



TAMIL NADU POLLUTION CONTROL BOARD

Circular MemoNo.T2/TNPCB/HWM/Passbook/2021dated 21.06.2021

Sub : TNPCB – HW Management – Recycling & Utilising of hazardous & other wastes as resource materials by Actual Users – Maintenance of Pass Book by Actual Users of hazardous & other waste - Instructions – Issued - Regarding.

Ref : (1) Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 (HOWM Rules, 2016)
(2) Circular memo No. T2/TNPCB/HWM/Authorisation/2021 dated 01.04.2021 (available @ tnpcb.gov.in/Circulars.php)
(3) Circular memo no. T2/TNPCB/HWM/NGT/Monitoring/2020 dated 01.09.2020 (available @ tnpcb.gov.in/Circulars.php)

Hazardous and Other Wastes are required to be managed as per the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

As per Rule 6(7)_The authorized 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 (SPCB) along with the authorization.

As per Rule 6(8)_Handing over of the hazardous and other wastes to the authorized actual user shall be only after making the entry into the passbook of the actual user.

Rule 3(2) defines that “**actual user**” means an occupier who procures and processes hazardous and other waste for reuse, recycling, recovery, pre-processing, utilization including co-processing.

Hence, it is mandatory on the part of **Actual User** as defined under Rule 3(2) **to maintain passbook** issued by SPCB for receiving Hazardous Waste [as defined under Rule 3(17)] and Other Waste [as defined under Rule 3(23)] under the provisions of the HOWM Rules, 2016.

But, it is noted from TNPCB OCMMS HW-Data Base that some of Actual Users [HW-Recyclers & HW-Utilizers] of hazardous and other wastes are granted with Authorization under HWM Rules without passbook @ O/o JCEE(M). Such HW- Recyclers &HW-Utilizers procure hazardous wastes from generators without making entry in the passbook for recycling/processing. This is violation of the Rule (6.7 & 6.8) provision under HOWM Rules, 2016. This is already communicated vide ref(2) cited indicating in action points @Sl.Nos (4) &(5). But, no action taken report in this regard has been received so far.

Therefore, following instructions are issued in order to regularize the operations of "Actual Users" of hazardous and other wastes only with valid "Authorization + Pass Book" under HOWM Rules, 2016.

1. Actual Users [HW-Recyclers & HW-Utilizers] of hazardous wastes shall be permitted to operate only with valid "Authorization + Pass Book" issued under HOWM Rules, 2016. JCEE(M)s & DEEs shall ensure compliance of the same under their jurisdiction.
2. As mandated under HOWM Rules, 2016, hazardous waste procurement for processing by HW-Actual Users from HW-Generators must be done after making entry in the passbook issued by TNPCB to the actual user. This shall be verified by TNPCB Engineers during inspection and report to Board Office in case of any non-compliance.
3. DEEs shall instruct erring HW-Actual Users (those receiving HWs without Pass Book& operating without valid Authorisation) to apply for fresh Authorisation along with Pass Book under HOWM Rules, 2016 immediately and also direct to stop their operations till obtaining valid Authorisation with Passbook from TNPCB.
4. HW applications of Actual users [HW-Recyclers & HW-Utilizers] seeking Authorisation + Pass book under HOWM Rules, 2016 shall be sent to Board Office for scrutiny & approval by Member Secretary as per power delegation issued in BP Ms No. 63 dated 28.11.2017. Any non-compliance in this regard shall be viewed seriously.
5. A list of erring Actual Users [HW Recyclers & HW-Utilizers] operating without Pass Book & without valid Authorisation under HOWM Rules, 2016 (details obtained from TNPCB OCMMS-HW data base) is attached herewith for necessary action. For any non-compliance /violations, DEEs shall furnish inspection report [in CPCB IR Format communicated already vide ref (2)] with recommendations to Board Office for enforcement action.
6. While processing of HW applications received from HW Generators for issuing Authorisation under HOWM Rules, 2016 at District office, Zonal office & Board office, the agreement made by HW-Generators with such erring HW-Actual Users [attached list of HW-Recyclers & HW-Utilizers] shall not be considered as VALID for permitting disposal to them, till obtaining revised TNPCB permission.
7. JCEE(M)s shall review the operations of the HW-Recyclers & HW-Utilizers under their jurisdiction periodically as per the instruction already issued @ action point (10) vide reference (2) cited,, in view of certain environmental risks associated with the recycling/utilization of the HWs in case of non-compliance and furnish report to Board Office to ensure effective monitoring.

Further, it is to clarify that the disposal facility of Secured Land Fills & Incinerators are not the "Actual Users" of Hazardous & Other Wastes and thus, there is no necessity for the disposal facilities to have & maintain passbook for entry of receipt of hazardous waste from generators.

An Action taken report in this regard shall be furnished to this office within 20 days.

The receipt of memo shall be acknowledged.

Enclosure:-

- ✦ List of HW-Actual Users operating without passbook.

22/06/2021
for Member Secretary
DD

To

All JCEEs (M) and DEEs of TNPCB

Copy to

ACEEs/All JCEEs in Corporate office

All TNPCB Engineers through mail

PS-T to Chairman

PA to MS

HW Section File