

199

GUYANA

No. 7 of 2000

REGULATIONS

MADE UNDER

ENVIRONMENTAL PROTECTION ACT 1996
(No. 11 of 1996)

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IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION 68 (1)
OF THE ENVIRONMENTAL PROTECTION ACT 1996
I HEREBY MAKE THE FOLLOWING REGULATIONS: -

PART I

PRELIMINARY

Citation. 1. These Regulations may be cited as the Environmental Protection (Hazardous Wastes Management) Regulations 2000.

Interpretation. 2. (1) In these Regulations, unless the context otherwise requires -

(a) "clinical waste" means -

- (i) any part of the human body including tissues and bodily fluids, but excluding fluids, extracted teeth, hair, nail clippings and the like that are not infectious;
- (ii) any part of the carcass of an animal infected with a communicable disease,
- (iii) non-anatomical waste infected with communicable disease; or
- (iv) any waste that is generated in the diagnostic, treatment or immunization of human beings or animals and related activities that include research or autopsies;

(b) "disposal" means the discharge, deposit, injection, dumping or placing of any hazardous waste into or on any land so that it may enter the environment, be emitted into the air or discharged into any waters, including groundwater;

(c) "flammable waste" means a waste that is either solid, liquid, an oxidizing substance or an ignitable compressed gas, which, under certain conditions may be readily combustible or may cause or contribute to fire through friction, absorption of moisture or spontaneous chemical changes and when ignited, burns so vigorously and persistently that it creates a danger;

(d) "generator" means any person whose industrial, commercial or other activity produces hazardous wastes;

Schedule I
Schedule II

(e) "hazardous waste" means a waste or combination of wastes which, because of its quantity, concentration or physical, chemical or infectious characteristics, may pose a substantial hazard to human health and belong to any category contained in Schedule I unless they do not contain any of characteristics contained in Schedule II and includes waste that is-

- (i) hazardous industrial waste;
- (ii) acute hazardous waste chemical;
- (iii) hazardous waste chemical;

- (iv) severely toxic waste;
- (v) flammable waste;
- (vi) corrosive waste;
- (vii) reactive waste;
- (viii) radioactive waste;
- (ix) clinical waste; or
- (x) leachate toxic waste, or polychlorinated biphenyl waste,

and includes a mixture of acute hazardous waste chemical, hazardous waste chemical, pathological waste, radioactive waste or severely toxic wastes and any other waste or hazardous material;

(f) "hazardous waste chemical" means a commercial waste chemical having a generic name specified in Schedule I;

(g) "hazardous waste generation" means the act or process of producing hazardous waste;

(h) "hazardous waste management" means the systematic control of the collection, source, separation, accumulation, transportation, processing, treatment, recovery and disposal of hazardous wastes;

(i) "incinerator waste" means the residue from incineration, other than incinerator ash and fly-ash;

(j) "land filling" means the disposal of waste by deposit, under controlled conditions, on land or on land covered by water, and includes compaction of the waste into a cell and covering the waste with cover materials at regular intervals;

(k) "leachate toxic waste" means a waste producing leachate containing any of the contaminants specified in Schedule I;

(l) "liquid industrial waste" means waste that is both liquid and industrial waste but does not include-

- (i) hauled sewage;
- (ii) waste from the operation of sewage works;
- (iii) waste from the operation of water works;
- (iv) waste that is produced in any month in an amount less than twenty-five litres or otherwise accumulated in an amount less than twenty-five litres;
- (v) waste directly discharged by a generator from a waste generation facility into a sewage works or sewage system;

- (vi) waste that results directly from food processing and preparation operations, including food packaging, food preserving and restaurants;
- (vii) drilling fluids and produced waters associated with the exploration, development or production of crude oil or natural gas;
- (viii) processed organic waste, or
- (ix) asbestos waste,

(m) "manifest" means the form used for identifying the quantity, composition, origin, routing and destination of hazardous waste during its transportation from the point of generation to the point of storage, treatment or disposal;

(n) "medical waste" means any waste that is generated in the diagnostic, treatment or immunization of human beings;

(o) "mixed wastes" means waste that contains both hazardous and a mixture of acute hazardous waste chemical, hazardous waste chemical, pathological waste, radioactive waste or severely toxic wastes and any other waste or hazardous material;

(p) "open dump" means any facility where waste is disposed without cover material being applied at regular intervals and which is not a sanitary landfill or a facility for the disposal of hazardous waste,

(q) "reactive waste" means a waste that -

- (i) is normally unstable and readily undergoes violent changes without detonating;
- (ii) reacts violently with water;
- (iii) forms potentially explosive mixtures with water;
- (iv) when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment;
- (v) is a cyanide or sulphide bearing waste which, when exposed to pH conditions between two and twelve and a half points, can generate toxic gases, vapours or fumes in a quantity which is sufficient to present danger to human health and the environment;
- (vi) is capable of detonation or explosive reaction if it subjected to a strong initiative source or if heated under confinement; or

(vii) is readily capable of detonation or explosive decomposition or reaction at a standard temperature and pressure;

(r) "storage" means the containment of hazardous waste, either on a temporary basis or for a period of years, in a manner that does not constitute disposal;

(s) "transporter" means any person engaged in the transportation of hazardous waste;

(t) "treatment" means any method or process designed to change the physical, chemical or biological character or composition of any hazardous waste in order to

render the waste non-hazardous, safer for transport, including reduction in volume or amenable for recovery or storage.

PART II

POWER TO ISSUE ENVIRONMENTAL AUTHORISATION

Notice of activity.

SCHEDULE III

3. (1) Any person who, at the time of the commencement of these Regulations, is in operation of a facility that generates, treats, stores, disposes or transports hazardous waste shall submit a duly completed notice in the form set out in Schedule III to the Agency.

(2) The Agency shall publish the notification mentioned in paragraph (1) at least twice in a daily newspaper having wide circulation in Guyana and members of the public shall have at least sixty days from the date of the last publication to make objections to the operations of the facility to the Agency.

(3) The Agency shall, in deciding to grant an environmental authorisation in accordance with regulation 18 of the *Environmental Protection (Authorisation) Regulations 2000*, take into account the submissions that have been made to it under paragraph (2).

(4) The Agency shall send a copy of the objections to the person who has given notice of activity and thereupon such person shall make application to the Agency under regulation 4.

General requirements to apply for an authorisation.

4. (1) Any person who at the time of the commencement of these Regulations is in operation of a facility that generates, transports, treats, stores or disposes of hazardous waste, shall, subject to paragraph (3), before commencing any action related thereto, submit an application to the Agency for an environmental authorisation within three years of the commencement of these Regulations or such other time as the Agency may determine.

(2) Any person who proposes to operate a facility that generates, transports, treats, stores or disposes of hazardous waste, shall, subject to paragraph (3), before commencing any action related thereto, submit an application to the Agency for an environmental authorisation within three years of the commencement of these Regulations or such other time as the Agency may determine.

(3) The fee prescribed in regulation 8 of the *Environmental Protection (Authorisations) Regulations 2000* shall accompany the application.

(4) The Agency may at any time request a person who engages in any of the activities specified in paragraph (1) to submit a notification of activity and an application to the Agency for an environmental authorisation.

(5) An application for an environmental authorisation shall be in accordance with the provisions of regulation 17 of the *Environmental Protection (Authorisations) Regulations 2000*

(6) In addition to the information that is required for a grant of an environmental authorisation prescribed in regulation 17 of the *Environmental Protection (Authorisations) Regulations 2000*, the applicant shall provide written evidence of financial capability.

(7) The requirement in paragraph (1) for an environmental authorisation shall not apply to -

- (a) facilities that generate or store hazardous wastes in quantities less than one hundred kilograms per month;
- (b) facilities that generate less than one kilogram of acutely hazardous wastes per month;
- (c) facilities that accumulates up to one thousand kilograms of hazardous wastes onsite at any time.

(8) Any person who contravenes this regulation shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than seventy-five thousand dollars nor more than five hundred thousand dollars and to imprisonment for six months.

Grounds for refusal to grant authorisation.

5. The Agency shall, in addition to the grounds specified in regulation 13 of the *Environmental Protection (Authorisations) Regulations 2000*, refuse to grant an environmental authorisation to which these Regulations relate taking into account the objections made in regulation 3 where -

- (i) the transportation arrangements, whether by land, sea or air are inadequate and present a serious risk of injury or damage to human health or the environment;
- (ii) the storage, treatment, operation or disposal methods present a serious risk of injury or damage to health or the environment; or
- (iii) the staff or contractors engaged in the handling of such wastes are not technically trained to perform the relevant tasks.

Surrender of authorisation.

6. (1) An environmental authorisation may be surrendered by a holder to the Agency at any time but, in the case of an authorisation to operate a facility to store or treat hazardous waste, only if the Minister accepts such surrender.

(2) The following provisions apply to the surrender and acceptance of the surrender of an authorisation to operate a facility in which hazardous waste is stored or treated -

- (a) describe the procedures that shall be adopted in the treatment of hazardous waste;
 - (b) contain information on the method of treatment that shall be used; and
 - (c) provide instructions on the proper disposal and handling of such waste.
- (3) The plan specified in paragraph (1) shall be kept at the facility and shall at all times be available for inspection by authorised officers of the Agency.

Variation of plan

19. (1) Subject to paragraph (2), the Agency may at any time vary the requirements of a waste analysis plan.

(2) Where the holder of an environmental authorisation establishes to the satisfaction of the Agency, that the level of treatment specified in the approved waste analysis plan is inappropriate or that the method specified is not technologically feasible, the Agency may vary the approved treatment standard, taking into account the protection of human health and the environment.

Accumulation of hazardous wastes.

20. (1) The Agency shall determine the length of time that a generator may accumulate hazardous wastes at the facility prior to its treatment or transportation to a disposal site.

(2) In making its determination under paragraph (1) the Agency shall take into account the amount of hazardous waste produced by the facility and the hazard associated with the accumulation of such wastes at the site.

(3) A generator shall label each container or tank, which contains hazardous waste, that is being accumulated and indicate the date on which such accumulation commenced.

Requirement for manifest.

21. (1) Every holder of an environmental authorisation who transports, or offers to transport hazardous waste for treatment, storage or disposal shall, before commencing any such activity, submit a hazardous waste manifest to the Agency.

(2) The manifest shall contain the following particulars –

- (a) the name and address of the waste generator;
- (b) the name and description of the waste and hazard class;
- (c) the number and type of containers;
- (d) the quantity of waste being transported, and;
- (e) the name and address of the facility designated to receive the waste.

(3) Every person that manages such wastes shall sign the manifest and retain a copy for a period of three years.

(4) The copy of the manifest shall be retained on-site at the facility.

Signing of
manifest

22. (1) A hazardous waste transporter shall sign and date the manifest upon receiving the hazardous waste from the generator

(2) Upon the completion of the shipment of hazardous waste to its final destination, a hazardous waste transporter shall provide a copy of the manifest mentioned in regulation 21 to the generator of the waste.

PART V

OFFENCES AND PENALTIES

Offence to store,
treat, etc.

23. (1) Every person who transports, generates or operates a facility to treat, store or dispose of hazardous waste before obtaining an environmental authorisation shall be guilty of an offence and liable on summary conviction to a fine of not less than seventy thousand dollars nor more than three hundred thousand dollars and to imprisonment for three months and shall be disqualified from obtaining an authorisation for such period as the court determines.

(2) Any person who, while disqualified from holding an environmental authorisation obtains or attempts to obtain such authorisation shall be guilty of an offence and liable on summary conviction to a fine of not less than three hundred thousand dollars nor more than seven hundred and fifty thousand dollars and to imprisonment for one year.

(3) A person convicted of an offence under paragraph (2) shall, without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of not less than twelve months from the date of conviction, from holding or obtaining an environmental authorisation, and on a second conviction for a like offence shall be permanently disqualified from obtaining an authorisation.

Use of imported
chemicals.

24. Every person who knowingly uses a chemical substance or mixture which is imported, manufactured, processed or distributed in contravention of these Regulations shall be guilty of an offence and liable on summary conviction to a fine of not less than seventy-five thousand dollars nor more than seven hundred and fifty thousand dollars and to imprisonment for one year.

Unlawful
possession

25. (1) Every person who is in unlawful possession of, or has unlawfully under his control, any hazardous waste to which these Regulations relate shall be guilty of an offence and liable on summary conviction to a fine of not less than sixty thousand dollars nor more than one hundred and fifty thousand dollars.

(2) It shall be a defence for any person charged under paragraph (1) to show at the time that -

(a) when the hazardous waste came into that person's possession, that person made such enquiries, as in the circumstances of the case were reasonable, to ascertain whether the hazardous waste was a waste to which these Regulations apply; and

(b) when the alleged offence was committed that person had no reason to believe that the hazardous waste was waste to which these Regulations apply.

Contamination of any place. 26. Every person who willfully or negligently and with the knowledge that serious environmental harm will or might result causes the contamination of any place, except a declared hazardous waste disposal site, shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than eight hundred thousand dollars nor more than two million dollars and to imprisonment for five years.

Disposal in open dump. 27. (1) Within two years after the commencement of these Regulations any person who disposes of hazardous waste in a landfill other than a hazardous waste landfill disposal site thereby causing potential environmental harm shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than three hundred thousand dollars and to imprisonment for three months.

(3) Potential environmental harm is to be treated as serious environmental harm if it involves actual or potential harm to the health or safety of human beings that is of a high impact or on a wide scale.

Transportation of wastes. 28. (1) Any person who transports hazardous waste without having a manifest in his possession shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than sixty thousand dollars nor more than one hundred and fifty thousand dollars.

(2) Any person who transports hazardous wastes without first obtaining an identification number from the Agency or complying with the transportation requirements prescribed in the environmental authorization shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than seventy-five thousand dollars nor more than five hundred thousand dollars and to imprisonment for six months.

Accumulation of excess. 29. Any person who accumulates hazardous wastes in quantities that exceed the amount stipulated by the Agency in the environmental authorization is guilty of an offence and shall be liable on summary conviction to a fine of not less than seventy-five thousand dollars nor more than five hundred thousand dollars and to imprisonment for six months.

General provision as to penalties. 30. Unless otherwise provided, any person who contravenes any of the provisions of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than thirty thousand dollars nor more than eighty thousand dollars:

Provided that where the offender, liable to a prescribed fine under any of these Regulations is a body corporate, the body corporate shall be liable to a fine of not less than twice such prescribed maximum fine, and, where the offender liable to a prescribed term of imprisonment under any of these Regulations is a body corporate, the body corporate shall be liable to twice such term of imprisonment.

PART VI

ENFORCEMENT

Return to owner. 31. Any hazardous waste in respect of which there is a conviction for an offence against these Regulations shall be returned to its owner.

Declaration of hazardous waste disposal site. 32. (1) The Minister may declare any area or part of an area to be a hazardous waste disposal site and may alter or revoke any such declaration.

(2) No person shall deposit or cause to be deposited, any hazardous waste in any place except at a declared hazardous waste disposal site.

PART VII

GENERAL PROVISIONS

- Register of Hazardous Wastes.
33. (1) The Agency shall establish and maintain a Register of Hazardous Wastes.
- (2) The Register shall contain information identifying hazardous and acutely hazardous wastes that may be regulated:
- (3) The Agency shall cause the Register to be updated periodically and published from time to time in the *Gazette* and in one or more daily newspapers, having wide circulation in Guyana.
- Spill or accidental damage.
34. In the event of the occurrence of any spill or accidental discharge of any effluent mentioned in the Register of Hazardous Wastes mentioned in regulation 33 which either directly or indirectly gains or may gain access onto any inland or coastal waters or any land, the person or persons responsible for such occurrence shall immediately notify the Agency of the occurrence.
- Savings of laws.
35. These Regulations shall be read and construed as being in addition to, and not in derogation of any provisions of
- Cap 82:01.
No. 13 of 2000.
- (a) the Customs Act;
- (b) the Pesticides and Toxic Chemicals Act;
- (c) any other law.
- Regulations do not apply.
36. The following hazardous wastes shall not be subject to the requirements of these Regulations -
- (i) hauled sewage,
- (ii) waste from the operation of sewage works where such works are owned by a municipality wastes collected from households or residues arising from the incineration of household wastes;
- (iii) household waste including household hazardous waste;
- (iv) incinerator ash resulting from the incineration of waste that is neither hazardous waste or liquid industrial waste,
- (v) waste that is a hazardous industrial waste, hazardous waste chemical, flammable waste, corrosive waste, leachate toxic waste or reactive waste that is generated in an amount that is less than five kilograms or otherwise accumulated in an amount less than five kilograms,

(i) The holder of an environmental authorisation who desires to surrender it shall make an application for that purpose to the Agency in such form, giving such information and accompanied by such information as the Agency may request and accompanied by the fee as specified in regulation 8 of the *Environmental Protection (Authorisations) Regulations 2000*.

(ii) Upon receipt of such application the Agency shall –

(a) inspect the land to which the authorisation relates, and

(b) may require the holder of the authorisation to furnish further evidence or information.

(iii) The Agency shall determine whether or not it is likely or unlikely that the condition of the land, so far as that condition is the result of the use of the land for storage or treatment of hazardous waste (whether or not in pursuance of the authorisation), will cause pollution of the environment or harm to human health.

(iv) If the Agency is satisfied that the condition of the land is unlikely to cause the pollution or harm mentioned in paragraph (iii) above, then it shall, subject to paragraph (v), accept the surrender of the environmental authorisation; but otherwise the Agency shall refuse to accept it.

(v) Where the Agency proposes to accept the surrender of an environmental authorisation to store or treat hazardous waste, it shall, before it does so –

(a) refer the proposal to the Ministry responsible for Health; and

(b) consider any representations about the proposal that is made to it during the allowed period;

and if the Ministry referred in paragraph 2 (v)(a) advises that the surrender of the environmental authorisation be not accepted the Agency or the holder of the authorisation may refer the matter to the Environmental Appeals Tribunal.

(3) Where the surrender of an environmental authorisation is accepted under this regulation, the Agency shall issue to the holder of the authorisation, a certificate of completion stating that it is satisfied and, on the issue of such certificate the environmental authorisation shall cease to have effect.

(4) If within the period of three months beginning on the date on which the holder of the environmental authorisation notifies the Agency of his desire to surrender the authorisation, or within such longer period as the Agency and the holder of the authorisation may at any time agree in writing, the Agency has neither issued a certificate of completion nor given notice to the holder of the authorisation that the Agency has rejected his proposal, the Agency shall be deemed to have rejected the proposal.

Extension of
effective date.

7. (1) A holder of an environmental authorisation may be granted an extension of the effective date for the application of any condition of an authorisation with regard to disposal of hazardous waste.

(2) The holder of the authorisation to which paragraph (1) relates shall demonstrate –

- (a) that he has failed to contact treatment, recovery or disposal facilities to manage his wastes; and
- (b) that he has entered into a contractual commitment or otherwise to provide alternative treatment.

Change of ownership

8. Every holder of an environmental authorisation to operate a facility shall notify the Agency in writing of any change of name or ownership of the facility occurring after the commencement of these Regulations, within thirty days after the end of the month in which the change occurs.

Transfer of authorisation

9. An environmental authorisation may be transferred to another person in accordance with the provisions of regulation 21 of the *Environmental Protection (Authorisations) Regulations, 2000*

Change in operating conditions

10 (1) Where at any hazardous waste facility a failure to operate in the normal manner or a change in operating conditions occurs, or a shut-down of the facility or part thereof is made for some purpose resulting in the generation of hazardous wastes in quantities or concentrations in excess of those allowed in an environmental authorisation the owner or operator of the hazardous waste facility shall –

(i) immediately notify the Agency and furnish it with particulars of such failure, change or shut-down; and

(ii) furnish the Agency with particulars in writing, as soon as is practicable, of such failure, change or shut-down.

(2) If the Agency considers it advisable, it may authorise, in writing, the continuance of such operation for such period as it considers reasonable in the circumstances and may impose upon the owner or operator such terms and conditions for such continued operation as it considers necessary in the circumstances.

Application for variance

11. (1) A person granted an environmental authorisation may make an application to the Agency to vary any provision thereof on submission of supporting particulars in accordance with the provisions of regulation 20 of the *Environmental Protection (Authorisations) Regulations 2000*.

(2) The Agency shall, in addition to the requirements for variance specified in regulation 20 of the *Environmental Protection (Authorisations) Regulations 2000* publish the information in paragraph (1) in at least one daily newspaper having wide circulation in Guyana and members of the public shall have at least thirty days from the date of the publication of such notice to make any submissions to the Agency.

(3) The Agency shall take into account the submissions that have been made under paragraphs (1) and (2) in making its determination.

(4) The Agency shall publish its decision in at least one daily newspaper having wide circulation in Guyana.

PART III

REPORTING, RECORD KEEPING AND OBTAINING INFORMATION

Report on activities.

12. (1) Within two years after the commencement of these Regulations, every holder of an environmental authorisation shall, no later than forty-five days after the end of the operating year, prepare a report relating to the activities for the previous calendar year including -

- (a) the identification information of the facility;
- (b) types and quantities of hazardous waste generated;
- (c) data concerning off-site shipments of waste;
- (d) any applied treatment standards;
- (e) a summary of any accidents that may have occurred and any action taken;
- (f) any waste minimization efforts undertaken by the generator;
- (g) a pollution prevention plan for the facility; and
- (h) any other matter the Agency may require.

(2) The report prepared under paragraph (1) shall be submitted to the Agency.

(3) Every holder of an environmental authorisation shall ensure that each report prepared under paragraph (1) is available to any authorised person at the facility on request during normal working hours.

(4) A report to which this regulation refers shall be submitted both in electronic format acceptable to the Agency and in hard copy generated from the electronic format and shall be signed by the holder of the authorisation.

(5) Any person who fails to comply with the requirements of paragraphs (1) to (4) shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than ten thousand dollars nor more than fifty thousand dollars.

Registers of information.

13. (1) Every person who is granted an environmental authorisation shall, where applicable, keep books, documents, records or things showing, as the case may be -

- (a) the amount of hazardous wastes he has generated, stored, treated, transported or disposed of;
- (b) the dates pertinent to the activities referred in paragraph (a);
- (c) signed copies of manifests;
- (d) records of test results, waste analyses, permit and standard conditions required by any authorisation;

(e) such other information as the Agency may require.

(2) The holder of the authorisation shall keep such information to which paragraph (1) refers, for a period of not less than three years or for such other extended time as the Agency may determine.

PART IV

EMERGENCY PREPAREDNESS PLAN AND TRANSPORTATION

Availability of analyses.

14. A holder of an environmental authorisation shall use all reasonable efforts to ensure that analyses required in accordance with these Regulations are completed as soon as reasonably possible and that the results of those analyses are made available to the holder of the authorisation as soon as reasonably practicable.

Requirements for emergency preparedness plan

15. (1) Within two years after the commencement of these Regulations, every holder of an environmental authorisation to generate or transport hazardous waste or operate a facility shall submit an emergency preparedness plan to the Agency for approval.

(2) The plan specified in paragraph (1) shall identify the mechanisms that shall be put into practice to minimize hazards from fires, explosions or accidental releases of hazardous waste.

Communication of plan to staff, contractors, etc

16. The emergency preparedness plan shall be communicated to staff and contractors of the facility and shall include information in respect of -

- (a) accident prevention procedures;
- (b) first person response;
- (c) notification procedures;
- (d) location of clean-up equipment;
- (e) an analysis of potential accidents and responses, and;
- (f) materials safety data sheets for all materials which could be spilled.

Notification and clean-up plan.

17. Every holder of an environmental authorisation to generate or transport hazardous waste or operate a facility shall submit, to the Agency, a plan showing -

- (a) the location of all materials stored; and
- (b) a notification and clean-up plan for each proposed site of operation in the event of a spill.

Waste analysis plan.

18. (1) Within two years after the commencement of these Regulations, every holder of an environmental authorisation to operate a facility shall submit a waste analysis plan to the Agency for approval.

(2) The plan specified in paragraph (1) shall -

- (vi) waste that is an acute hazardous chemical and that is generated in any month in an amount that is less than one kilogram or otherwise accumulated in an amount that is less than one kilogram,
- (vii) wastes that are generated in raw material, product storage or manufacturing and such waste is kept in the tank, pipeline or vessel;
- (viii) an empty container or the liner from an empty container that contained hazardous industrial waste, hazardous waste chemical, flammable waste, corrosive waste, leachate toxic waste or reactive waste,
- (ix) the residues or contaminated materials from the clean-up of a spill of less than five kilograms of waste that is a hazardous industrial waste, hazardous waste chemical, flammable waste, corrosive waste, leachate waste or reactive waste, or
- (x) the residues or contaminated materials from the clean-up of a spill of less than one kilogram of waste that is an acute hazardous waste chemical,
- (xi) agricultural wastes including agricultural return flows and pesticide residues,
- (xii) used tyres that have been refurbished for road use,
- (xiii) used oil,
- (xiv) radioactive substances,
- (xv) point source discharges,
- (xvi) residues from recycling processes,
- (xvii) recovered oil,
- (xviii) oil, gas, mining and mineral processing wastes,
- (xix) used oil filters,
- (xx) hazardous waste generated in raw material, product storage, and process unit waste, or
- (xxi) wastes that occur from the normal material handling operations

Amendment of Schedules.

37. (1) The Minister acting on advice of the Agency, may make amendments to the Schedules to these Regulations.

(2) Where Schedules are amended under paragraph (1), the Agency shall cause a copy of that amended Schedule to be published in a daily newspaper having wide circulation in Guyana in Guyana.

Guidelines for storage, disposal, etc.

38. The Agency may establish such guidelines for the proper disposal, treatment, storage or any other activity related to the handling of hazardous wastes.

Closure guidelines.

39. (1) The Agency shall develop guidelines for the closure of hazardous waste facilities or sites where accumulation of hazardous waste is discontinued.

(2) The guidelines shall establish procedures, inter alia, for –

- (i) decontamination of equipment and soil;
- (ii) prevention of post-escape hazardous waste; and
- (iii) maintenance of the site.

SCHEDULE I

reg. 2(e) and (f)

LIST OF HAZARDOUS WASTES TO BE CONTROLLED

Waste streams

1. Clinical Wastes from medical care in hospitals, medical centers and clinics.
2. Wastes from the production and preparation of pharmaceutical products.
3. Wastes from the production , formulation and use of biocides and phytopharmaceuticals.
4. Waste pharmaceuticals, drugs and medicines.
5. Wastes from the manufacture, formulation and use of wood preserving chemicals.

Waste having as constituents

Metal carbonyls
Beryllium, beryllium compounds
Hexavalent chromium compounds
Copper compounds
Zinc compounds
Arsenic, arsenic compounds
Selenium, selenium compounds
Cadmium, cadmium compounds
Antimony, antimony compounds
Tellurium, tellurium compounds
Mercury, mercury compounds
Thallium, thallium compounds
Lead, lead compounds
Inorganic fluoride compounds excluding calcium fluoride
Inorganic cyanides
Acidic solutions or acids in solid form
Basic solutions or bases in solid form
Asbestos (dust and fibres)\Organic phosphorous compounds
Organic cyanides
Phenols, phenol compounds including chlorophenols
Ethers
Halogenated organic solvents
Any congener of polychlorinated bibenzo-furan
Any congener of polychlorinated dibenzo-p-dioxin
Organohalogen compounds other than substances referred to in this Schedule.

SCHEDULE II

reg. 2 (e)

LIST OF HAZARDOUS CHARACTERISTICS

1. Explosives.
2. Flammable liquids.
3. Flammable solids or waste solids other than explosives which may be readily combustible.
4. Oxydising substances.
5. Organic peroxides.
6. Poisonous substances.
7. Infectious substances.
8. Corrosives
9. Toxic gases.
10. Toxic substances which if inhaled or ingested may cause delayed or chronic effects.
11. Ecotoxic substances which if released may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon systems
12. Materials capable, after disposal, of yielding another material which possesses any of the characteristics specified in items 1 - 11 of this Schedule.

SCHEDULE III

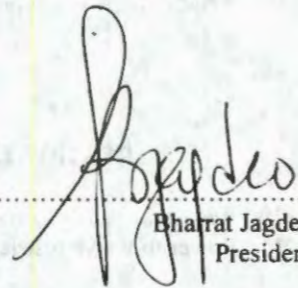
reg. 3

NOTICE OF ACTIVITY

EPA Identification No....

1. Name, address, telephone number and facsimile number of the applicant
2. Generators of the waste and the site of generation
3. Disposer of the waste and size of disposal
4. Designation and physical description of the waste and its composition and information on the special handling requirements including emergency provisions in case of accidents...
5. Types of packaging envisaged (e.g. bulk, drummed, etc) for storage, accumulation etc.
6. Estimated quantity weight and volume
7. Process by which waste is generated
8. Method of treatment, disposal
9. Information concerning the contract between the transporter, disposer as the case may be
10. Information relating to insurance

Made this 28th day of November, 2000.


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Bharat Jagdeo
President