

**BY SPEED POST**

B-29014/IPC-I/MSIHC/

13318-350

November 07, 2017

To

**The Chairman**

All State Pollution Control Board / Pollution Control Committee

(As per enclosed list)

**Sub: Directions Issued under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 18 (1) (b) of The Air (Prevention and Control of Pollution) Act, 1981 in the matter of The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989- reg.**

WHEREAS, in exercise of the powers conferred by Section 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government vide notification dated November 27, 1989 made the rules called as the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989

WHEREAS, on May 06, 2017 an accident involving chemical spillage occurred at Inland Container Depot, Tughlakabad, New Delhi; whose investigation inferred that the provisions of The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 have been contravened ;

WHEREAS any such or similar accident has a potential to severely pollute air or water and hence to prevent any such or similar accident , it is indispensable that any unit which manufactures, imports or stores hazardous chemicals shall strictly comply with The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.

WHEREAS Schedule -5 of The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (hereinafter referred as the rule)specifies following duties for Central Pollution Control Board or State Pollution Control Board or Committee:

1. Enforcement of directions and procedures in respect of isolated storage of hazardous chemicals, regarding-
  - (i) Notification of major accidents as per Rules 5(1) and 5(2)
  - (ii) Notification of sites as per Rules 7 to 9.
  - (iii) Safety reports in respect of isolated storages as per Rule 10 to 12.
  - (iv) Preparation of on-site emergency plans as per Rule 13.
2. Import of hazardous Chemicals and enforcement of directions and procedures on import of hazardous chemicals as per Rule 18.

WHEREAS, under section 17 sub-section (1) clause (o) of the Water Act, 1974, and with parallel provision under section 17 sub-section (1) clause (i) of the air ( Prevention & control of pollution ) Act, 1981, hereinafter referred to as Air Act, 1981, one of the functions of the State Pollution Control Board (SPCB) constituted under the Water Act, 1974, is to perform such functions as may be prescribed or as may, from time to time entrusted to it by the Central Board;

WHEREAS, under section 4, sub-section (4) of the water (Prevention & Control of Pollution) Act, 1974, and under section 6 of the Air (Prevention & Control of Pollution) Act, 1981, the Central Board has delegated all its powers and functions vested in the said Board to the respective Pollution Control Committees (PCCs) for union Territories;

NOW THEREFORE, in exercise of the power conferred under Section 18 (1) (b) of The Water ( Prevention & Control Of Pollution ) Act, 1974 and Section 18 (1)(b) of The Air (Prevention & Control Of Pollution ) Act, 1981, the Central Pollution Control Board hereby directs all State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs) for immediate compliance of the following:

- 1) The SPCBs/PCCs shall ensure that while issuing Consent to Establish (CET) or Consent to Operate (CTO) or renewing CET / CTO accorded to a plant, industry or process under the Water ( Prevention & Control Of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution ) Act, 1981, details on Onsite Emergency Plan, Safety Reports and Safety Audit Reports in accordance with The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, be compulsorily sought from occupier, industry or installation handling hazardous chemicals quantity equal to or more than the threshold quantity specified in the said rules.
- 2) The SPCBs/PCCs shall seek report from the occupier of the site in the event of major accident and shall undertake a full analysis of the major accident and send the requisite information within 90 days to the Ministry of Environment, Forests and Climate Change.
- 3) The SPCBs/PCCs in the event of major accident shall seek report from the occupier of the site regarding steps taken to avoid any repetition of such occurrence of accident on the site and The SPCBs/PCCs shall in writing inform the occupier, of any lacunae which are needed to be rectified to avoid major accidents.
- 4) The SPCBs/PCCs shall ensure that an occupier shall not undertake any industrial activity unless he has been granted an approval for undertaking such an activity and has submitted a written report to the concerned authority containing the particulars specified in Schedule 7 of the said rules. In case of an activity in which subsequently there is or is liable to be a threshold quantity or more of an additional hazardous chemical shall be deemed to be a different activity and the occupier has to take a separate approval for undertaking such activity.
- 5) The SPCBs/PCCs shall direct the occupier to furnish a further report if the occupier makes changes to the threshold quantity of hazardous chemicals.
- 6) The SPCBs/PCCs shall ensure that an occupier shall not undertake any industrial activity to which this rule applies, unless he has prepared a safety


report on that industrial activity containing the information specified in Schedule 8 and has sent a copy of that report to the concerned authority at least ninety days before commencing that activity.

- 7) The SPCBs/PCCs shall ensure that the occupier of both the new and the existing industrial activities shall carry out an independent safety audit of the respective industrial activities with the help of an expert, not associated with such industrial activities. The occupier shall forward a copy of the auditor's report along with his comments to the SPCBs/PCCs within 30 days after the completion of such audit.
- 8) The SPCBs/PCCs shall ensure that the occupier shall update the safety audit report once a year by conducting a fresh safety audit and forward a copy of it with his comments to the concerned SPCB/PCC.
- 9) The SPCBs/PCCs shall ensure that the occupier shall not make any modification to the industrial activity to which that safety report relates which could materially affect the particulars in that report, unless he has made a further report to take account of those modifications and has sent a copy of that report to the concerned SPCBs/PCCs at least 90 days before making those modifications.
- 10) The SPCBs/PCCS shall ensure that the occupier shall prepare and keep up-to-date an on-site emergency plan containing details specified in Schedule II and detailing how major accidents will be dealt with on the site on which the industrial activity is carried on and that plan shall include the name of the person who is responsible for safety on the site and the names of those who are authorized to take action in accordance with the plan in case of an emergency.
- 11) The SPCBs/PCCS shall direct the occupier to ensure that the emergency plan prepared takes into account any modification made in the industrial activity and that every person on the site who is affected by the plan is informed of its relevant provisions.
- 12) The SPCBs/PCCS shall ensure that the occupier shall prepare the emergency plan in the case of a new industrial activity, before that activity is commenced.
- 13) The SPCBs/PCCS shall ensure that the occupier shall conduct a mock drill of the on-site emergency plan every six months and a detailed report of the mock drill conducted shall be made immediately available to the concerned SPCBs/PCCS as and when demanded.
- 14) The SPCBs/PCCS shall ensure that any person responsible for importing hazardous chemicals in India shall provide before 30 days or as reasonably possible but not later than the date of import to the concerned SPCBs/PCCS in accordance with Rule 18 of the said rules.

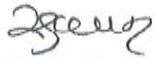
- 15) The SPCBs/PCCs shall direct the importer to take appropriate safety measures. If the Concerned SPCB/PCC is satisfied that the chemical being imported is likely to cause major accidents.
- 16) The SPCBs /PCCs shall direct stoppage of import of the chemical which it considers not to be imported on safety or on environmental considerations and the concerned SPCBs /PCCs shall simultaneously inform the concerned Port Authority to take appropriate steps regarding safe handling and storage of hazardous chemicals while off-loading the consignment within the port premises.
- 17) The SPCBs /PCCs shall ensure that any person importing hazardous chemicals shall maintain the records of the hazardous chemicals imported as specified in Schedule 10 of The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 and the records so maintained shall be open for inspection by the regulatory authorities.
- 18) The SPCBs/PCCS shall ensure that any unit involved in The Manufacture, Storage and Import of Hazardous Chemicals shall comply with the stipulated provisions of The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.

  
(S.P. Singh Parihar)  
Chairman

Copy To:

 09/11/2017

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2. All Regional Directorates  
Central Pollution Control Board  
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3. The In-charge, IT, CPCB

  
(A.Sudhakar)  
Member Secretary