AMENDMENT

MoEFCC amends the hazardous waste rules on deposition centers, EPR certificate prices and polysiloxane imports

G.S.R. 177(E) regulates deposition centers for domestic hazardous waste, sets EPR certificate price limits and adds polysiloxanes and retreader returns.

G.S.R. 177(E), A NOTIFICATION OF the Ministry of Environment, Forest and Climate Change dated March 12, 2024, makes the Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2024 under sections 6, 8 and 25 of the Environment (Protection) Act, 1986. They amend the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and come into force on the date of their publication in the Official Gazette, except paragraphs 6 and 7, which come into force from April 1, 2024.

THE CHANGE

Amends the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016: deposition centers for domestic hazardous wastes; clause (i) of the proviso to rule 8(1) on small generators; export requirement for polyethylene waste imports; polysiloxanes moved into Schedule III; platforms and price limits for EPR certificates and relaxed return timelines in rules 29 and 30 and Schedule IX; retreaders' returns; and a new general condition in Form 2.

KEY FACTS

TYPE

Amendment

G.S.R. NUMBER

G.S.R. 177(E)

DATED

March 12, 2024

APPLIES FROM

On the date of their publication in the Official Gazette, except paragraphs 6 and 7 of the rules (the amendments to rules 29 and 30), which come into force from April 1, 2024 (rule 1(2)); the Gazette is dated March 12, 2024

REFERENCES

G.S.R. 177(E)

CG-DL-E-13032024-252946

MoEFCC amends the hazardous waste rules on deposition centers, EPR certificate prices and polysiloxane imports

G.S.R. 177(E) · March 12, 2024

G.S.R. 177(E), a notification of the Ministry of Environment, Forest and Climate Change dated March 12, 2024, makes the Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2024 under sections 6, 8 and 25 of the Environment (Protection) Act, 1986. They amend the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and come into force on the date of their publication in the Official Gazette, except paragraphs 6 and 7, which come into force from April 1, 2024.

Deposition centers, defined as 'the deposition centre specified in the Solid Waste Management Rules, 2016 for collection of domestic hazardous wastes', must obtain authorization from the State Pollution Control Board or Pollution Control Committee, provide the domestic hazardous waste to the actual user or operator of the disposal facility, keep records in Form 3 and file an annual return in Form 4. Clause (i) of the proviso to rule 8(1) now covers small generators 'between five to ten tonnes per annum', up to one hundred and eighty days of their annual capacity, and those of 'less than five tons per annum', up to three hundred and sixty five days.

The import of post-industrial or pre-consumer polyethylene wastes is permitted with a requirement to export at least thirty five percent of the total annual turnover. Polysiloxanes, 'only post-industrial or pre-consumer', are entered under Basel No. 3011 in Part B of Schedule III, and the word Polysiloxanes is omitted from the same entry in Schedule VI.

From April 1, 2024, rule 29 gains sub-rules under which the Central Pollution Control Board fixes the highest and lowest price for exchange of EPR certificates at hundred percent and thirty percent of the environmental compensation under rule 39, with the exchange price through the portal between the two, and rule 30 lets the Central Government relax the period for returns by a producer, collection agents, recycler and used oil importer by up to nine months. Schedule IX gets the same platform and price provisions, with prices tied to the environmental compensation under its paragraph 10, a timeline relaxation for producers, recyclers and retreaders, and a new paragraph 8(A) under which retreaders submit monthly information on 'waste tyres re-treaded' and retreading certificates on the portal and file annual and quarterly returns.

Form 2 gains a general condition of authorization: hazardous waste generated sporadically due to unforeseen conditions such as fire, natural calamity or chemical spill goes to the operator of a disposal facility or an actual user, and hazardous waste routinely generated in the consented manufacturing process is to be included in the authorization within one month of its identification, except when production is beyond the consented capacity.

The notification (F. No. 23/151/2022-HSM) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 165, dated March 12, 2024. Its Note records that the principal rules

were published by G.S.R. 395(E), dated April 4, 2016, and last amended by G.S.R. 677(E), dated September 18, 2023.

G.S.R. number	G.S.R. 177(E)
Dated	March 12, 2024
Put online	March 13, 2024
Gazette ID	CG-DL-E-13032024-252946
Rule	Hazardous wastes
Type	Amendment
Amends	Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016
Products	Domestic hazardous waste, Used oil, Waste tires, Polyethylene wastes, Polysiloxanes
What it does	Amends the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016: deposition centers for domestic hazardous wastes; clause (i) of the proviso to rule 8(1) on small generators; export requirement for polyethylene waste imports; polysiloxanes moved into Schedule III; platforms and price limits for EPR certificates and relaxed return timelines in rules 29 and 30 and Schedule IX; retreaders' returns; and a new general condition in Form 2.
Applies from	On the date of their publication in the Official Gazette, except paragraphs 6 and 7 of the rules (the amendments to rules 29 and 30), which come into force from April 1, 2024 (rule 1(2)); the Gazette is dated March 12, 2024
Conditions	• Deposition centers must obtain authorization from the State Pollution Control Board or Pollution Control Committee, keep records in Form 3 and file an annual return in Form 4 (rule 6(1B) and (1C)). • The import of post-industrial or pre-consumer polyethylene wastes is permitted with a requirement to export at least thirty five percent of the total annual turnover (rule 12(6B)). • Polysiloxanes are entered in Part B of Schedule III under Basel No. 3011, 'only post-industrial or pre-consumer', and the word is omitted from the same entry in Schedule VI. • EPR certificate prices: the highest and lowest equal hundred percent and thirty percent of the environmental compensation,

under rule 39 for the certificates of rule 29 (rule 29(8)) and under paragraph 10 of Schedule IX for those of Schedule IX (paragraph 6(8)); the exchange price must lie between them.
- Retreaders submit information monthly on the portal and file annual and quarterly returns by the end of the month after the quarter (Schedule IX, paragraph 8(A)).
- Return deadlines may be relaxed by order for a further period not exceeding nine months (rule 30(5); Schedule IX, paragraph 9(6)).

Applies to	Deposition centers for domestic hazardous wastes; small generators; importers of polyethylene wastes and polysiloxanes; producers, collection agents, recyclers and used oil importers under rules 29 and 30; producers, recyclers and retreaders under Schedule IX; and occupiers holding an authorization in Form 2.
Issued under	Sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986)
Signed by	NARESH PAL GANGWAR, Addl. Secy.

The notification, entry by entry

Entry	Before	After
Rule 3, clause 22A (inserted)		'deposition centers' means the deposition centre specified in the Solid Waste Management Rules, 2016 for collection of domestic hazardous wastes.
Rule 6, sub-rules (1B) and (1C) (inserted)		(1B) The deposition centers shall obtain authorization from the State Pollution Control Board or the Pollution Control Committee concerned. (1C) The deposition centers shall provide the domestic hazardous waste to the actual user or operator of the disposal facility and maintain records of the same in Form 3 and shall file annual return in Form 4 to the State Pollution Control Board or the Pollution Control Committee concerned.
Rule 8, sub-rule (1), the proviso, clause (i) (substituted)		(i) small generators (between five to ten tonnes per annum) up to one hundred and eighty days of their annual capacity and small generators (less than five tons per annum) up to three hundred and sixty five days of their annual capacity
Rule 12, sub-rule (6B) (substituted)		The import of post-industrial or pre-consumer polyethylene wastes shall be permitted with a requirement to export at least thirty five percent of the total annual turnover

Rule 29, sub-rules (7) to (9) (inserted; in force from April 1, 2024)		(7) The operation of the platform established under sub-paragraphs (6) shall be operated and regulated in accordance with the guidelines made by the Central Government on the recommendation of the Central Pollution Control Board. (8) The Central Pollution Control Board shall fix the highest and lowest price for exchange of extended producer responsibility certificates which shall be equal to hundred per cent and thirty per cent, respectively of the environmental compensation for non-fulfilment of extended producer responsibility under rule 39. (9) The exchange price of extended producer responsibility certificates between registered entities through the portal shall be between the highest and lowest prices referred to in sub-rule (8).
Rule 30, sub-rule (5) (inserted; in force from April 1, 2024)		Relaxation of timelines for filing of returns. – The Central Government may, if it is satisfied that it is necessary so to do in the public interest or for effective implementation of these rules, by order, relax any period within which any return or report is to be filed under these rules by a producer, collection agents, recycler and used oil importer thereof, for a further period not exceeding nine months.
Schedule III, Part B, item B3, Basel No. 3011 (inserted after Polyethylene terephthalate)		Polysiloxanes - only post-industrial or pre-consumer
Schedule VI, item B3, Basel No. 3011, column (2)	Polysiloxanes	Omitted.
Schedule IX, paragraph 6, sub-paragraphs (6) to (9) (inserted)		(6) The Central Government may by, order establish one or more platform for exchange or transfer of extended producer responsibility certificates in accordance with the guidelines issued by the Central Pollution Control Board with the approval of the Central Government. (7) The operation of the platform established under sub-paragraphs (6) shall be operated and regulated in accordance with guidelines made by the Central Government on the recommendation of the Central Pollution Control Board. (8) The Central Pollution Control Board shall fix the highest and lowest price for exchange of extended producer responsibility certificates which shall be equal to hundred per cent and thirty per cent, respectively of the environmental compensation for non-fulfilment of extended producer responsibility obligation under paragraph 10 of this Schedule. (9) The exchange price of extended producer responsibility certificate between registered entities through the portal shall be between the highest and lowest prices referred to in sub-paragraph (8).
Schedule IX, paragraph 8(A) (inserted): Responsibilities of the retreader		(1) All the retreader shall submit on monthly basis the information regarding quantity of waste tyres re-treaded, retreading certificate generated therefore and such other relevant information on the portal. (2) All the retreader shall file annual and quarterly returns in the Form as specified on the portal on or before the end of the month succeeding the quarter to which the return relates.

Schedule IX, paragraph 9, sub-paragraph (6) (inserted)	Relaxation of timelines for filing of returns. – The Central Government may, if it is satisfied that it is necessary so to do in the public interest or for effective implementation of these rules, by order, relax any period within which any return or report is to be filed under these rules by a producer, recycler and retreader thereof, for a further period not exceeding nine months.
Form 2, A. General conditions of Authorisation, clause 15 (inserted)	(i) Any hazardous waste generated sporadically due to unforeseen conditions such as fire, natural calamity, chemical spill, etc, the occupier shall send such waste to the operator of disposal facility or actual user for the purpose of these rules. (ii) The hazardous waste which is routinely generated in the consented manufacturing process in the authorised premises shall be included in the authorisation within one month from identification of any such waste: Provided that it shall not apply in the case when production is beyond the consented capacity.

The notification (PDF, 1.3 MB)

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