Circular No. 60/ 97-Cus.
dated 12/11/97

F.No. 405/19/97-CUS.III

Government of India,
Ministry of Finance
Department of Revenue, New Delhi

Subject : Prompt and Immediate action required for disposal of hazardous waste- Import or Indigenously generated - Regarding.

Please refer to Board's letter F. No. 478/ 33/ 96-LC dated 17th September, 97. The para 2(i) of the letter may be read as under:-

"In respect of waste oil, if on sampling, the concentration of Poly-Chlorinated Biphenyl, Poly-Chlorinated Tripheny1 and Poly-Brominated Bipheny1 is more than 5mg/ 1, Chlorinated solvents, benzene total Poly Aromatic Hydrocarbons more than 100 mg/1, and heavy metals (arsenic, barium, chromium, copper cadmium, nickel, lead, zinc) each more than 100mg/1, waste oil can be released to importers on submission of requisite details in Form- 6 (Hazardous Wastes Rules). In other cases goods can be released without requirement of Form- 6".

Sd /-
(Ms. Seema G. Jere)
Under Secretary to the Govt. to India

Government of India
Ministry of Finance
Department of Revenue, New Delhi, the 17th Sept. 1997

Subject : Prompt and immediate action required for disposal of Hazardous Waste - Import of indigenously generated - Regarding

I have been directed to inform you that the matter concerning disposal of Hazardous Waste has lately been causing concern to the Board. Hon'dle Supreme Court, who is already seized of the matter, have also in their interim order observed that huge quantities of Hazardous wastes are generated in the country each day insufficient indication of the magnitude of the problems and needs to be tackled before the damage, likely to be caused, becomes irreversibly.

2. I view of the foregoing, the matter had been take-up with the Ministry of Environment & Forests for devising a mechanism for a quick disposal of the Hazardous waste lying at various ports / ICDs as also likely to arise in future, Ministry of Environment & Forests have advised the following measures:

i) In respect of waste, oil if on sampling, the concentration of poly Chlorinated Biphenyl, poly-chlorinated Triphyny1 and poly-Biphny1 is 5mg/1, chlorinated solvents, benzene, total poly Aromatic Hydrocarbons 100 gm/ 1 and heavy metals (arsenic, barium, cadmium, chromium, copper, nickel, lead zinc) each 100gm/1, waste oil can be released to importers on submission of requisite details in Form 6 (Hazardous Waste Rules) to theconcerned Commissioner of Customs.

ii) With regard to battery scrap these could be handed over to actual users with due authorisation.

iii) With respect to zinc and lead ash, all consignments need to be analyzed. Based on the composition, if the consignment falls under category 3 in Schedule 1 to the Hazardous Wastes Rules, these should not be permitted for release.

3. The Ministry of Environment & Forests have further advised that under the Basel Convention, imports/ exports to /from Non-parties is also illegal. They have also advised that as per existing regulations, imports would be considered illegal if :

a) the exporter has not been granted permission by the Ministry of Environment & Forests;
b) the importer dose not have a valid 'NOC' from the State Pollution Control Board;
c) the importer does not have valid licence for imports; and
d) is not an actual user and does not have a valid authorisation for handling hazardous wastes.

4. The Ministry of Environment & Forests have also cautioned that as per Basel Convention parties to the convention are required to accept illegal imports back within a stipulated period of 90 days.

5. In view of the urgency, as expressed in the preceding paras, you are requested to kindly communicate the action taken to the Board at an early date.

Yours Faithfully,
(K. Chopra)

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Under Secretary to the Govt. of India

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