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THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT

**THE NATURAL RESOURCES (HAZARDOUS WASTE) (CONTROL OF TRANSBOUNDARY
MOVEMENT) REGULATIONS, 2002**

In exercise of the power conferred upon the Minister by section 38(1) of the Natural Resources Conservation Authority Act, the following Regulations are hereby made:—

PART I—Preliminary

Citation. 1. These Regulations may be cited as the Natural Resources (Hazardous Waste) (Control of Transboundary Movement) Regulations, 2002.

Interpretation. 2. In these Regulations—

“area under the jurisdiction of a state other than Jamaica” means—

- (a) any land, marine area or airspace within which the State exercises administrative and regulatory responsibility in accordance with

international law in regard to the protection of human health or the environment; and

(b) any ship or aircraft registered in that State;

“area under the jurisdiction of Jamaica” includes—

(a) the airspace over Jamaica;

(b) the internal waters of Jamaica as specified in section 4 of the Maritime Areas Act; the archipelagic waters of Jamaica as specified in section 5 of that Act and the territorial sea of Jamaica as specified in section 12 of that Act;

(c) the Exclusive Economic Zone established under section 3 of the Exclusive Economic Zone Act;

“competent authority” in relation to a Convention State means the government authority responsible, within such geographical area as the Convention State thinks fit, for—

(a) the control of transboundary movements of hazardous waste in that State;

(b) receiving notification for the control of transboundary movements of hazardous waste in that State and any information related to it; and

(c) responding to the notification required under Article 6 of the Convention;

“Convention” means the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal signed at Basel, Switzerland on March 22, 1989, as in effect in relation to Jamaica;

“Convention State” means a State party to the Convention;

“current rate of exchange” in relation to the payment of any fee, means the weighted average selling rate of the currency of the United States of America as determined by the Bank of Jamaica on the day of payment of the fee;

Fourth
Schedule.

“dispose” in relation to hazardous waste, includes the carrying out of any of the operations specified in the Fourth Schedule;

“environmentally sound” in relation to the management of hazardous waste, means management in a manner which protects or will protect human health and the environment against the adverse effect of such waste;

“exporter” means a person under the jurisdiction of an exporting State who arranges for the export or re-export of hazardous waste;

“exporting State” means a Convention State from which a transboundary movement of hazardous waste is exported or planned to be exported;

First
Schedule
Third
Schedule.

Second
Schedule.

“hazardous waste” means—

- (a) waste that belongs to any category contained in the First Schedule, unless it does not possess any of the characteristics specified in the Third Schedule;
- (b) waste which belongs to any category contained in the Second Schedule; and
- (c) such waste as the Minister may, by order, declare to be hazardous waste;

“importer” means a person under the jurisdiction of an importing State who arranges for the import of hazardous waste into that State;

“importing State” means a Convention State to which a transboundary movement of hazardous waste is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in any area not under the jurisdiction of any State;

“in transit” includes any occasion on which hazardous waste remains on board an aircraft, ship or other form of transport and is in the process of movement to a named importer;

“Jamaica” has the same meaning as in the Jamaica Independence Act;

“management” in relation to hazardous waste, means—

- (a) the handling, collection, packaging, storage, storage for transport, transport, treatment or final disposal of the waste; and
- (b) the after-care of disposal sites, including the post-closure monitoring of such sites;

“permit holder” means any person to whom a permit has been granted under these Regulations;

“State concerned” means any importing State, exporting State or transit State whose territory is involved in a transboundary movement of hazardous waste;

“territorial sea” has the same meaning as under the Maritime Areas Act;

“transboundary movement” in relation to hazardous waste means any movement of the waste from an area under the jurisdiction of one State to or through an area—

- (a) under the jurisdiction of another State; or
- (b) not under the jurisdiction of any State, provided that at least two States are involved in the movement;

"transit" in relation to hazardous waste, means the continuous passage through an area under the jurisdiction of a State without regard to any temporary storage incidental to transport;

"transit State" means any State, other than the exporting State or importing State, through which a transboundary movement of hazardous waste is planned to take place without the waste being disposed of or recycled;

"wastes" includes any material, substance or object, or its residue or by-product, which—

- (a) is rejected, discarded or abandoned; or
- (b) is disposed of or is intended to be disposed of or is required to be disposed of in accordance with these Regulations.

Application
of Regula-
tions

3. These Regulations shall not apply to—

- (a) radioactive wastes which are subject to other international control systems, including international instruments, applying specifically to radioactive materials; and
- (b) wastes which derive from the normal operations of a ship, the discharge of which is covered by the Shipping Act or any international instrument in effect in relation to Jamaica.

PART II.—*Inspection of Hazardous Waste*

Appointment
of inspect-
ors.

4.—(1) The Authority may, from time to time, appoint as inspectors for the purpose of these Regulations, public officers or other persons who, by training and experience, are, in its opinion, qualified to be so appointed.

(2) The Authority shall issue each inspector with an identification card and the inspector shall, on entering any place for the purpose of carrying into effect any of the functions specified in regulation 5, produce the identification card to the person in charge thereof.

(3) The appointment of any person as an inspector shall be published in the *Gazette*.

Functions
of inspect-
ors.

5. An inspector shall—

- (a) inspect consignments of hazardous waste in order to ensure compliance with—
 - (i) the provisions of the Act and these Regulations;
 - (ii) any condition subject to which a permit is granted; or
 - (iii) the requirements of any other law pertaining to the transport and management of hazardous waste;
- (b) keep such records, as may be specified by the Authority;

- (c) report generally to the Authority at such times and in such manner as the Authority may determine; and
- (d) perform such other functions as may be authorized by the Authority for the purposes of these Regulations.

PART III—*Control of Inward Movement of Hazardous Waste*

Importation
of hazardous
waste
prohibited.

6.— (1) Subject to paragraph (2) and section 17(2) of the Maritime Areas Act, no person shall import hazardous waste into any area under the jurisdiction of Jamaica.

(2) A person from a Convention State, or a State with which there exists an agreement or arrangement for the transboundary movement of hazardous waste between Jamaica and that State, may move hazardous waste through an area under the jurisdiction of Jamaica only in accordance with the provisions of these Regulations.

Transit
through
Jamaica.

7.— (1) Every person from a Convention State who proposes to move hazardous waste through an area under the jurisdiction of Jamaica (whether the vessel carrying such hazardous waste is transiting Jamaica or is in transit in Jamaica) shall, at least ninety days before the commencement of the movement through that area, apply to the Authority for a transit permit.

(2) An application for a transit permit shall be made to the Authority in English in the form set out as Form 1 in the Fifth Schedule and shall be accompanied by—

Form 1.
Fifth
Schedule.

Form 2.

(a) an appropriate notification, in the form set out as Form 2 in the Fifth Schedule;

(b) an appropriate document tracing the proposed transboundary movement of the waste from the point at which the movement commences to the point of disposal in the form set out as Form 3 in the Fifth Schedule;

Form 3.

(c) such additional information or document as the Authority may require; and

(d) an application fee of US \$150 or the equivalent amount in Jamaican currency at the current rate of exchange.

(3) Every holder of a transit permit shall, not less than three days before the arrival of the consignment to which the permit relates in any area under the jurisdiction of Jamaica, confirm the arrival to the Authority, in such manner as the Authority may approve.

PART IV—*Export of Hazardous Waste*

Restriction
on export of
hazardous
waste.

8. Subject to regulation 9, no person shall export hazardous waste except in accordance with a special export permit or a general export permit granted by the Authority under regulation 11.

Form of export application

9 — (1) Every person who proposes to export hazardous waste shall, not later than one hundred and twenty days before the proposed date of export, apply to the Authority for a special export permit or a general export permit.

Form 4

(2) Every application under paragraph (1) shall be made in English to the Authority in the form set out as Form 4 in the Fifth Schedule and shall be accompanied by—

Form 2 Fifth Schedule

(a) an appropriate notification in the form set out as Form 2 in the Fifth Schedule;

(b) an application fee of two thousand five hundred dollars; and

(c) such additional information or document as the Authority may require.

(3) Upon receipt of an application under paragraph (1) the Authority shall cause an inspector appointed under regulation 4 to carry out an inspection of the hazardous waste to which the application relates.

(4) The inspector shall submit to the Authority a report in a form required by the Authority in respect of an inspection carried out under paragraph (3).

Authority to notify of proposed export

Form 3 Fifth Schedule

10. If, in relation to an application for an export permit, the Authority is satisfied that, subject to the receipt of the consent of any other State under regulation 13(1)(e), the application would be granted, the Authority shall, within six weeks after receiving the application, in writing in a language acceptable to the importing state, notify the competent authority of the States concerned in the form set out as Form 3 in the Fifth Schedule.

PART V—*Grant or Refusal of Permits*

Power of Authority re application

11.— (1) Subject to regulation 13 and paragraph (2), the Authority may, in relation to an application under regulation 7 or 9—

Forms 5 and 6.

(a) grant the appropriate permit, subject to such term and conditions relating to the transport of hazardous waste and such other terms and conditions as it thinks fit, which shall be in the form set out as Form 5 or Form 6 in the Fifth Schedule, as the case may require; or

(b) refuse to grant the permit.

(2) The Authority may, as it sees fit, refuse entry of any transboundary movement of hazardous waste from a Convention State through any area under the jurisdiction of Jamaica.

(3) Where the Authority refuses to grant a permit, it shall inform the applicant by notice in writing—

(a) of the reasons for its decision;

(b) of the right of appeal under section 35 of the Act; and

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- (c) that he may re-apply for a permit after the expiration of six months or such lesser period as may be determined by the Authority.
- (4) A notice under paragraph (3) shall be given to the applicant—
- (a) in the case of an application for a transit permit, within sixty days of the date of receipt of the application; or
- (b) in the case for an application for a special export permit or a general export permit, within six weeks of the date of receipt of the application.
- Permit fees. 12. A person shall, prior to the receipt of a permit, pay to the Authority in respect of—
- (a) a transit permit, a fee of US \$350 or an equivalent amount in Jamaican currency at the current rate of exchange;
- (b) a special export permit, a fee of eight thousand dollars; or
- (c) a general export permit, a fee of sixteen thousand dollars.
- Pre-conditions to grant of export permit. 13.—(1) The Authority shall not grant an export permit unless—
- (a) the applicant is from a Convention State;
- (b) it is satisfied that any transboundary movement of the hazardous waste—
- (i) is or will be reduced to the minimum, consistent with the environmentally sound and efficient management of such wastes;
- (ii) is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement;
- (c) it is satisfied that the waste will, during movement, be packaged, labelled and transported in conformity with generally accepted and recognized international rules and standards in relation to the packaging, labelling and transport of dangerous goods;
- (d) the waste will, from the time of export to the time of disposal, be accompanied by the appropriate movement document in the form set out as Form 3 in the Fifth Schedule;
- (e) it has been advised in writing by the competent authority of the importing State and transit State or States, if any, of their consent, in response to a notification under regulation 10, to the movement of the waste so, however, that the Authority may waive the requirement for consent to a notification under regulation 10, if—
- (i) a Convention State does not require prior written consent, either generally or under specific conditions, for the transit of
- Form 3
Fifth
Schedule

transboundary movements of hazardous wastes, or modifies its requirements in this respect; or

(ii) a transit State fails to respond within sixty days of the receipt of the notification by the transit State;

(f) the importing state confirms the existence of a written contract for the environmentally sound management of the waste, between the proposed exporter and the person in the importing State who it is proposed will carry out the disposal of the waste:

Provided that if the person is both exporter and importer there shall be a written arrangement between that person's representatives based in the exporting State and importing State, respectively;

(g) there is adequate insurance coverage or an adequate bank guarantee, trust fund, bond, line of credit, escrow account, or such other form of security as it considers appropriate, to protect against any injury, loss or damage arising out of or in connection with the movement of the waste;

(h) the movement of the waste will be carried out in accordance with such technical guidelines, not inconsistent with the Convention, as agreed by the States concerned;

(i) the importing state is a Convention State, unless an agreement or arrangement exists between Jamaica and the State in question that stipulates provisions which are not less environmentally sound than those provided for in the Convention;

(j) it is satisfied that Jamaica does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in an environmentally sound and efficient manner;

(k) the waste is not destined for disposal within the area south of 60° latitude, whether or not the waste is subject to transboundary movement;

(l) the importing State has not prohibited the import of the waste and has notified the Authority to that effect;

(m) the waste in question is required as raw material for recycling or recovery industries in the importing State; and

(n) in all other aspects it would be appropriate to grant the permit to the applicant.

(2) The agreement referred to in paragraph (1)(i) is an international agreement which relates to the transboundary movement of hazardous waste, the provisions of which, as regards the protection of the environment, are no less stringent than those made under the Convention.

(3) For the purposes of this regulation, insurance shall cover—

- (a) damage to third parties, environmental damage and other risks that might arise in relation to the hazardous waste concerned; and
- (b) such insurance as may be legally required in any state concerned with the movement of the waste.

Categories
of export
permit

14.—(1) The categories of export permit which may be granted under this Part are—

- (a) a general export permit which shall be valid for a period of one year or such lesser period as may be specified therein and entitles the holder of the permit to export multiple consignments of hazardous waste of the same physical and chemical characteristics regularly to the same disposer *via* the same customs office of exit of the exporting State *via* the same customs office of entry of the Importing State, and in the case of transit, *via* the same customs office of entry and exit of the transiting State or States, during that period in accordance with the terms and condition set out in the permit and with these Regulations; and
- (b) a special export permit which shall be valid for a period of one year and which entitles the holder of the permit to carry out a single export of hazardous waste, to a specified disposer by way of a specified port in accordance with these Regulations.

(2) Every permit holder shall, at least thirty days before the export of hazardous waste, inform the Authority of the export.

Authority
may vary
permit
conditions.
Suspension
or revoca-
tion of
permit.

15. The Authority may, at any reasonable time prior to the movement of hazardous waste, by notice in writing to the permit holder, vary the conditions subject to which a permit was granted.

16.—(1) Subject to paragraph (2), the Authority may—

- (a) suspend a permit, if it is satisfied that there has been a breach of any term or condition subject to which the permit was granted;
- (b) revoke a permit if it is satisfied that—
 - (i) the permit was obtained as a result of any misleading, false or fraudulent representation;
 - (ii) the permit holder has contravened the provisions of the Act or any regulation made thereunder.

(2) Before suspending or revoking a permit, the Authority shall serve on the permit holder a notice in writing—

- (a) specifying the reasons for the proposed suspension or revocation; and

(b) informing him that he may apply to the Authority to be heard on the matter within the time specified in the notice.

(3) Where paragraph (1) (a) applies, the notice under paragraph (2) (a) shall require the permit holder to remedy the breach within the period stated in the notice and to notify the Authority in writing of the remedy.

(4) Upon receipt of a notice under paragraph (3) the Authority shall cause an inspection to be carried out and, if on inspection, the breach is found to be remedied, the Authority shall withdraw the suspension.

PART VI—*Obligation Concerning Waste*

Notification
of acci-
dents.

17.—(1) Where, in any area under the jurisdiction of Jamaica—

- (a) a spill or release of hazardous waste occurs, whether in a port or during the transboundary movement of the waste; or
- (b) the environmentally sound management of hazardous waste is likely to be affected or jeopardized in any way,

the person who has the management or control of the waste at the time of the spill or release shall immediately notify the Authority of the spill or release and submit to the Authority, within fourteen days, a written report thereof.

(2) Paragraph (1) shall not operate in derogation of or substitution for the provisions of the Maritime Areas Act or any other enactment concerning hazardous waste.

Return
required
Form 7
Fifth
Schedule.
Certifica-
tion of
disposal

18. Every holder of a general export permit shall, within sixty days after the end of each year, submit to the Authority, in writing, a return on the activities carried out pursuant to that permit, in the form set out as Form 7 in the Fifth Schedule.

19. Every holder of a special export permit or a general export permit shall—

- (a) within five working days of the receipt of the hazardous waste to which the permit relates by the disposer; and
- (b) within ninety days of the completion of the disposal thereof,

notify the Authority in writing of the receipt or disposal.

Duty to
return
waste.

20.—(1) Where a transit permit or export permit is granted and, as the case may be—

- (a) the wastes are in an area under the jurisdiction of Jamaica or the jurisdiction of a Convention state;
- (b) the movement cannot be completed in accordance with the terms of the permit; and
- (c) alternative arrangements cannot be made for their disposal in an environmentally sound manner,

the permit holder shall ensure that the wastes in question are—

- (i) in the case of a transit permit, taken back into the exporting State; or
- (ii) in the case of an export permit, taken back into an area under the jurisdiction of Jamaica, within ninety days of the date on which the Authority and the Secretariat of the Convention are so informed or within such other period as may be agreed between the parties.

(2) The generator of any waste to which paragraph (1) relates shall ensure that, during any period in which the waste is in an area under the jurisdiction of Jamaica, the waste is stored in accordance with the terms and conditions of the permit, the provisions of the Act and any regulation thereunder and any other existing enactment for the management of waste.

PART VII—*Enforcement*

Cessation
order.

21.—(1) The Authority may issue an order—

- (a) whether in writing or otherwise, directing a person who has in his possession, on any aircraft or vessel, any hazardous waster in respect of which no transit permit has been issued to forthwith leave the area under the jurisdiction of Jamaica; or
- (b) in writing, directing any person to cease the export of hazardous waste in respect of which no permit has been granted under regulation 11(1) (a).

(2) The Minister may—

- (a) take such steps as are appropriate in the circumstances of the case; and
- (b) for the purposes of this paragraph, authorize any public officer, in writing to use such force as may be necessary,

for the purpose of ensuring compliance with an order under paragraph (1).

PART VIII—*Offences and Penalties*

Offence of
illegal
traffic in
hazardous
waste.

22. Every person who imports hazardous waste into, transits hazardous waste through, or exports hazardous wastes from, an area under the jurisdiction of Jamaica—

- (a) without notification pursuant to the provisions of these Regulations to every State concerned;
- (b) without a permit and the consent of every State concerned;
- (c) with consent obtained from a State concerned through falsification, misrepresentation or fraud;
- (d) that does not conform in a material way with the documents; or

(e) that results in the unlawful disposal of hazardous wastes in contravention of the Convention, the Act, these Regulations or of general principles of international law,

commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Offence of failing to return waste

23. Every person who fails to comply with the provisions of regulation 20 commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment for term not exceeding two years or to both such fine and imprisonment.

Offence of dumping hazardous waste

24. Every person who unlawfully dumps or otherwise disposes of any hazardous waste into an area under the jurisdiction of Jamaica commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

PART IX—*General*

Acts otherwise unlawful not permitted.

25. Nothing in these Regulations shall be construed as permitting any activity which is prohibited by virtue of the provisions of any other enactment.

FIRST SCHEDULE

(Regulation 2)

Categories of Wastes to be Controlled

Waste Streams

Y1	Clinical waste from medical care in hospitals, medical centres and clinics
Y2	Waste from the production and preparation of pharmaceutical products
Y3	Waste pharmaceuticals, drugs and medicines
Y4	Waste from the production, formulation and use of biocides and phytopharmaceuticals
Y5	Waste from the manufacture, formulation and use of wood preserving chemicals
Y6	Waste from the production, formulation and use of organic solvents
Y7	Waste from heat treatment and tempering operations containing cyanides
Y8	Waste mineral oils unfit for their originally intended use
Y9	Waste oils or water, hydrocarbons or water mixtures, or emulsions

FIRST SCHEDULE, *contd.**Categories of Wastes to be Controlled, contd.*

Waste Streams

Y10	Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs)
Y11	Waste tarry residues arising from refining, distillation and any pyrolytic treatment
Y12	Waste from production, formulation and use of inks, dyes, pigments, paints, lacquers and varnish
Y13	Waste from production, formulation or use of resins, latex, plasticizers, glues and adhesives
Y14	Waste chemical substances arising from research and development of teaching activities which are not identified or are new and whose effects on man or the environment are not known
Y15	Waste of an explosive nature not subject to other legislation
Y16	Waste from production, formulation or use of photographic chemicals or processing materials
Y17	Waste resulting from surface treatment of metals or plastics
Y18	Residues arising from industrial waste disposal operations

Waste having as a constituent any of the following:

Y19	Metal carbonyls
Y20	Beryllium; beryllium compounds
Y21	Hexavalent chromium compounds
Y22	Copper compounds
Y23	Zinc compounds
Y24	Arsenic; arsenic compounds
Y25	Selenium; selenium compounds
Y26	Cadmium; cadmium compounds
Y27	Antimony; antimony compounds
Y28	Tellurium; tellurium compounds
Y29	Mercury; mercury compounds

FIRST SCHEDULE, *contd.**Categories of Wastes to be Controlled, contd.*

Waste Streams

Y30	Thallium; thallium compounds
Y31	Lead; lead compounds
Y32	Inorganic fluorine compounds, excluding calcium fluoride
Y33	Inorganic cyanides
Y34	Acidic solutions or acids in solid form
Y35	Basic solutions or bases in solid form
Y36	Asbestos (dust and fibres)
Y37	Organic phosphorus compounds
Y38	Organic cyanides
Y39	Phenols; phenol compounds/ including chlorophenols
Y40	Ethers
Y41	Halogenated organic solvents
Y42	Organic solvents, excluding halogenated solvents
Y43	Any congener of polychlorinated dibenzo-furan
Y44	Any congener of polychlorinated dibenzo-p-dioxin
Y45	Organohalogen compounds other than substances referred to in this Schedule (such as, Y39, Y41, Y42, Y43 and Y44)

SECOND SCHEDULE

(Regulation 2)

Categories of Wastes Requiring- Special Consideration

Y46	Wastes collected from households that possess any of the characteristics specified in the Third Schedule
Y47	Residues arising from the incineration of household wastes

THIRD SCHEDULE (Regulation 2)

List of Hazardous Characteristics

UN Class	Code	Characteristics
3	H1	<i>Explosive</i> An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such speed as to cause damage to the surroundings.
3	H3	<i>Flammable liquids</i> The word "flammable" has the same meaning as "inflammable." Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example paints, varnishes, lacquers, <i>et cetera</i> , but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5° C, closed-cup test, or not more than 65.6° C, open-cup test.
4.1	H4.1	<i>Flammable solids</i> Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
4.2	H4.2	Substances or wastes liable to spontaneous combustion Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating upon contact with air, and being then liable to catch fire.
4.3	H4.3	Substances or wastes which, in contact with water, emit flammable gases. Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable or dangerous gases.

THIRD SCHEDULE, *contd.**List of Hazardous Characteristics, contd.*

UN Class	Code	Characteristics
5.1	H5.1	<i>Oxidizing</i> Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.
5.2	H5.2	<i>Organic Peroxides</i> Organic substances or wastes which contain the bivalent-o-o-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
6.1	H6.1	<i>Poisonous (Acute)</i> Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.
6.2	H6.2	<i>Infectious substances</i> Substances or wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.
8	H8	<i>Corrosives</i> Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport. They may also cause other hazards.
9	H10	Liberation of toxic gases in contact with air or water Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.
9	H11	<i>Toxic (Delayed or chronic)</i> Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
9	H12	<i>Exo-toxic</i> Substances or wastes which, if released, present or may present immediate or delayed adverse impacts to the environment by means of bio-accumulation or toxic effects upon biotic systems.

- 9 H13 Capable, by any means after disposal, of yielding another material, for example, leachate which possesses any of the characteristics listed above.

Corresponds to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods.

FOURTH SCHEDULE

(Regulation 2)

Disposal Operations

PART A—*Operations Which Do Not Lead to the Possibility of Resource Recovery, Recycling, Reclamation, Direct Re-use or Alternative Uses*

- D1 Deposit into or onto land (for example, landfill)
- D2 Land treatment (for example, biodegradation of liquid or sludgy discards in soils)
- D3 Deep injection (for example, injection of pumpable discards into wells, salt domes or naturally occurring repositories)
- D4 Surface impoundment (for example, placement of liquid or sludge discards into pits, ponds or lagoons)
- D5 Specially engineered landfill (for example, placement into lined discrete cells which are capped and isolated from one another and the environment)
- D6 Release into a water body, except seas or oceans
- D7 Release into seas or oceans, including sea-bed insertion
- D8 Biological treatment not specified elsewhere in this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations in this Part
- D9 Physico-chemical treatment not specified elsewhere in this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations in this Part (for example, evaporation, drying, calcination, neutralization, precipitation).
- D10 Incineration on land
- D11 Incineration at sea
- D12 Permanent storage (for example, emplacement of containers in a mine)
- D13 Blending or mixing prior to submission to any of the operations in this Part
- D14 Repackaging prior to submission to any of the operations in this Part

FOURTH SCHEDULE, *contd.*

D15 Storage pending any of the operations in this Part

*PART B—Operations Which May Lead To Resource Recovery,
Recycling, Reclamation, Direct Re-Use Or Alternative Uses*

Part B encompasses all such operations with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations included in Part A

- R1 Used as a fuel (other than in direct incineration) or other means to generate energy
- R2 Solvent reclamation or regeneration
- R3 Recycling or reclamation of organic substances which are not used as solvents
- R4 Recycling or reclamation of metals and metal compounds
- R5 Recycling or reclamation of other inorganic materials
- R6 Regeneration of acids or bases
- R7 Recovery of components used for pollution abatement
- R8 Recovery of components from catalysts
- R9 Used oil re-refining or other reuses of previously used oil
- R10 Land treatment resulting in benefit to agriculture or ecological improvement
- R11 Uses of residual materials obtained from any of the operations numbered R1-R10
- R12 Exchange of wastes for submission to any of the operations numbered R1-R11
- R13 Accumulation of material intended for any operation in this Part

FIFTH SCHEDULE

(Regulations 7, 9, 10, 11,
13 and 18)

FORM 1

THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT

The Natural Resources (Hazardous Waste) (Control of Transboundary Movement)
Regulations, 2002*Application for Transit Permit*
*(pursuant to regulation 7(2))*NOTE: Please read the following before completing this Form

1. This Form shall be completed in triplicate in block letters and submitted along with any required supplemental information to—

The National Environment and Planning Agency
10 Caledonia Avenue
Kingston 5
Jamaica, W.I.
2. The completed Form shall be accompanied by—
 - (a) a notification form supplied by the Authority;
 - (b) copies of the contract made between the exporter and disposer of the waste and any written consents/approvals granted by the importing State and any other transit State(s) for the movement of the waste;
 - (c) documents indicating that the appropriate insurance coverage, including indemnity for damage to third parties and for environmental damage or an adequate bank guarantee, trust fund, bond, line of credit, escrow account or such other form of security relating to damage to third parties and environmental damage, as the Authority considers necessary, has been put in place;
 - (d) evidence on the process by which the waste was generated;
 - (e) information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the waste upon which the latter has based his assessment that there was no reason to believe that the waste will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import; and
 - (f) the prescribed application fee of US\$150 or the Jamaican currency equivalent at the current rate of exchange. This fee is non-refundable.

-
-
3. This Form must be completed in order to avoid delay in its processing. Where attached sheets and other technical documents are utilized instead of or in addition to the space provided, indicate appropriate cross-reference. Paragraphs that are not applicable to your application should be marked N/A. The permit fee of US\$350 or the Jamaican currency equivalent at the current rate of exchange becomes payable at the time of issuance of the permit.
 4. If you are in doubt about any provision of this Form, please consult with an authorized officer before completing it.

A. *General*

1. Full name of applicant: _____

2. Address of applicant: _____

3. Telephone No.: _____ Fax No.: _____ E-mail address _____

B. *Waste Generator*

4. Full name of generator,
if different from applicant: _____

Address of generator: _____

- Contact person: _____
Telephone No.: _____ Fax No.: _____ E-mail address _____

C. *Carrier*

5. Quantity of waste to be exported (kilogrammes/litres) _____
6. Indicate the designation of the categories of waste in accordance with the First Schedule using prescribed type and physical description as stated therein _____
7. Estimated date and time (Greenwich Mean Time) of arrival of waste in area under the jurisdiction of Jamaica:

N.B. If using more than one carrier attach a list and of carriers provide similar information in respect of each carrier.

D. Declaration of Applicant

I declare that the information contained in this Application and the supplemental information provided is accurate and complete to the best of my knowledge and belief.

I understand that any misrepresentation contained in this Application may lead to the discontinuation of the processing of the Application and the revocation of any permit granted. I further understand that the permit, if granted, is not transferable and may be suspended or revoked for breach of any of the terms or conditions stipulated therein.

SWORN BY the said (Print or type)
name of applicant or if applicant is)
a legal body the name and title of)
two authorized officers)
for and on behalf of (name of)
body))
this day of , 20)
At)
In the parish/State of)
in the country of)

Signature(s) of applicant/officers

Before me:—

Notary Public

To be completed by Notary Public

Put X in the appropriate box:

[] my commission expires on (___ / ___ / ___)
dd mm yy

[] my commission does not expire

N.B. Please annex a certificate to this Form to the effect that the person by whom this Form has been witnessed is duly commissioned and practising in such State or country, or some portion thereof, and that full faith and credit can be given to his acts and indicating the date upon which the commission expires.

FOR OFFICIAL USE ONLY

Other information attached: _____

Application fee enclosed _____

Comments:

Authorized officer _____ / ____ / ____
Date

DEC. 27, 2002]

PROCLAMATIONS, RULES AND REGULATIONS

300W

FIFTH SCHEDULE, *contd.*

FORM 4

THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT

The Natural Resources (Hazardous Waste) (Control of Transboundary Movement) Regulations, 2002

*Application for Permit to Export Hazardous Waste
(pursuant to regulation 9)***NOTE:** Please read the following before completing this Form

1. This Form should be completed in triplicate in block letters and submitted along with any specified supplemental information to—
The National Environment and Planning Agency
10 Caledonia Avenue
Kingston 5
Jamaica, W.I.
2. This Form shall be accompanied by—
 - (a) a notification form supplied by the Authority;
 - (b) a movement form supplied by the Authority;
 - (c) a written consent of the competent authority of the importing State and the transit State(s), if any, for the transboundary movement of the waste;
 - (d) a written contract between the exporter/generator and the disposer specifying environmentally sound management of the waste;
 - (e) documents indicating that the appropriate insurance coverage, including indemnity for damage to third parties and for environmental damage or an adequate bank guarantee, trust fund, bond, line of credit, escrow account or such other form of security relating to damage to third parties and environmental damage, as the Authority considers appropriate, has been put in place;
 - (f) an emergency response plan which covers the movement of the waste from the point of generation/storage to the point of exit from Jamaica; and
 - (g) the prescribed application fee of J\$2,500. This fee is non-refundable.
3. Please attach certified copies of all statutory approvals granted to date and copies of all applications made and not yet determined.
4. A separate form must be completed for each intended export of hazardous waste except where such export is to the same foreign receiver subject to the form of operation for storage, recycling and disposal.
5. This Application must be completed in the correct order to avoid delay in its processing. Where attached sheets and other technical

FIFTH SCHEDULE. *contd.*

documents are utilized in lieu of the space provided, indicate appropriate cross-reference. Paragraphs that are not applicable to your application should be marked N/A.

6. The fee for the special permit and general is J\$8,000 and J\$16,000, respectively. The fee becomes payable at the time of the issue of the permit.
7. If you are in any doubt about any provision of this Application, please consult with an authorized officer before completing it.

A. General

Enter X in appropriate box: general permit special permit

1. Full name of exporter of waste: _____
2. Address of exporter: _____

3. Contact person(s): _____

4. Telephone No.: _____ Fax No.: _____ E-Mail address: _____

5. Specify name, registration number and country of registration of company, if different from name generator: _____

B. Generator of Waste

6. Please specify name of generator, if different from exporter: _____

7. Address and company registration number of generator: _____

8. Telephone No.: _____ Fax No.: _____ E-mail Address: _____

C. Category of Hazardous Waste

9. Quantity of waste to be exported (kilogrammes/Litres) _____

10. Indicate the designation of categories of waste in accordance with the First Schedule using the prescribed type as stated therein _____

D. Custom

11. Indicate the port of exit from Jamaica: _____

12. Indicate the port of entry in the importing State and the transit State(s), if any: _____

D. Declaration by Applicant

I declare that the information contained in this application and the attached document is accurate and complete to the best of my knowledge and belief.

I understand that any misrepresentation contained in this Application may lead to the discontinuation of the processing of the Application and the revocation of any permit granted. I further understand that the permit, if granted, is not transferable and may be suspended or revoked for breach of any of the terms or conditions stipulated therein.

SWORN BY the said (Print or type)
name of applicant or, if applicant is)
a legal body, the name and title of)
two officers authorized to sign for)
and on behalf of (body))
This day of , 20)
At)
In the parish/State of)
In the country of)

Signature(s) of applicant/officers

Before me:—

Notary Public

To be completed by Notary Public
Put X in the appropriate box:

[] my commission expires on (/ /)

[] my commission does not expire

N.B. Please annex a certificate to this Form to the effect that the person by whom this Form has been witnessed is duly commissioned and practising in such State or country, or some portion thereof, and that full faith and credit can be given to his acts and indicating the date upon which the commission expires.

FOR OFFICIAL USE ONLY

Other information attached: _____

FIFTH SCHEDULE, *contd.*

Application fee _____ enclosed

Comments:

Authorized officer _____ / / _____
Date

Notary Public

To be completed by Notary Public

Part B in the appropriate box

My commission expires on _____ and _____

My commission does not expire

M. If there is a correction to this Form or if when this Form has been witnessed it is found that there is a discrepancy in the information given to the notary and the commission expires

FOR OFFICIAL USE ONLY

Other information recorded

FIFTH SCHEDULE, *contd.*

FORM 5

THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT

The Natural Resources (Hazardous Waste) (Control of Transboundary Movement) Regulations, 2002

*Transit Permit
(pursuant to regulations 7 and 11)*

Transit Permit No.:

Date of Application:

.....
(Name of importer)

.....
(Address of importer)

is hereby authorized to move the hazardous waste described in Part A of the Schedule, which shall be transported in the carriers listed in Part B of the Schedule, through Jamaica/the following area under the jurisdiction of Jamaica, namely—

.....
(specify area or co-ordinates)

to
(transit State(s) address(es) of competent authority and final destination)

in accordance with the terms and conditions specified in Part C of the Schedule.

SCHEDULE

PART A
(Description of Hazardous Waste)

PART B
(Names of Carriers)

PART C
(Terms and Conditions)

Dated this day of , 200.....

SEAL OF AUTHORITY

.....
Signature of Authorized Officer,
Natural Resources Conservation Authority.

FORM 6

THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT

The Natural Resources (Hazardous Waste) (Control of Transboundary Movement) Regulations, 2002

Permit to Export Hazardous Waste
(pursuant to regulations 9 and 11)

Hazardous Waste Permit No.:

Date of Application:

General Permit Special Permit

.....
(Name of exporter)

.....
(Address of exporter)

is hereby authorized to export the hazardous waste listed in Part A of the Schedule which is transported in

(Name of carrier)

to *(foreign receiver(s))*

through..... *(transit states)*

to.....

.....
(country and address of final destination) (waste receptacle)

in accordance with the terms and conditions specified in Part B of the Schedule.

SCHEDULE

PART A

(Description of Hazardous Waste)

PART B

(Terms and Conditions)

Dated this day of , 200....

SEAL OF AUTHORITY

.....
Signature of Authorized Officer,
Natural Resources Conservation Authority.

FORM 7

THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT

The Natural Resources (Hazardous Waste) (Control of Transboundary Movement) Regulations, 2002

*Return on Activities conducted under Permit No.
(pursuant to regulation 18)*

Part A of this Form shall be completed by the exporter/generator of the hazardous waste and Part B by the importer/receiver of the hazardous waste

Please attach the relevant documentation to prove the information requested below.

PART A

1. The types and amounts of hazardous waste shipped.
2. A record of the various firms or organizations which, or individuals who, have been involved with the shipment.
3. Notification in detail of any spills or leaks or accidents.
4. Date of departure from Jamaica of waste and date of arrival to country of import and the facility to which the wastes is destined.

PART B

1. Information on the treatment, storage and disposal of hazardous waste when they reach their final destination.
2. Any discrepancy or refusal of waste or problems between the amount and type of waste reported as being shipped by the exporter and what was received.
3. Any re-transfer of a part or the total of waste to another location for treatment, storage, recycling or disposal, the name of the transferor and the address of the facility or site.
4. Any change in the carrier or in the type or method of transportation of the waste.

Dated this day of , 200 .

.....
Name and title

.....
Signature of Declarant or
Authorized Officer (if
company, affix seal)

Dated this 18th day of December, 2002.

DEAN PEART,
Minister of Land and Environment.

