1 along with a sum of rupees seven thousand five hundred only for processing application for authorization and analysis fee, if required, as prescribed under the Environment (Protection) Act, 1986 to the State Pollution Control Board for the grant of authorisation for any of the above activities:
Provided that the occupier not having a facility for the collection, reception, treatment, transport, storage and disposal of hazardous wastes shall make an application to the Member-Secretary, State Pollution Control Board or any officer designated by the Board in Form 1 for the grant of authorisation within a period of six months from the date of commencement of these rules.
- (3) Any person who intends to be an operator of a facility for the collection, reception, treatment, transport, storage and disposal of hazardous wastes, shall make an application in Form 1 along with a sum of rupees seven thousand five hundred only for processing application for authorization and analysis fee, if required, as prescribed under the Environment (Protection) Act, 1986 to the Member-Secretary, State Pollution Control Board or any officer designated by the Board for the grant of authorisation for any of the above activities:
Provided that the operator engaged in the business of the collection, reception, treatment, transport, storage and disposal of hazardous wastes shall make an application to the Member-Secretary, State Pollution Control Board or any officer designated by the Board in Form 1 for the grant of authorisation within a period of six months from the date of commencement of these rules.
- (4) The State Pollution Control Board shall not issue an authorisation unless it is satisfied that the operator of a facility or an occupier, as the case may be, possesses appropriate facilities, technical capabilities and equipment to handle hazardous wastes safely.
- (4A) the authorisation application complete in all respects shall be processed by the State Pollution Control Boards within ninety days of the receipt of such application
- (5) The authorisation to operate a facility shall be issued in Form 2 and shall be subject to conditions laid down therein.
- (6) (i) An authorisation granted under this rule shall unless sooner suspended or cancelled, be in force for a period of five years from the date of issue or from the date of renewal.
(ii) An application for the renewal of an authorisation shall be made in Form 1r before its expiry.
(iii) The authorisation shall continue to be in force until it is renewed or revoked.
- (7) The Member-Secretary, State Pollution Control Board or any officer designated by the Board, may, after giving reasonable opportunity of being heard to the applicant refuse to grant any authorisation.
- (8) The Member-Secretary, State Pollution Control Board or any officer designated by the Board

shall renew the authorisation granted under sub rule (6), after examining each case on merit, subject to the following:

- (i) on submission of annual returns by the occupier or operator of facility in Form 4;
- (ii) on steps taken, wherever feasible, for reduction in waste generated or recycled or reused;
- (iii) on fulfilment of conditions prescribed in the authorisation regarding management in an environmentally sound manner of wastes; and
- (iv) on remittance of a processing application fee and analysis fee, as the case may be.

6. Power to suspend or cancel an authorisation

- (1) The State Pollution Control Board or Committee may cancel an authorisation issued under these rules or suspend it for such period as it thinks fit, if in its opinion, the authorised person has failed to comply with any of the conditions of the authorisation or with any provisions of the Act or these rules, after giving the authorised person an opportunity to show cause and after recording reasons therefor.
- (2) Upon suspension or cancellation of the authorisation and during the pendency of an appeal under rule 12, the State Pollution Control Board or Committee may give directions to the persons whose authorisation has been suspended or cancelled for the safe storage of the hazardous wastes, and such person shall comply with such directions.

7. Packaging, labelling and transport of hazardous wastes

- (1) The occupier or operator of a facility shall ensure that the hazardous wastes are packaged, based on the composition in a manner suitable for handling, storage and transport and the labelling and packaging shall be easily visible and be able to withstand physical conditions and climatic factors.
- (2) Packaging, labelling and transport of hazardous wastes shall be in accordance with the provisions of the rules made by Central Government under the Motor Vehicles Act, 1988 and other guidelines issued from time to time.
- (3) All hazardous waste containers shall be provided with a general label as given in Form 8.
- (4) No transporter shall accept hazardous wastes from an occupier for disposal unless it is accompanied by five copies of the manifest (Form 9) as per the colour codes. The transporter shall give a copy of the manifest signed and dated to the occupier and retain the remaining four copies to be used as prescribed in sub- rule (5).
- (5) Occupier shall provide the transporter with six copies of the manifest as per the colour codes indicated below:

Copy 1(White)	forwarded to the Pollution Control Board by the occupier
Copy 2(Light Yellow)	signed by the transporter and retained by the occupier.
Copy 3 (Pink)	retained by the operator of a facility.
Copy 4(Orange)	returned to transporter by the operator of facility after accepting waste.
Copy 5 (green)	forward to Pollution Control Board by operator of facility after disposal.
Copy 6 (Blue)	returned to the occupier by the operator of the facility after disposal.

- (6) The occupier shall obtain necessary no-objection certificate from State Pollution Control Boards in the respective states involved in case of any inter and intra State transport of hazardous wastes;
- (7) The occupier shall provide the transporter with relevant information in Form 10, regarding the hazardous nature of the wastes and measures to be taken in case of an emergency.

8. Disposal Sites

1. The occupier or any operator of a facility shall be responsible for identifying sites for establishing hazardous wastes disposal facility;
2. The State Government, operator of a facility or any association of occupiers shall identify sites for common hazardous wastes disposal facility in the state;
3. The State Government, occupier or any association shall after preliminary impact assessment studies identify possible sites for disposal facility. They shall then undertake an Environmental Impact Assessment of these sites for selecting an appropriate site for hazardous waste disposal facility;
4. The occupier or any association after identification as prescribed in sub-rule (3) shall inform the State Government to take necessary action for notifying of the site;
5. The State Government shall after identification or on receipt of information regarding identification by such occupier or any such association shall cause a public notice inviting objections and suggestions within thirty days;
6. The state Government shall on receipt of any objection conduct a public hearing as per the procedure notified for Environmental Impact Assessment;
7. The state Government shall then, acquire or inform such occupier or any such association to acquire the site before notifying the same. It shall also undertake to compile and publish periodically an inventory of such disposal sites in the state;
- 8A. Design and setting up of disposal facility:
 1. The occupier, any association or operator of a facility, as the case may be shall design and set up disposal facility as per the guidelines issued by the Central Government or the State Government as the case may be;
 2. The occupier, any association or operator, shall before setting up a disposal facility get the design and the layout of the facility approved by the State Pollution Control Board;

3. The State Pollution Control Board shall monitor the setting up and operation of a facility regularly.
- 8B. Operation and closure of landfill site:
1. The occupier or the operator as the case may be, shall be responsible for safe and environmentally sound operation of the facility as per design approved under Rule 8A by the State Pollution Control Board;
 2. The occupier or the operator shall ensure that the closure of the landfill is as per the design approved under Rule 8A by the State Pollution Control Board.

9. Records and returns

- (1) The occupier generating hazardous waste and operator of a facility for collection, reception, treatment, transport, storage and disposal of hazardous waste shall maintain records of such operations in Form 3.
- (2) The occupier and operator of a facility shall send annual returns to the State Pollution Control Board or Committee in Form 4.

10. Accident reporting and follow-up

Where an accident occurs at the facility or on a hazardous waste site or during transportation of hazardous wastes, the occupier or operator of a facility shall report immediately to the State Pollution Control Board or Committee about the accident in Form 5.

11. Import and Export of Hazardous Wastes for dumping and disposal

- (1) Import of hazardous wastes from any country to India and export of hazardous wastes from India to any country for dumping or disposal shall not be permitted.
- (2) The exporting country or the exporter as the case may be, of hazardous wastes shall communicate in Form 6 to the Central Government (the Ministry of Environment and Forests) of the proposed trans-boundary movement of hazardous wastes.
- (3) The Central Government shall, after examining the communication received under sub-rule(2) and on being satisfied that the import of such hazardous wastes is to be used for processing or reuse as raw material grant permission for the import of such wastes subject to such conditions as the Central Government may specify in this behalf and if, however, the Central Government is not satisfied with the communication received under sub-rule (2), may refuse permission to import such hazardous wastes.
- (4) Any importer importing hazardous wastes shall provide necessary information as to the type of hazardous wastes he is to import, in Form 6, to the concerned State Pollution Control Board/the Central Pollution Control Board in the case of Union Territories.
- (5) The State-Pollution Control Board shall examine the information received under the sub-rule (4) and issue such instructions to the importers as it considers necessary.
- (6) The Central Government or the State Pollution Control Board, as the case may be, shall inform the concerned Port Authority to take appropriate steps regarding the safe handling of the hazardous wastes at the time of off-loading the same.
- (7) Any person importing hazardous wastes shall maintain the records of the hazardous wastes imported as specified in Form 7 and the records so maintained shall be open for inspection by the State Pollution Control Board/the Ministry of Environment and Forests/the Central Pollution Control Board in the case of Union Territories or an officer appointed by them in this behalf.

12. Import and Export of Hazardous Wastes for recycling and reuse

1. Import and/or export of hazardous wastes rule 3(i)(c) shall only be permitted as raw material for recycling or reuse;
2. The Ministry of Environment and Forests shall be the nodal Ministry to deal with transboundary movement of hazardous waste;
3. For regulation of export and import the authorities mentioned in Schedule 4 shall be responsible;
4. The decision of the Central Government in respect of grant of permission for import or export shall be final;
5. Any occupier importing or exporting hazardous waste shall provide detailed information in Form 7A to the Customs authorities.
6. Any occupier exporting or importing hazardous waste from or to India shall comply with the articles of the Basel Convention to which the Central Government is a signatory.

13. Import of Hazardous Waste

1. Every occupier importing hazardous waste shall apply to the State Pollution Control Board, one hundred twenty days in advance in Form-6 for permission to import along with a minimum fee of rupees thirty thousand payable to Ministry of Environment and Forests, Govt. of India for imports upto five hundred metric tonnes and for every additional five hundred metric tonnes or part thereof of waste imported an additional sum of rupees five thousand will be payable;
2. The State Pollution Control Board shall examine the application received from the occupier within thirty days and forward the application with recommendation and requisite stipulations for safe transport, storage and processing, to the Ministry of Environment and Forests;
3. The Ministry of Environment and Forests, Government of India will examine the application received from the State Pollution Control Board and after satisfying itself will grant permission for imports subject to the following; -

- a. environmentally friendly/ appropriate technology used for re-processing;
 - b. the capability of the importer to handle and reprocess hazardous wastes in an environmentally sound manner;
 - c. presence of adequate facility for treatment and disposal of wastes generated; and
 - d. approvals, no objection certificates and authorisations from all concerned authorities; and
 - e. remittance of a processing application fee;
4. The Ministry of Environment & Forests, Government of India, shall forward a copy of the permission granted, to the Central Pollution Control Board, the State Pollution Control Board and the concerned Port and Customs authorities for ensuring compliance of the conditions of imports and to take appropriate steps for safe handling of the waste at the time of off-loading;
 5. An application for licence to the Directorate General of Foreign Trade for import shall be accompanied with the permission granted by the Ministry of Environment and Forests, Government of India under sub-rule (3) to the importer and an authenticated copy of Form 7 of the Exporter under sub rule (3) of rule 14;
 6. The Port and Custom authorities shall ensure that the shipping document is accompanied with an authenticated copy of Form 7 and the test report from an accredited laboratory of analysis of the hazardous waste shipped;
 7. The occupier having valid permission to import shall inform the State and Central Pollution Control Board and the Port authorities of the arrival of the consignment of hazardous wastes ten days in advance;
 8. The occupier importing hazardous waste shall maintain the records of hazardous waste imports as specified in Form 6A and the record so maintained shall be available for inspection;

14. Export of Hazardous Waste

1. The exporting country or the exporter as the case may be, of hazardous waste shall apply ninety days in advance in Form 7 to the Ministry of Environment and Forests, Government of India, seeking permission for the proposed export and transboundary movement;
2. The Ministry of Environment and Forests, Government of India, on receipt of such Form 7 from an exporter or an exporting country shall examine the case on merit and grant or refuse permission for export to India;
3. The Ministry of Environment and Forests, shall communicate the grant of permission by authentication on Form 7 to the exporter and the exporting country and endorse a copy of the same to the Central Pollution Control Board and the State Pollution Control Board;
4. The exporter shall ensure that no consignment is shipped prior to the requisite authentication being received. The exporter shall also ensure that the shipping document is accompanied with Form 7A, an authenticated copy of Form 7 and an authenticated copy of the test report from an accredited laboratory of analysis of the hazardous waste;
5. The occupier, exporting hazardous waste to any other country shall seek permission from the competent authority of that country prior to any shipment;
6. Every occupier exporting hazardous waste shall inform the Central Government of the permission sought for exporting, permission granted for export and details of the export in Form 7.

15. Illegal Traffic

- (1) The movement of hazardous wastes from or to the country shall be considered illegal:
 - i. if it is without prior permission of the Central Government; or
 - ii. if the permission has been obtained through falsification, mis- representation or fraud; or
 - iii. it does not conform to the shipping details provided in the document;
- (2) In case of illegal movement, the hazardous wastes in question;
 - i. shall be shipped back within thirty days either to the exporter or to the exporting country;
 - ii. shall be disposed of within thirty days from the date of off-loading subject to inability to comply with Sub-rule 2(i) above.
- (3) In case of illegal transboundary movement of hazardous wastes, the occupier exporting hazardous waste from the country or the exporter exporting hazardous waste to the country and importer importing hazardous waste into the country shall ensure that the wastes in question is safely stored and shipped or disposed off in an environmentally sound manner within thirty days from the date of off-loading;
- (4) The exporting country shall bear the costs incurred for the disposal of such wastes.

16. Liability of the occupier, transporter and operator of a facility

1. The occupier, transporter and operator of a facility shall be liable for damages caused to the environment resulting due to improper handling and disposal of hazardous waste listed in schedule 1, 2 and 3;
2. The occupier and operator of a facility shall also be liable to reinstate or restore damaged or destroyed elements of the environment;
3. The occupier and operator of a facility shall be liable to pay a fine as levied by the State Pollution Control Board with the approval of the Central Pollution Control Board for any violation of the provisions under these rules.

17. Transitional provisions

where-

- a. On the date of coming into operation of these rules, an occupier handling hazardous

wastes who is required to comply with the provisions of these rules, it will be sufficient compliance if the occupier and the authorities do so within three months after the date of coming into force of these rules;

- b. State Pollution Control Boards and Pollution Control Committees are required to oversee the compliance.

18. Appeal

1. An appeal shall lie, against any order of grant or refusal of an authorisation by the Member-Secretary, State Pollution Control Board or any officer designated by the Board to the Secretary, Department of Environment of the State Government by whatever name called.
2. Every appeal shall be in writing and shall be accompanied by a copy of the order appealed against and shall be presented within thirty days of the receipt of the order passed.