

(iii) प्राधिकृत व्यक्ति, इस प्राधिकार के माध्यम से अनुज्ञात अपशिष्ट से भिन्न अन्य आयातित अपशिष्टों का आयात, भंडारण और व्यापार नहीं करेगा।

(iv) प्राधिकृत व्यक्ति राज्य प्रदूषण नियंत्रण बोर्ड को भंडारण अवस्थिति में परिवर्तन या भंडारण सुविधा की बंदी के संबंध में सूचित करेगा।

(v) ऐसे अपशिष्ट का, जो अन्य आयातित अपशिष्ट के भंडारण और व्यापार के दौरान जनित होता है, उपचार और निपटान प्रचलित विनियमों के अनुसार किया जाएगा।

(vi) आयातक, आयात के खर्च का वहन करेगा और नुकसानी में, यदि कोई आयात, भंडारण और व्यापार की प्रक्रिया के दौरान कारित हो कमी करेगा,।

(vii) यथास्थिति पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय या केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा समय-समय पर जारी मार्गदर्शक सिद्धांतों के अनुसार अनुपालन के लिए कोई अन्य शर्तें।

(viii) वार्षिक विवरणी प्ररूप 4 के अनुसार किसी वर्ष के 31 मार्च तक की अवधि के लिए 30 जून तक फाइल की जाएगी।

(ix) प्राधिकृत व्यापारी ऐसी अन्य कानूनी अनुज्ञाएं प्राप्त करने के लिए उत्तरदायी होगा जो अपेक्षित की जाएं।

ख. अन्य अपशिष्ट के भंडारण और हथालन की बाबत विनिर्दिष्ट शर्तें:

(जो जारी कर्ता प्राधिकारी द्वारा विनिर्दिष्ट की जाए)

तारीख:

जारीकर्ता प्राधिकारी के हस्ताक्षर

पदनाम और मुद्रा”

[फा. सं. 23/49/2021-एचएसएम]

नरेश पाल गंगवार, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (i) में सा.का.नि. सं. 395(अ), तारीख 4 अप्रैल, 2016 को प्रकाशित किए गए थे और सा.का.नि. सं. 670(अ), तारीख 6 जुलाई, 2016; सा.का.नि. सं. 177(अ), तारीख 28 फरवरी, 2017; सा.का.नि. सं. 544(अ), तारीख 11 जून, 2018; सा.का.नि. सं. 178(अ), तारीख 1 मार्च, 2019; सा.का.नि. सं. 641(अ), तारीख 9 अक्टूबर, 2020 और सा.का.नि. सं. 47(अ), तारीख 27 जनवरी, 2021 द्वारा पश्चात्पूर्ति संशोधन किए गए।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 12th November, 2021

G.S.R. 798(E).—In exercise of 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 further to amend the Hazardous and Other Wastes (Management and Trans boundary Movement) Rules, 2016, namely: -

1. (1) These rules may be called the Hazardous and Other Wastes (Management and Transboundary Movement) Second Amendment Rules, 2021.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 (hereinafter referred to as the said rules), in rule 3, in sub- rule (1),-
 - (i) in clause(3), for the words “hazardous wastes”, the words “hazardous and other wastes” shall be substituted;
 - (ii) for clause(23), the following clause shall be substituted, namely: -

“23. “other wastes” means wastes specified in Part B and Part D of SCHEDULE III for the purpose of import and export and include such indigenously produced wastes as may be notified from time to time;”.

3. In the said rules, in rule 9, -

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

“(1) The utilisation of hazardous waste 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 wastes on the basis of standard operating procedures or guidelines issued by the Central Pollution Control Board from time to time.”;

(ii) for sub-rule (2), before the proviso, the following sub-rule shall be substituted, namely: -

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

4. In the said rules, in rule 13, in sub-rule (2), for clause (c), the following clause shall be substituted, namely: -

“(c) importer who is a trader, importing waste on behalf of actual users or for use of the actual users authorised by State Pollution Control Board, shall apply in Form 7 for one-time authorisation and obtain one-time authorisation in Form 7A and copy of such authorisation shall be appended to Form 6.”.

5. In the said rules, in rule 19, after sub-rule (6), the following sub-rule shall be inserted, namely: -

“(7) The provisions of this rule shall not be applicable to other wastes as listed in Part D of SCHEDULE III.”.

6. In the said rules, in SCHEDULE III,

(a) In part B, -

(i) under item B2, the Basel Number B2020 and the entries relating thereto shall be omitted;

(ii) under item B3, for Basel Number B3010 and the entries relating thereto the following shall be substituted, namely: -

| | |
|--------|---|
| “B3011 | Solid plastic waste - Polymethyl methacrylate - Polyethylene terephthalate” |
|--------|---|

(b) in Part D, -

(i) in column (1) after item B1 and the entries relating thereto the following shall be inserted, namely: -

| | |
|-----------|---|
| B2 | Wastes containing principally inorganic constituents, which may contain metals and organic materials |
| “B2020 | Glass wastes in non-dispersible form: - Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses” |

(ii) In column (2), under item B3, against Basel No. B3020, in the first line, for the words and symbols, the following shall be substituted, namely: -

“Paper, paperboard, and paper product wastes **#”;

(iii) in the Note, for the clause beginning with the symbols and words “** Import permitted in the country” and ending with the words “Custom Authority”, the following clauses shall be substituted, namely: -

“** Import permitted in the country to the actual user or to the trader for use of the actual users authorised by State Pollution Control Board on one-time basis and subject to verification of documents specified in Schedule VIII of these rules by the Custom Authority.

**# Import permitted in the country to the actual user or to the trader on behalf of the actual user authorised by State Pollution Control Board on one-time basis and subject to verification of documents specified in Schedule VIII of these rules by the Custom Authority.”.

7. In the said rules, in SCHEDULE VI, -

(i) in column (1) under item (B3) for the letter and figures, “B 3010”, the letter and figures “B 3011” shall be substituted;

(ii) in column (2) the words “polyethylene terephthalate” shall be omitted;

8. In the said rules, in SCHEDULE VIII,-

(i) in Column (2) against serial numbers 1, 2 and 3 relating to Basel Nos. B1010, B1050 and B1100 for item (e), the following shall respectively be substituted, namely: -

“(e) The Chemical analysis report of the wastes being imported other than wastes covered under the Institute of Scrap Recycling Industries (ISRI) code or equivalent code prevalent in international trade;”.

(ii) after S. No. 6 and the entries relating thereto the following shall be inserted, namely: -

| | | | |
|-----|--------|---|---|
| “7. | “B2020 | Glass wastes in non-dispersible form: - Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses” | (a) Duly filled up Form 6 - Movement document; (b) The import license from Directorate General of Foreign Trade, wherever applicable; (c) Pre-shipment inspection certificate issued by the inspection agency of the exporting country or the inspection and certification agency approved by Directorate General of Foreign Trade; (d) The consent to operate under the Air (Prevention and Control of Pollution) Act, 1981 (21 of 1981) and the Water (Prevention and Control Pollution) Act, 1974 (25 of 1974) and the authorisation under these rules, for actual users. For traders, only valid authorisation from concerned State Pollution Control Board is required; (e) The chemical analysis report of the waste being imported; (f) an acknowledged copy of the annual return filed with concerned State Pollution Control Board for import in the last financial year.”. |
|-----|--------|---|---|

9. In the said rules, in Form 4,-

(i) after serial number 4 ending with the brackets and words “(product wise), wherever applicable, the following shall be inserted, namely: -

“4a. Import of wastes during the year (waste-wise), wherever applicable”;

(ii) in Part A, in the heading, for the words “hazardous waste generators”, the words

“hazardous waste generators or importers” shall be substituted.

10. In the said rules, in Form 7,—

(i) for serial number 3, and the entries relating thereto the following shall be substituted, namely: -

“3. Description along with Institute of Scrap Recycling Industries (ISRI) or any other equivalent code where applicable or composition of the waste being imported and the quantity”;

(ii) for serial number 5 and the entries relating thereto, the following serial numbers and entries shall be substituted, namely: -

“(5a). Name and address of authorised actual user (s): [Applicable for import of Basel No. B3020 (Paper, paperboard and paper product wastes);

(5b). Name and address of prospective actual user [Applicable for import of other wastes]”.

11. In the said rules, after Form 7, the following Form shall be inserted, namely: -

“FORM 7A

[See rule 13 (2) (c)]

FORM FOR GRANT OF ONE-TIME AUTHORISATION BY STATE POLLUTION CONTROL BOARD TO THE TRADERS WHO ARE IMPORTING THE WASTE MENTIONED IN PART D OF SCHEDULE III

1. **Number of Authorisation: ----**

2. **Reference:** Application form for authorisation of traders for import of waste as per Part D of SCHEDULE III, of Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 (**Unique application number**) dated -----

3. [Trader Name and Address], having storage locations at [.....], is hereby granted an authorisation for import, storage and trading of other wastes contained in Part D of SCHEDULE III as follows:

| Sr.No. | Name and Basel No. of Other Waste as per the SCHEDULE III, Part D of Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 | List and detailed address of actual or prospective users * | Quantity (ton/annum) |
|--------|--|--|----------------------|
| | | | |
| | | | |

(Add additional rows as necessary)

* - Detailed list may be attached for each other waste.

4. This authorisation is granted as per the provisions of clause (c) of sub-rule (2) of rule 13, of Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016.

5. This authorisation is subject to the following general and specific conditions:-

A. General conditions:

(i) The authorised person shall comply with the provisions of the Environment (Protection) Act, 1986 (29 of 1986), and the rules made thereunder.

(ii) This authorisation shall be produced for inspection at the request of an officer authorised by the State Pollution Control Board.

(iii) The person authorised shall not import, store and trade in the imported other wastes other than those wastes permitted through this authorisation.

- (iv) Authorised person shall intimate the State Pollution Control Board regarding change in the storage location or closure of storage facility.
- (v) The waste which gets generated during storage and trading of imported other wastes shall be treated and disposed of as per prevailing regulations.
- (vi) The importer shall bear the cost of import and mitigation of damages if any caused during the process of import, storage and trading.
- (vii) Any other conditions for compliance as per the Guidelines issued by the Ministry of Environment, Forest and Climate Change or the Central Pollution Control Board, as the case may be, from time to time.
- (viii) Annual return as per FORM 4 shall be filed by June 30th for the period ensuring 31st March of the year.
- (ix) The Authorised Trader shall be responsible to obtain other statutory permissions as may be required.

B. Specific conditions with respect to storage and handling of Other Waste:

(As may be specified by the Issuing Authority)

Date:

Signature of Issuing Authority
Designation and Seal''

[F. No. 23/49/2021 - HSM]

NARESH PAL GANGWAR, Jt. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 395(E), dated the 4th April, 2016 and subsequently amended *vide* number G.S.R. 670(E), dated the 6th July, 2016; number G.S.R. 177(E), dated the 28th February, 2017; number G.S.R. 544(E), dated the 11th June, 2018; number G.S.R. 178(E), dated the 1st March, 2019; number G.S.R. 641(E), dated the 9th October, 2020 and number G.S.R. 47(E), dated the 27th January, 2021.