



TAMIL NADU POLLUTION CONTROL BOARD

Circular Memo No.T2/TNPCB/HWM/Authorisation/2021 dated 1.04.2021

Sub : TNPCCB – HW Management – Processing of Applications & Grant of Authorisation under HOWM Rules, 2016 - Compliance of the orders Hon'bleNGT (PB), New Delhi in OA No. 804/2017 - Instructions – Issued - Regarding.

Ref : 1. Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 (HOWM Rules, 2016)
2. Hon'ble NGT orders dated 12.04.2019 & 01.07.2020 in OA No. 804/2017 related to HW management.
3. B.P Ms No. 63 dated 28.11.2017
4. Memo No. T2/TNPCCB/HWM/NGT/Monitoring/2020 dated 01.09.2020
5. Chairman Review Note: TNPCCB/CMN/F.27092/HWM/2020 dated 09.12.2020.

Kind attention is invited to the subject matter cited. The Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 (HOWM Rules, 2016), notified under the Environment (Protection) Act, 1986 has been implemented for safe and environmentally sound management of hazardous and other wastes. As per the said Rule (6.2) provision, the SPCBs/PCCs have been envisaged with the responsibility of granting authorisation under HOWM Rules, 2016 to the industries generating, handling, recycling, utilising, pre-processing, co-processing of hazardous wastes including disposal facilities after ensuring technical capabilities and equipment through site inspection. TNPCCB has issued power delegation vide BP Ms No 63 dated 28.11.2017 for issue of authorisation under HOWM Rules, 2016 at three levels (Corporate office, Zonal office & District office) for different categories (R/O/G)& size (L/M/S) of the industries/facilities in the state.

Important provisions of HOWM Rules, 2016 with respect to granting of Authorisation & Pass book are highlighted below :-

- **Rule [6.2]** : On receipt of an application complete in all respects for the authorisation, the SPCB may, after such inquiry as it considers necessary, and on being satisfied that the applicant possesses appropriate facilities for collection, handling, recycling, utilisation, pre-processing, co-processing, transfer or disposal of hazardous and other wastes and after ensuring technical capabilities and equipment thro site inspection, grant within a period of 120 days an authorisation to the applicant, which shall valid for a period of five years subject to compliance of conditions laid down therein.

- **Rule [6.2]** : In case of an application for renewal of authorisation, the SPCB 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 the same shall be recorded in the inspection report.
- **Rule [6.3]** : The authorisation granted by SPCB shall be accompanied by a copy of the field inspection report indicating the adequacy of facilities and compliance to the guidelines or standard operating procedures specified by CPCB from time to time.
- **Rule [6.4]** : SPCB, 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
- **Rule [6.6]** : SPCB 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.
- **Rule [6.7]** : The authorised actual user of hazardous and other wastes shall maintain records of hazardous and other wastes purchased in a passbook issued by SPCB along with the authorisation
- **Rule [6.8]** : 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.

Importance directions of the Hon'ble NGT (PB), New Delhi in OA No. 804/2017 related to processing of HW Application while granting Authorisation are reproduced below...

"SPCBs/PCCs shall verify and scientifically validate the HW data and facilities before grant or renewal of authorization"

"According to Rules, the identification and quantification of the hazardous waste generation is to be done at the authorization stage itself and therefore, it is necessary that SPCBs shall adopt the scientific principles as enumerated for such identification and quantification of HW"

"Non-compliance to be documented while processing authorization for renewal or inspections in order to invoke powers of refusal or revocation of Authorization as per Rules"

"The authorization document should clearly stipulate respective mode of management (such as common or captive incineration/ secured landfilling or pre-processing or recycling or utilization or export or captive storage, as applicable) for each category of HW being generated"

"The verification of the up-dation of display board should be an integral part of any inspection carried out by SPCBs/PCCs without exception".

"All ports including minor ports ICDs/CFSs shall have mandatory authorisation for its activity as well as waste reception facilities for wastes from ships as per HOWM Rules, 2016"

"All occupiers who have authorisations shall submit the Annual Returns in time and in case of non-compliance, action needs to be taken by SPCBs/PCCs".

"SPCBs/PCCs shall ensure verification and validation of the Annual Returns submitted by the occupiers/recycler/pre-processor/utilize/coprocessor/operator of disposal facilities including submission of the Annual Inventory within the stipulated time period".

"SPCBs/PCCs shall ensure verification and reconciliation of closing of manifest document for all the cases in hazardous waste handling/generating units"

For effective implementation of the Rules & monitoring of industries under the preview of the Rules, TNPCB has developed 'Monitoring Protocols' for the "Inspection-Verification-Reporting" under HOWM Rules, 2016 and communicated vide reference (4) cited for compliance.

For enforcement actions on violations under the Rules, CPCB has developed an enforcement framework for effective implementation of HOWM Rules, 2016 based on principle of proportionality and precautionary principle and brought out a document during July, 2019 (available @ TNPCB Website : tnpcb.gov.in/guidelinesdocuments.php) for implementation.

Chairman, TNPCB reviewed the status of hazardous waste management in the State and the compliance of orders of the Hon'ble NGT(PB), New Delhi in OA No. 804/2017 and issued instructions on 25 action points vide Review Note dated 09.12.2020 cited under reference(5) cited (available @ TNPCB Website : tnpcb.gov.in/Circulars.php) for compliance.

According to Action point (22), JCEE(M) shall furnish the details of Authorisation granted under HOWM Rules, 2016 every month at District offices & Zonal offices (compiled in a format) before 10th of every month to Corporate Office, TNPCB, Chennai.

On further review, following gaps/laps are observed....

- Details of Authorisation granted under HOWM Rules, 2016 at district office & zonal office every month, [consolidated report] have not been received from O/o JCEE(M) to the Board Office, TNPCB, Chennai.
- Authorization document needs to specify clearly the respective mode of management (landfillable/incinerable/recyclable/utilisable) for each category of HW being generated, in compliance of Tribunal orders in OA No. 804/2017.

- Authorisation granted under HOWM Rules, 2016 with validity of varying dates (5 years from date of issue) needs to be standardised to maintain uniformity as adopted in consent mechanism.
- Violation under HOWM Rules, 2016 & non-compliance of conditions of earlier/valid authorisation have not been reported for enforcement actions.

Hence, following instructions are issued for strict compliance with respect to processing of application & granting of Authorisation under HOWM Rules, 2016.

1. **Application** seeking Authorisation under HOWM Rules, 2016 **shall be verified thoroughly and scientifically validate the HW data** and facilities installed **before grant or renewal of authorization**. In case of any additions/alteration on "HW categories with HW generation quantity" with respect to the earlier authorisation granted under Rules, the same shall be considered as a part of correction in the renewal application after evaluating Process Material Balance according to Rules Provisions.
2. **While scrutiny of applications** seeking Authorisation/Renewal of Authorisation under HOWM Rules, 2016, details related to updation of HW information in the display board at factory entrance, submission of Annual Returns in time to TNPCCB, verification of HW generation categories & quantity for the past three - five years as declared in Annual Returns with permission now applied for, verification of manifest document (FORM-10) for the transport of hazardous wastes to recycler/disposal facility, agreement made with recycler/disposal facility having valid consent & authorisation, compliance of earlier conditions of authorisation etc... shall be examined and **non-compliance if any shall be recorded & report to Board Office for enforcement action**, after giving an opportunity to the applicant.
3. **Authorisation** under HOWM Rules, 2016 shall be granted to eligible HW generators for periods not more than 5 years **with validity to match with financial year ending (i.e 31, March.....) instead of date of five years from the date of issue with a view to maintain uniformity as adopted in consent mechanism**.
4. Authorisation along with Pass book under HOWM Rules, 2016 shall be granted to HW Recyclers, Utilizer, Pre-processors, Co-processors mentioning separately **(i) HW items generation from their process activities in the Authorisation front page & (ii) HW items procurement/receipt from various industries for processing in the Pass Book front page**. Such applications requiring pass book shall be sent to Board Office, TNPCCB, Chennai as per power delegation vide B.P Ms No. 63 dated 28.11.2017 & any non-compliance in this regard shall be viewed seriously.

5. Authorisation granted under HWM Rules **without Pass Book** at Zonal Office Level by JCEE(M) to **HW_Recyclers, HW_Utilizer, HW_Pre-processors & HW_Co-processors** shall be listed out immediately and such industries/facilities shall be **instructed to apply for fresh Authorisation + Pass Book under HOWM Rules, 2016 within one month** in view of maintaining pass book for making entry of procurement of hazardous wastes (used/waste oil, spent solvent, contaminated containers, barrels, non-ferrous metal wastes etc..) for recycling/utilisation which is mandatory as per Rules (6.7 & 6.8) provisions.
6. **Authorization** granted under HOWM Rules, 2016 **shall clearly stipulate respective mode of management of hazardous waste** (i.e activities for which authorisation is granted) such as (i) Incinerable (common or captive), (ii) Landfillable (common or captive), (iii) Recyclable and (iv) Utilisable (captive or non-captive) for each category of HW being generated.
7. **Authorisation** under HOWM Rules, 2016 shall be **sent to applicant enclosing Field Inspection Report as per Rule Provision [6.3]**. Hence, Field Inspection Report shall mandatorily contain information on observation & verification during inspection of the industries/facilities on the points (a – h) as mentioned @ Sl.No-4 of "Monitoring Protocol" issued vide reference (4) cited.
8. **Details of Authorisation** granted under HOWM Rules, 2016 & particulars of the conditions imposed under HOWM Rules, 2016 for management of hazardous and other wastes **shall be maintained in a register as per Rules [6.6] provision** at District office, Zonal office & Corporate office and the same shall be open for inspection during office hours to any interested or affected person.
9. JCEE(M) shall furnish the details of Authorisation granted under HOWM Rules, 2016 every month at District offices & Zonal offices (compiled in the enclosed format) before 10th of every month to HWM section [tnpcbhw@gmail.com] @ Board Office, TNPCB, Chennai as per the Action Point [22] of Chairman Review Note dt 9.12.2020 without lapse. Authorisation granted details during Jan – March, 2021 shall be furnished before 10th of April, 2021.
10. JCEE(M) shall review the activities of (i) HW Recyclers (used & waste oil, ferrous & non-ferrous metal scraps, etc..), (ii) HW Utilizers (spent solvent recovery, cleaning of contaminated containers & barrels, etc..), (iii) HW Pre-processors, (iv) HW Co-processors (cement industries) and (v) HW disposal facilities (common/captive) under their jurisdiction periodically on the records maintenance (FORM-3, FORM-4, FORM-10), compliance of authorisation granted, CPCB guidelines & SOP issued etc & furnish report to Board Office, TNPCB, Chennai in view of reports being received regarding stocking of hazardous wastes by such industries without proper utilisation & indulge in trading.

11. For the applications seeking One-Time Authorisation under HOWM Rules, 2016 by Traders, DEE shall furnish report covering all details requirement as mentioned in the Circular Memo No. T2/TNPCB/F.27552/R-1075/AMB/One time authorisation/2019 dated 8.3.2019 & 10.4.2019 ((available @ TNPCB Website : tnpcb.gov.in/Circulars.php) to the Board Office, TNPCB, Chennai after complete checking without any omission.
12. Industries/Facilities those covered under HOWM Rules, 2016 shall be permitted to operate ONLY with valid Authorisation as mandated under Rules (6.2) provision and furnish Annual Returns every year before July as mandated under Rules (20.2) provision. DEE shall report on non-compliance in this regard in the "Uniform Format (IR)" as communicated along with "Monitoring Protocol" vide reference (4) cited for enforcement actions.

The receipt of the circular memo shall be acknowledged.

Encl. - FORMATS

V. Pushpaletha
01/04/2021
for Member Secretary

To

All JCEE(M)s & DEEs of TNPCB

Copy to

ACEEs & JCEE at Corporate Office

EEs & AEs & AEs at Corporate Office

PA to Chairman

PC to Member Secretary

File copy.

MODEL AUTHORIZATION FORMAT

For HW Generators

Authorisation + Inspection Report

AUTHORISATION No. 21HFC37762134 dated 31/03/2021

Proceeding No. T4/TNPCB/F.0022101/HWA/RS/TEST/2021 dated 31/03/2021

Sub: Tamil Nadu Pollution Control Board – Hazardous Waste Authorization-Fresh- M/s. TEST DHANA RECYCLING INDUSTRIES, S.F.No. 1223344, TEST VILLAGE1 Village, TEST TALUK1 Taluk, TEST DISTRICT District - Authorization under Rule 6 (2) of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 enacted under Environment (Protection) Act, 1986 – Issued- Reg.

Ref:

1. Application No. 37762134 dated 15.03.2021 filed under HOWM Rules, 2016
2. HWA-IR.No.0211TLLR/HWA/OS/DEE/TLLR/2021 dated 17/03/2021.

FORM 2

[See rule 6 (2)]

FORM FOR GRANT OR RENEWAL OF AUTHORISATION TO THE OCCUPIERS, RECYCLERS, REPROCESSORS, REUSERS, USER AND OPERATORS OF DISPOSAL FACILITIES

1. Number of authorization: 21HFC37762134 and dated : 31/03/2021 ✓
2. The Proprietor of M/s. TEST DHANA RECYCLING INDUSTRIES is hereby granted an Authorisation based on the enclosed signed Inspection report for Generation & Handling of hazardous or other wastes or both on the premises situated at S.F.No. 1223344, TEST VILLAGE1 Village, TEST TALUK1 Taluk, TEST DISTRICT District.

Sl No	Schedule / Name of the Processes	Name of Hazardous Waste (with category No)	Quantity	Activities for which Authorization is issued
1	Schedule I /4. Petroleum refining or re-processing of used oil or recycling of waste oil	4.4-Organic residue from processes	100 T/Annum	Generation, Collection, Storage & Send to TNPCB approved cement industry for co-processing (Utilisable)
2	Schedule I /4. Petroleum refining or re-processing of used oil or recycling of waste oil	4.5-Spent clay containing oil	75 T/Annum	Generation, Collection, Storage & Send for Disposal by incineration in the common TSDF, Gummudipoondi (Incinerable)
3	Schedule I /33. Handling of hazardous chemicals and wastes	33.2-Contaminated cotton rags or other cleaning materials	25 T/Annum	Generation, Collection, Storage & Send for Disposal at common SLF of TSDF, Gummudipoondi (Landfillable)
4	Schedule I /34.De-contamination of barrels/containers used for handling of hazardous wastes/chemicals	34.2-Sludge from treatment of waste water arising out of cleaning / disposal of barrels / containers	50 T/Annum	Generation, Collection, Storage & Send to TNPCB approved HW-Pre-processor (Utilisable)

3. This authorization shall be valid for a period upto 31/03/2026. ✓

The Authorization is issued subject to the following general and special conditions annexed.

**For Member Secretary
Tamil Nadu Pollution Control Board
Chennai**

MODEL PASS BOOK FORMAT

For HW Recyclers /Utilisers /Pre-processors /Co-processors

Authorisation + Pass Book + Inspection Report

PASSBOOK FOR MAINTAINING RECORDS OF HAZARDOUS AND OTHER WASTES
PURCHASED BY THE ACTUAL USERS
(ISSUED ALONGWITH AUTHORISATION)

Name and address of the Industry-Actual users	TEST DHANA RECYCLING INDUSTRIES Chennai		
OCMMS File No	0022101/HWA		
Mobile No	9790789636		
E-mail Id	dhanaannamalai@gmail.com		
Passbook Registration No	PB/21HFC37762134		
Date of issue	26/03/2021		
Validity period	26/03/2021 To 31/03/2025		
Type and quantity of the Hazardous & Other Wastes permitted for procurement and recycling:			
SI No	Hazardous & Other Wastes Type	Passbook Type	Quantity with unit
1	Schedule I Hazardous Wastes - 5.1 Used or spent oil	used oil	2000 T/Annum
2	Schedule I Hazardous Wastes - 33.1 Empty barrels/containers/liners contaminated with hazardous chemicals/wastes	container	750 T/Annum

For Member Secretary
Tamil Nadu Pollution Control Board
Chennai

FORMATE

(Details of Authorisation issued under HOWM Rules, 2016)

Name of District /Zonal Office : _____

Month : _____

Sl.No	Application No/ID with date	Name & Address of the industry	Industry Type Code	Application for	Handling of HWs for which Authorisation granted			HW Type	Authorisation No. with issue date & validity
					Schedule No with Process	HW Name with Category No	Quantity (T/Annum)		
1	8658191 dated 5.4.2017	M/s TITD Unit, Plot No-1 SIPCOT, Chev, Trsa Distict	1032	Fresh/ Renewal	Sch- 1/5.0	5.1-Used oil	0.25 T/A	Recyclable	20.HPC.8658190 dated 26.11.2020 upto 31.03.2025.
					Sch- 1/21.0	21.1- Paint sludge	5.0 T/A	Incinerable	
					Sch- 1/33.0	33.1- Empty barrels	0.6 T/A	Utilisable	
2									
3									

SIGNATURE