



Name: **SPECIAL REGULATION ON HAZARDOUS SUBSTANCES, WASTE AND HAZARDOUS WASTES**

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Content;
DECREE Nº 41.

THE PRESIDENT OF THE REPUBLIC OF EL SALVADOR,

CONSIDERING:

I. Article 57 of the Environmental Law provides that the introduction, transit, distribution and storage of hazardous substances shall be regulated by a Special Regulation issued by the Ministry of Environment and Natural Resources, in coordination with the Ministry of Public Health and Social Assistance, the Ministry of Economy and the Superior Council of Public Health;

II. Pursuant to Article 59 of the Environmental Law, the introduction, transit, release and storage of hazardous wastes into the national territory is prohibited;

III. That it is an urgent necessity for the preservation of the environment and public health, to dictate measures that minimize the risks of contamination by hazardous substances, residues and wastes.

THEREFORE:

In use of its constitutional powers.

DECREES the following:

SPECIAL REGULATION ON HAZARDOUS SUBSTANCES, RESIDUES AND WASTES

CHAPTER I

GENERAL PROVISIONS

Purpose and Scope of Application

The purpose of these provisions is to regulate the Environmental Law, hereinafter referred to as "the Law", with respect to activities related to hazardous substances, wastes and residues.

Competent Authority

Art. 2. The application of these Regulations is the responsibility of the Ministry of the Environment and Natural Resources, hereinafter referred to as "the Ministry", in coordination with the other institutions having jurisdiction, according to their respective laws, over the matter regulated by these Regulations.

Definitions

Art. 3. For the purposes of these Regulations, the definitions and concepts contained in the Law, in its general Regulations and in those incorporated hereunder shall be considered:

STORAGE: The action of storing, gathering, conserving, keeping or depositing hazardous substances, wastes and residues in warehouses, warehouses or containers, under the conditions stipulated in these regulations.

CONFINEMENT: final disposal of hazardous wastes in adequate sites and conditions to minimize negative impacts on human health and the environment.

CONTAINER: movable box or cylinder, of suitable type and characteristics, in which hazardous wastes or residues are deposited for transportation or temporary storage.

FINAL DISPOSAL, DE-NATURALIZATION OR DESTRUCTION: Physical removal, or transformation into innocuous products, carried out under strict control standards, of materials that are harmful or hazardous to the environment, the balance of ecosystems, and the health and quality of life of the population.

HAZARDOUS WASTE STREAM: waste fluid containing hazardous waste.

PACKAGING: Protective outer wrapping that covers, or in which containers of hazardous substances, wastes and/or residues are deposited for handling.

PACKAGING OF HAZARDOUS SUBSTANCES, WASTES OR WASTES: Containers in which hazardous substances, WASTES OR WASTES are deposit, store or transport hazardous substances, wastes or residues.

LABEL: The written, printed or graphic material, harmonized and approved, engraved or attached to the immediate container and on the outer packaging or wrapping of containers containing Hazardous Substances, Wastes or Hazardous Wastes.

GENERATOR: Any natural or legal person who, as a result of the handling or processes they carry out, produces hazardous waste or residues.

LALES: Waste generated in the primary operations of mineral separation and concentration.

HAZARDOUS MATERIALS MANAGEMENT: The set of operations that includes storage, collection, transportation, reuse, treatment, recycling, incineration and environmentally sound disposal of hazardous substances, wastes and residues.

ENVIRONMENTALLY RATIONALE HANDLING OF HAZARDOUS WASTE: The following is understood to mean the taking all practicable measures to ensure that hazardous wastes and other wastes are managed in a manner that will protect the environment and human health from harmful effects that may result from such wastes.

TRANSBOUNDARY MOVEMENT: That movement of hazardous wastes or hazardous wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State, or to or through an area not under the national jurisdiction of any State, provided that the movement affects at least two States.

OPERATOR OF HAZARDOUS SUBSTANCES, WASTE OR WASTES: Natural or legal person who The legal entity authorized to carry out any of the operations or activities involved in the management of hazardous substances, wastes or residues (storage, packaging, transportation, treatment, disposal or final disposal).

PRIOR INFORMATION AND CONSENT PROCEDURES (CIP procedures).
The procedure for obtaining and disseminating decisions from importing countries as to whether they wish to receive future shipments of hazardous substances and/or wastes that have been banned or severely limited or restricted.

HAZARDOUS WASTE: Material having hazardous characteristics, which after serving a specific purpose still retains useful physical and chemical properties, and therefore can be reused, recycled, reclaimed or reclaimed for the same or a different purpose.

PROHIBITED SUBSTANCE: Any substance whose uses, for health or environmental reasons, have been totally prohibited by governmental decision. In such cases it is categorized as hazardous waste.

GUARANTEE SEAL: Marking, label, security cap or any other system of the container seal, which guarantees its identity and the originality of the product.

HAZARDOUS WASTE TREATMENT: Refers to any process or method intended to modify the physical, chemical or biological characteristics in order to reduce its hazardousness or reduce its volume.

TRANSPORTATION DOCUMENT: This refers to the information necessary for the identification of hazardous materials and safety measures in case of accidents or contingencies, which must be prepared by the owner of the generation or storage activity.
The definitions contained in international instruments ratified by El Salvador, especially those of Article 2 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, hereinafter referred to as the Basel Convention, shall also be applicable.

Powers and competence of the Ministry

The Ministry shall be the competent authority for the application of these Regulations and shall exercise the following powers in these matters:

- a) Identify which substances, wastes and residues are hazardous and publish their lists;
- b) Conduct audits whenever it deems necessary, always in strict compliance with the law;
- c) To provide the technical rules for the introduction, transit, distribution and storage of hazardous substances and wastes, as well as for the final disposal of hazardous wastes, in accordance with the provisions of the Law and these Regulations;
- d) To carry out the mandatory international exchange of information, derived from the Convention on Prior Information and Consent (PIC Convention), in coordination with the Superior Council of Public Health, the Ministry of Public Health and Social Assistance (MSPAS) and the Ministry of Agriculture and Livestock (MAG), regarding hazardous substances, residues and wastes, of environmental and sanitary importance;
- e) Execute the necessary actions to comply with the provisions of Articles 4, 5, 6, 10, 11, 13 and 14 of the Basel Convention.
- f) To declare ex officio or after a duly accredited laboratory analysis, the condition of substance, residue and/or hazardous waste, in order to establish the degree of danger in the unsustainable use and management of these, as well as the danger to the environment, natural resources and human health, so that in this regard, technical standards and rules can be issued, for the control and regulation of storage and management of existing inventories of substances, residues and wastes, which are subject to the regulation of this Regulation;
- g) Coordinate, with other entities with competence in the matter, the management of hazardous wastes generated in the operations and processes of extraction, benefit, transformation, production, consumption, use and services,
- h) Authorize the export of hazardous wastes, without prejudice to the legal powers corresponding to other authorities; and
- i) Promote social participation in the control of hazardous wastes and encourage the productive sector to use technologies or other alternatives that reduce the generation of hazardous wastes, in accordance with Article 4 of the Basel Convention.

Traffic control responsibility

Art. 5. The Ministry, in coordination with the institutions responsible for the transit control of hazardous substances and wastes, shall ensure that they comply with the requirements established in national and international legal instruments, so as to guarantee the protection of human health and the environment.

CHAPTER II

REGISTRATION, INSCRIPTION AND IMPORTATION OF HAZARDOUS SUBSTANCES

Importer's Obligations

Art. 6. The importer of hazardous substances shall provide the Ministry with the technical information necessary to evaluate the hazardous substances and the possible risks they may cause to human health and the environment.

Import Application

Art. 7. Based on Art. 20 of the Law, the importer of hazardous substances shall apply to the Ministry for the Environmental Import Permit. Said request shall contain the following data:

- a) Full name, domicile and precise data of the natural or legal person importing. In the case of a legal entity, the exact name and domicile of the legal representative must be indicated, in which case its legal personality must be accredited in accordance with the Law;
 - b) Safety data sheet of the substance you wish to import;
 - c) Quantity of the hazardous substance being imported;
 - d) Name of the person supplying the substance, indicating the country of origin; and
 - e) Transport route by which the substance will be imported.
- Extension of the Permit

The permits referred to in the preceding Article shall be issued in quintuplicate, which shall be distributed in this manner: Original and duplicate for the importer; triplicate for the General Directorate of Customs Revenue; quadruplicate for the Ministry; and quintuplicate for the exporter.

Invoice approval

Art. 9. The consular offices of El Salvador abroad shall endorse the invoice document that covers dangerous substances, provided that the following documents are presented by the interested parties:

- a) A permit legally issued by the corresponding authority, authorizing the departure of the hazardous substances declared in the consular invoice; and
- b) Authorization granted by the Ministry, approving the importation of the substance indicated on the consular invoice document.

This document will be kept by the Consulate when the invoice is endorsed.

The declaration made on each invoice shall be for a single purchase of hazardous substances. For hazardous substances of continuous importation, the authorization may be valid for a lump sum and for a preset period.

Import Routes

The importation of hazardous substances may be carried out by air, sea or land, in accordance with the procedures of the Civil Aviation Organization (ICAO), the International Air Transport Association (IATA), the Dangerous Goods Regulations (RSMP), the International Maritime Organization (IMO), the International Maritime Dangerous Goods Code (IMDG), the Regulations for the Safe Transport of Radioactive Materials (RTSMR, Safety Series No. 6) and the Recommendations for the Transport of Dangerous Materials (RPTMP, United Nations Book). 6) and the Recommendations for the Transport of Hazardous Materials (RPTMP, United Nations Book).

Record Book

Art. 11. Any person importing hazardous substances into the country shall keep a registry book authorized by the Ministry, in which the quantities of each of the imported substances, as well as their recipients, shall be recorded.

These books must be presented whenever required by the Ministry and there is a legal basis for doing so, and when new import permits are to be obtained.

Mandatory permit requirement

Art. 12. The Environmental Permit for the importation of hazardous substances shall be obtained without prejudice to the provisions of other laws related to chemical products.

Application for Registration

Art. 13. For the registration of a hazardous substance, the importer must submit a written application to the Superior Council of Public Health. Each application for registration is valid for only one substance. In said application, without prejudice to the provisions of the Health Code and other applicable provisions, as a sworn statement, the following shall be identified:

- a) Full name, domicile and precise data of the natural or legal person requesting the registration; in the case of a legal person, the name and precise domicile of the legal representative must be indicated, and in such case, its legal personality must be accredited in accordance with the Law;
- b) Trade name and scientific name of the hazardous substance and name, trade name or designation of the manufacturer and origin; and
- c) Material, type and size of presentation containers or packaging, ensuring that the material used in the container or packaging is resistant to the physical action or chemical reactions of the substance contained.

Attachments to the Registration Application

Art. 14. The application for registration must be accompanied by the description of the product and the characteristics in Spanish language in original and one copy. Said declaration has the legal nature of a sworn statement and must contain the following essential information:

- a) Physical and chemical properties;
- b) Commercial Name;
- c) Chemical Name;
- d) Structural, empirical and molecular weight formulas;
- e) Physical condition;
- f) Chemical and physical methods of analysis;
- g) Characteristics such as flammability, toxicity, reactivity, corrosivity, explosiveness, hydrolysis, oxidation, light and temperature resistance;

- h) Dangers and precautions;
- i) Mechanism of toxic action, median lethal dose (DI50) or equivalent;
- j) Absorption pathways;
- k) Type of protective equipment for handling, transport and storage;
- l) First aid, specific antidote;
- m) Recommended methods for industrial decontamination of used containers, destruction of unusable remnants, handling and disposal of spills, cleaning and maintenance of used equipment; and
- n) Certificate of registration and free sale of the country of origin, where it shall be specified whether or not the substance is of restricted use. The certificate must be duly authenticated by the Consul of El Salvador, accredited in the country of origin of the substance, and such signature authenticated and attested by the Ministry of Foreign Affairs. The date of issuance of the certificate shall not exceed one year from the date on which the application is submitted.

Validity and effects of registration

Art. 15. Regarding the validity, period of validity, revalidation, cancellation and other effects of the Registry, the provisions of the legislation applicable by the Superior Council of Public Health, hereinafter referred to as the Council, shall apply.

Cancellation of registration

Art. 16. The Council, without prejudice to the provisions of its pertinent legislation, may suspend or cancel the registration when it differs from the characteristics under which it operated, or its use and management represent an intolerable danger or risk to human, **animal** or plant health or to the sustainability of the environment in general, or by express prohibition of the competent authority.

CHAPTER III

OF HAZARDOUS WASTE GENERATION

Responsibility of the Generator and other process agents

Art. 17. The generators of hazardous waste, as well as the natural or legal persons that use, generate, collect, store, reuse, recycle, commercialize, transport or treat such waste, shall be responsible for complying with the provisions of the Law, these Regulations and the technical rules derived therefrom, being obliged to determine their hazardousness and to register with the Council, as well as to keep themselves updated in said Registry.

Application for registration

Art. 18. Every generator of hazardous waste shall apply for registration and registration, submitting to the Council, without prejudice to other pertinent provisions, a sworn declaration stating the following:

- a) Full name, company name or denomination;
- b) Location of the hazardous waste generating plant or site;
- c) Physical, chemical and/or biological characteristics of each of the wastes generated;
- d) Description of hazardous waste generating processes;
- e) List of hazardous substances used.
- f) Environmentally sound method and place of treatment and/or disposal;
- g) Form of transport according to the waste generated;
- h) Estimated annual quantity of each of the wastes generated;
- i) Method for evaluation of hazardous waste characteristics;
- j) Sample extraction procedure;
- k) Method of leachate analysis and standards for its evaluation; and
- l) List of personnel exposed to the effects produced by hazardous waste generation activities, precautionary procedures and corresponding medical diagnosis.

This data must be updated annually by means of a sworn statement, for which purpose a registry book must be kept in which a chronological record of all the operations carried out must be made. Said books must be initialed and numbered and be available to the Ministry when so required.

Report

Art. 19. The generator shall submit to the Ministry a six-monthly report on the movements made, during said period, with its hazardous waste.

Requirements

The Environmental Permit shall be a necessary requirement for the operation of the respective industries, transports, treatment plants and other activities, in general, that generate or operate with hazardous waste.

Environmental Quality.

Art. 21. The generators of hazardous waste shall promote its minimization in the productive sector, as a policy applicable to their activities, through the use of technologies that reduce the generation of hazardous waste, as well as through the development of activities and procedures that lead to a sustainable management of the aforementioned waste and the dissemination of such activities.

Obligations of the generator

Art. 22. The generator of hazardous waste shall:

- a) Handle segregated management of hazardous wastes that are not compatible with each other;
- b) Package your hazardous waste in containers that meet safety conditions, full identification of their physical state and their hazardous and incompatible characteristics;
- c) To give its hazardous wastes the corresponding treatment; and
- d) Maintain and store their hazardous waste in safe conditions and in areas that meet the requirements for this purpose.

CHAPTER IV

HAZARDOUS WASTE GENERATION

Hazardous Waste

Art. 23. The following categories are considered hazardous wastes:

Waste Streams

Y0 All wastes containing or contaminated by radionuclides whose concentration or properties may be the result of human activity.

Y1 Clinical waste resulting from medical care provided in hospitals, medical centers and clinics.

Y2 Waste resulting from the production and preparation of pharmaceutical products. Y3

Waste pharmaceuticals and pharmaceutical products.

Y4 Wastes resulting from the production, preparation and use of biocides and phytopharmaceuticals.

Y5 Wastes from the manufacture, preparation and use of wood preserving chemicals.

Y6 Wastes resulting from the production, preparation and use of organic solvents.

Y7 Cyanide-containing wastes from heat treatment and tempering operations.

Y8 Waste mineral oils unfit for their intended use. Y9 Waste oil/water or

hydrocarbon/water mixtures and emulsions.

Y10 Waste substances and articles containing or contaminated by polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs).

Y11 Tarry residues resulting from refining, distillation or any other pyrolytic treatment.

Y12 Wastes resulting from the production, preparation and use of inks, dyes, pigments, paints, lacquers or varnishes.

Y13 Wastes from the production, preparation and use of resins, latex, plasticizers or glues and adhesives.

Y14 Waste, unidentified or new chemical substances resulting from research and development or teaching activities and whose effects on humans or the environment are not known.

Y15 Wastes of an explosive nature that are not subject to different legislation.

Y16 Wastes from the production, preparation and use of chemicals and materials for photographic purposes.

Y17 Wastes from surface treatment of metals and plastics. Y18 Wastes from industrial waste disposal operations.

Waste having as constituents:

Y19 Carbonyl metals.

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. Y30

Thallium, Thallium compounds.

Y31 Lead, lead compounds.

Y32 Inorganic fluorine compounds, excluding calcium fluoride. Y33

Inorganic cyanides.

Y34 Acid solutions or acids in solid form. Y35 Basic solutions or bases in solid form. Y36 Asbestos (dust and fibers).

Y37 Organic phosphorus compounds.

Y38 Organic cyanides.

Y39 Phenols, phenolic compounds, including chlorophenols. Y40 Ethers.

Y41 Halogenated organic solvents.

Y42 Organic solvents, excluding halogenated solvents. Y43 Any substance of the polychlorinated dibenzofuran group.

Y44 Any substance of the polychlorinated dibenzo-p-dioxin group.

Y45 Organohalogen compounds, other than substances mentioned in this Annex (e.g. Y39, Y41, Y42, Y43, Y44).

Y46 Waste collected from households. Sewage waste.

Y47 Waste from household waste incineration.

Hazardous wastes are also considered to be the categories of the Annexes of the Basel Convention and those contained in other international instruments ratified by El Salvador in this area.

In accordance with Article 4 of the Basel Convention, generators of hazardous wastes should promote their minimization in the productive sector, as a policy applicable to their activities, through the use of technologies that reduce the generation of hazardous wastes, as well as through the development of activities and procedures that lead to sustainable management of the aforementioned wastes and the dissemination of such activities.

Duties of the generator.

Art. 24. The responsibility for the management and final disposal of hazardous wastes corresponds to the owner of the activity, work or project.

Preference of the place of treatment.

Art. 25. Any hazardous waste treatment process shall be carried out preferably and whenever possible, at the place of its generation.

Export of hazardous waste

Art. 26 The owners of activities, works or projects related to hazardous waste,

shall be responsible for obtaining all necessary authorizations in case of export and for complying with the provisions of Articles 4, 6 and 7 of the Basel Convention.

Likewise, the Ministry will not authorize the export of hazardous wastes when their reimportation is contemplated or when the country of destination requires reciprocity or implies or may induce a breach of the obligations assumed by El Salvador when ratifying the international instruments that regulate this matter.

Biological-infectious waste

Art. 27. For waste of a biological-infectious nature, the Ministry shall take into account the provisions of the Health Code and other corresponding regulations.

CHAPTER V

TRANSPORTATION, STORAGE, DISPOSAL AND ENVIRONMENTALLY

SOUND MANAGEMENT OF HAZARDOUS WASTES

Environmental Assessment

Art. 28. The Ministry shall require and evaluate the Environmental Impact Study of the projects on treatment systems, disposal and storage facilities and final disposal of hazardous wastes, in accordance with Art. 21, letter d) of the Law. The hazardous wastes to be handled in such facilities must be indicated in the Environmental Impact Study, as well as the projected quantity of such wastes.

The evaluation of the respective Environmental Impact Study, as well as its control and follow-up, will be carried out in accordance with the provisions of Chapter IV of the Law on the Environmental Evaluation System.

Hazardous waste management.

Art. 29. The management of hazardous waste shall be carried out in accordance with these Regulations, the technical rules and the technical standards of environmental quality applicable in the country, in close coordination with the Ministries of Public Health and Social Assistance, Agriculture and Livestock, the Ministry of Economy, the Vice Ministry of Transportation, and the municipalities.

Incompatibility of hazardous waste.

Art. 30. Incompatible hazardous wastes shall be handled separately, in order to dispose of them safely. For each hazardous waste, the most adequate treatment shall be selected, be it physical, chemical or biological, as well as a combination of the above.

In general, the treatment of a hazardous waste will be aimed at reducing its magnitude, isolating it and reducing its degrees of hazardousness and toxicity.

Service provision

Art. 31. The services for the management of hazardous wastes, in any or all of their phases, may be rendered by natural or juridical persons, public or private, constituted in the following areas

and authorized for such activity, and duly registered before the competent authorities. Obligation to register activities.

Art. 32. The person responsible for each of the hazardous waste management activities is obliged to keep a record of his activities, with a responsible signature, in which it shall be indicated, as the case may be:

- a) Date, quality, quantity, characteristics and degree of hazardousness of the specific hazardous waste;
- b) Date of departure and arrival, storage, origin, destination and reason for which the hazardous waste was received or delivered;
- c) Incident or accident report, which shall include:
 - i. Identification, address and precise data of the company generating the hazardous waste and of the company responsible for its management;
 - ii. Indication of volume or mass quantities; physical, chemical and biological characteristics; degree of hazard or other data of the hazardous waste involved;
 - iii. Measures taken, and to be taken, to control their adverse effects;
 - iv. Safety measures to be disseminated and implemented to mitigate the negative impacts arising from the unforeseen event; and
- d) Place of confinement or other form of final disposal of hazardous waste, including this section of the register:
 - i. Volume, mass, origin, characteristics and degree of hazardousness of hazardous waste;
 - ii. Place and date of confinement;
 - iii. Disposal systems used; and
 - iv. Area occupied by waste.

Transportation

Art. 33. The transportation of hazardous waste by air is not allowed, except for small quantities that are accepted by the air transportation companies. In this case, for the issuance of the Environmental Permit, the owner of the activity must present the written acceptance of the air transport company. The restrictions to the transport of wastes, contemplated in the Basel Convention and other relevant international instruments, applicable in El Salvador, will be applicable.

CHAPTER VI

TREATMENT AND DISPOSAL OF HAZARDOUS WASTE

Pretreatment

Art. 34. The pretreatment necessary for some hazardous wastes shall be oriented to reduce their volume, increasing their concentration, or to reduce their degree of danger, by solidification, by physical, chemical, biochemical or biotechnological processes, or the combination of the above.

Destructive Treatment

Pyrolysis, incineration or any other destructive method of hazardous waste must be carried out in authorized places for such purpose, avoiding environmental contamination.

Final disposition

Pursuant to Article 21 letter d) of the Law, the final disposal systems applicable to hazardous wastes are controlled confinements. In the case of wastes derived from agrochemicals, their confinement shall be specific and such wastes may not be combined with wastes of other nature or characteristics.

Signaling of confinement sites

Art. 37. The places destined for the controlled confinement of hazardous wastes must be duly signposted, evidencing to the population the danger or risk of the area.

Containment site selection

Art. 38. The confinement sites may not be located in zones or places near rivers, lagoons, water tables, residential or housing areas. The selection of the confinement site, as well as the design and construction of controlled confinements, of agrochemical or other waste recipients, must comply with the safety characteristics established in the Environmental Permit.

Leachate in the landfill

Art. 39. The hazardous waste confinement site must include preventive measures for the collection and treatment of possible leachates or spills that could be generated.

Information required in the containment reports

Art. 40. The holder of the activity of hazardous waste management services, in charge of its final disposal, shall submit to the Ministry and the competent authorities, a quarterly report, containing the following information:

- a) Nature, physical state, weight and volume of the confined hazardous waste;
- b) Date of confinement of hazardous waste;
- c) Final disposal site; and
- d) Method of final disposal used for each type of waste.

Prohibitions

Art. 41. Hazardous wastes subject to confinement by any of the methods of final disposal provided for in these Regulations, shall remain in such state, except in the event of an environmental disaster, in which case the Ministry shall authorize the necessary works to counteract it.

Treatment obligations

Art. 42. When, due to their hazardous nature, the Ministry establishes that certain hazardous wastes should not be confined, the owner of the generation shall be responsible for their environmentally adequate treatment or disposal, within a term established in the corresponding Environmental Permit.

Emissions from incinerator equipment

Art. 43. The emissions derived from the incinerator equipment must comply with the provisions of the emission standards in force.

Hazardous waste incineration

Art. 44. In those cases in which hazardous wastes capable of generating dioxins or other hazardous pollutants are incinerated, the incineration and treatment of effluent gases shall be carried out under temperature conditions that ensure that the generation of such compounds is minimized.

Hazardous waste from mining activities

Art. 45. The final disposal of hazardous wastes generated by mining activities shall be carried out in tailings dams in accordance with the corresponding technical rules, and such tailings may be located at the place of their generation. In any case, they shall not be located above population centers or receiving bodies, within a radius to be determined by the Environmental Impact Study.

Polychlorinated biphenyls and derivatives

The confinement of polychlorinated biphenyls and derivatives, or wastes containing them, shall not be carried out in the national territory, and their treatment and elimination is mandatory.

Outdated materials

Art. 47. Chemical, biological or other products, of industrial origin or for pharmaceutical use, whose containers specify an expiration date, and which after that date have not been subjected to rehabilitation or regeneration processes, shall be considered hazardous waste. The national manufacturers and distributors of foreign products will be responsible for their handling, in accordance with the norms and provisions of the environmental, health and national safety legislation.

CHAPTER VII

OF THE INTERNATIONAL TRANSPORT OF HAZARDOUS WASTES

Export of hazardous wastes

Art. 48. For the exportation of hazardous wastes, an Environmental Permit is required.

issued by the Ministry, without prejudice to compliance with other requirements of the competent legislation, upon presentation of the express consent of the receiving country, in accordance with Article 4 of the Basel Convention.

CHAPTER VIII

COMMON PROVISIONS FOR HAZARDOUS SUBSTANCES, WASTES AND RESIDUES

Environmental Assessment

The Ministry shall require and evaluate the Environmental Impact Study of the activities established in Article 21, letter n) of the Law. The hazardous materials to be handled in such facilities shall be indicated in the Environmental Impact Study, as well as the projected amount thereof.

The evaluation of the respective Environmental Impact Study, as well as its control and follow-up will be carried out in accordance with the provisions of Chapter IV of the Law, on the Environmental Evaluation System.

Handling of hazardous materials

Art. 50. The owners of activities, works or projects that do not have the services of handling and final disposal of hazardous materials, shall contract them with those that have the corresponding Environmental Permit.

Import and export processes

Art. 51. The processes of import and export of hazardous substances and wastes; the export of hazardous wastes, their transportation and disposal, shall be governed by the internal laws and legal norms of El Salvador, including as part of them, the Basel Convention and any other international instrument on the matter, with legal effects in El Salvador.

Transport document

The holder of the activities dedicated to the transportation of hazardous substances, residues and wastes, in addition to the corresponding Environmental Permit, shall have for each particular transportation action, a transportation document containing the necessary information for the identification of the transported hazardous materials, indicating names, risk classification, identification number, type and number of containers and packaging.

The risk classification and category identification number are as follows:

Class No.	DESCRIPTION
1	Explosives classes 1.1, 1.2, 1.3, 1.4 and 1.5
2	Flammable, non-flammable and poisonous gases
3	Flammable liquids
4	Flammable solids, spontaneously combustible substances and substances that react with water.
5	Oxidizing substances and organic peroxides
6	Poisonous substances and infectious substances

7	Radioactive substances
8	Corrosive substances
9	Miscellaneous hazardous materials by none of the other classes (miscellaneous hazardous)

These categories are subdivided as follows:

CLASS 1	EXPLOSIVES
Division 1.1	Explosives with danger of mass explosion
Division 1.2	Explosives with projection hazard
Division 1.3	Explosives with a predominant fire hazard
Division 1.4	Explosives with a non-significant explosion hazard
Division 1.5	Highly insensitive explosives
CLASS 2	GAS
Division 2.1	Flammable gases
Division 2.2	Non-flammable gases
Division 2.3	Poisonous gases
CLASS 3	FLAMMABLE LIQUIDS
Division 3.1	Flash point below -18 °C
Division 3.2	Flash point at 18 °C or higher, but less than 23°C
Division 3.3	Flash point from 23 °C up to 61 °C

CLASS 4	FLAMMABLE SOLIDS: SPONTANEOUSLY COMBUSTIBLE MATERIALS: AND MATERIALS DANGEROUS WITH MOISTURE
Division 4.1	Flammable solids
Division 4.2	Spontaneously combustible materials
Division 4.3	Materials that are hazardous with moisture
CLASS 5	OXIDANTS AND ORGANIC PEROXIDES
Division 5.1	Oxidizers
Division 5.2	Organic peroxides
CLASS 6	POISONOUS AND INFECTIOUS MATERIALS
Division 6.1	Highly poisonous (toxic) materials
Division 6.2	Poisonous (toxic) materials
Division 6.3	Aetiological (infectious) materials
CLASS 7	RADIOACTIVE MATERIALS
CLASS 8	CORROSIVE MATERIALS
CLASS 9	MISCELLANEOUS HAZARDOUS MATERIALS

The list of Annexes of the Basel Convention are also applicable to these Regulations.

Use of the Transport Document

For each transport volume, the generator or the storer, as the case may be, shall deliver to the transporter a transport document duly signed in original and two copies. One of them shall be for his file, the other shall be signed by the transporter; together with the original, it shall be delivered to the consignee, along with the hazardous substances, wastes or residues, who after signing the original, shall immediately send it to the sender.

The consignee shall keep the copy signed by the sender and the carrier for his records. From the placard

Art. 54. Every vehicle transporting hazardous substances, residues or wastes must carry in a visible and easily distinguishable place, a sign containing the color indicating the risk class, the number or name of that class and the identification number of the hazardous substances, residues or wastes, according to the applicable technical rules, standards and legal provisions.

Each end and side of a motor vehicle, railroad car, cargo container, or portable tank containing hazardous materials must have a diamond-shaped placard according to the materials being transported. These hazardous materials must be identified with the classes listed in the tables below.

CLASS 1 - EXPLOSIVES

Symbol (Bomb exploding in black; orange background and black text)

CLASS 1	EXPLOSIVES
Division 1.1	Materials that present a risk of explosion of the entire mass (practically instantaneous spreading to the entire load)
Division 1.2	Materials that present a risk of projection, but not a risk of explosion of the entire mass.
Division 1.3	Materials that present a fire hazard and a risk of small shock wave or projection effects, or both, but not a risk of explosion of the entire mass. The following materials are included in this division: a) Those whose combustion gives rise to considerable thermal radiation. b) Those that burn successively, with small shock wave or projection effects, or with both effects.
Division 1.4	Materials that do not present any significant risk
Division 1.5	Highly insensitive materials that present a risk of explosion of the entire mass.

CLASS 2 GAS:

CLASS 2	GASES: flammable, non-flammable and poisonous
Division 2.1	Flammable gas
	Symbol (flame) in white; red background and white text

Division 2.2	Non-flammable gas Symbol (gas cylinder or canister) in white, green background and white text
Division 2.3	Poisonous (toxic) gas Symbol (skull and crossbones) in black, white background and black text

CLASS 3 - FLAMMABLE LIQUIDS

Symbol (flame) in white, red background and white text

CLASS 3	LIQUIDS
Division 3.1	Liquids with low flammability point
Division 3.2	Medium flash point liquids. Includes liquids with a flash point equal to or higher than 18 °C and lower than 23 °C.
Division 3.3	High flash point liquids. Includes liquids with a flash point equal to or higher than 23°C but not higher than 60°C. CLASS 4 FLAMMABLE SOLIDS

CLASS 4	FLAMMABLE SOLIDS
Division 4.1	Flammable solids Symbol: flame in black, white background with seven vertical red stripes and text in black
Division 4.2	Materials that can spontaneously combust Symbol: black flame, white background (upper half), red background (lower half) and black text
Division 4.3	Danger in contact with water or air Materials that upon contact with water or air give off flammable gases. Symbol: white flame, blue background and white text

CLASS 5 - OXIDIZERS AND ORGANIC PEROXIDES

Symbol: flame on a circle, yellow background and black text

CLASS 5	OXIDANTS AND ORGANIC PEROXIDES
Division 5.1	Oxidizers Materials which, without necessarily being combustible in themselves, may nevertheless, by releasing oxygen or by similar processes, increase the risk of fire and other materials with which they come into contact or the intensity with which they burn. Symbol: flame on a black circle, yellow background and black text.
Division 5.2	Organic peroxides They are thermally unstable materials that can undergo self-accelerating exothermic decomposition. In addition, they exhibit one or more of the following characteristics: · Be susceptible to explosive decomposition · Fast burning

	<ul style="list-style-type: none"> · Be sensitive to impact or rubbing · React dangerously with other substances · Causing eye injuries
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CLASS 6 POISONOUS (TOXIC) AND INFECTIOUS MATERIALS)

CLASS 6	POISONOUS (TOXIC) AND INFECTIOUS MATERIALS
Division 6.1	Poisonous materials. Hazard Group I and II. Materials which may cause death or may cause serious adverse effects to human health if swallowed or inhaled or come into contact with the skin. Symbol: (crossed skull and crossbones) in black, white background and black text.
Division 6.2	Harmful. Avoid contact with food. Hazard group III Symbol: ear of wheat crossed by an "X" in black, white background and black text
Division 6.3	Infectious materials Materials containing pathogenic microorganisms. Symbol: three circles intersecting a central circle in black, white background and black text.

CLASS 7 RADIOACTIVE MATERIALS

Class 7	RADIOACTIVE MATERIALS
Category 1. White Symbol: clover in black, yellow background (top half), mandatory text (bottom half) "Radioactive", "Content...", Activity...", in black, category in red and white background	
Category 2. Yellow Symbol: clover in black, yellow background (upper half), mandatory text (lower half) "Radioactive", "Content...", Activity...", in black, category in red and white background. In a black box "Transport index".	
Category 3. Yellow Symbol: clover in black, yellow background (upper half), mandatory text (lower half) "Radioactive", "Content...", Activity...", in black, category in red and white background. In a black box "Transport index".	

CLASS 8 - CORROSIVES

CLASS 8 - CORROSIVES

Solid or liquid materials which, in their natural state, have in common the property of causing more or less serious injuries to living tissue. If one of these materials escapes from its container and/or packaging, it can also damage other goods or cause damage to the transport system.
Symbol: (liquid dripping from two test tubes onto a metal plate) in black, white background (upper half), black background and white text (lower half)

CLASS 9 - MISCELLANEOUS HAZARDOUS MATERIALS

CLASS 9 - MISCELLANEOUS HAZARDOUS MATERIALS

This class is not included in the above classifications. It has special characteristics.
Symbol: (seven vertical stripes) in black, white background (upper half), number nine (underlined)

From the archive

The transport documents shall be kept in the carrier's file for five years; in the generator's file and in the storer's file for ten years; and for the consignee, if the latter is in charge of the final disposal, for twenty-five years.

From the report

Art. 56. The transporter and the consignee shall deliver to the Ministry and the competent authorities a six-monthly report on the hazardous substances, residues or wastes received for transportation, storage or final disposal, as the case may be, during that period.

Verification of packaging.

It is the responsibility of the transporter of hazardous substances, wastes or residues to verify that the materials are correctly packaged and that the data identifying them correspond exactly with the transport document.

Carrier's liability for delivery

Every carrier, under his responsibility, shall deliver to the consignee the hazardous substances, wastes or residues in his charge. Under no circumstances may he abandon them or deliver them to a person not connected with the transport, or deposit them in a place not specified in the transport document.

Emergency

In cases of emergency, the transporter shall comply with the provisions of the Contingency Plan previously approved in the Environmental Permit.

Authorization of transport vehicles

Without prejudice to the authorizations to be granted to other competent authorities, vehicles intended for the transportation of hazardous substances, residues or wastes may only be used for that purpose, except for those that do not come into direct contact with the hazardous substances, residues or wastes, because they operate by dragging containers.

Vehicle registration

Art. 61. Vehicles used for transportation shall be previously registered and controlled by the Ministry. The required controls shall be, among others, those of speed, stopping time, distance traveled, driving relays and registration of the origin and destination of the transport, and must also comply with the corresponding regulations.

Prohibition

It is prohibited to transport in the containers of vehicles that have been authorized to transport hazardous substances, wastes or residues, persons or animals and foodstuffs or products for human or **animal** consumption.

Application for registration

Any natural or juridical person responsible for the transportation of hazardous substances, residues or wastes shall be duly registered with the Ministry, for which purpose the following information, among others, shall be provided:

- a) Name of the responsible person and legal address;
- b) Quantity and type of substance, waste or residue to be transported, with risk specification;
- c) List of vehicles and containers to be used;
- d) Equipment to be used in case of danger caused by accident or contingency; and
- e) Institutional Prevention and Contingency Plan, established in Article 55 of the Law.

Carriers' liability

Art. 64. Transporters of hazardous substances, wastes or residues shall:

- a) Keep a record of operations, with the names of the company and the generator, form of transport and final destination;
- b) Verify that the materials delivered by the person or generator are correctly packaged and identified in compliance with the terms of the international instruments on the matter;
- c) To have an Institutional Prevention and Contingency Plan and operating procedures in case of accidental spills or contingencies;
- d) Subject to the health and safety provisions applicable in matters of

transit and transportation;

e) Obtain a driver's license, which is appropriate for the operations the driver performs; and

f) Submit to the Ministry a six-monthly report on the transported during said period.

Packaging

Art. 65 For transportation, transit and storage, the packaging and packing of hazardous substances, wastes or residues shall comply with the specifications and characteristics that guarantee their adequate management.

Container Inspection

Art. 66. The container and packaging, before being delivered for transportation, shall be inspected to ensure that it does not present corrosion, foreign materials or any other type of deterioration.

Packaging regulations

Art. 67. Hazardous substances, wastes and residues shall only be contained in containers and packages that are strong enough to withstand the internal pressure that may develop under normal conditions of transportation, transit and storage.

Packaging

Art. 68. All containers and packaging that have contained hazardous substances, residues or wastes and are discarded shall be considered hazardous waste.

Labeling and packaging standard

The specifications for the labeling of packages, containers and packing destined for the transportation of hazardous substances, residues or wastes, shall be established in accordance with the international standards contained in the international and regional instruments on the matter, which are ratified by El Salvador.

Label

All containers and packaging destined to transport hazardous substances, residues or wastes shall have the corresponding label or labels. In this matter, the provisions of the general regulations of the Law shall be observed, as well as the regulations issued by the National and International Transportation Organizations, indicated in the article related to Import Routes of these Regulations.

Label Requirements.

Art. 71. All labels shall be:

a) Presented in a way that catches the user's attention and contains the information to be communicated in precise and concrete terms, with standard expressions and symbols of

international type, avoiding the use of ambiguous statements;

- b) Complete, so that important information or indications are not omitted;
- c) Consistent with national and international standards and regulations on the subject;
- d) Consistent, which is obtained by regulating its components, such as information on their safety and confinement or other form of disposal; and
- e) Made of material resistant to atmospheric and normal handling conditions.

Transport control

Art. 72. The transport and movement within the national territory of hazardous substances, residues and wastes shall be controlled, in accordance with national legal norms, and based on the international procedures mentioned in these Regulations and in international instruments on the subject.

When a substance, waste or residue is moved across a national border, the person carrying out the transfer must provide detailed information about its composition, movement routes and insurance against damages to third parties. In the case of hazardous waste, the obligations derived from the Basel Convention must be complied with.

Storage

Art. 73. The storage areas for hazardous substances, residues and wastes shall meet, among others, the following conditions:

- a) They must be separated from production, service and office areas, and must be located in areas that reduce the risks of possible emissions, leaks, fires or explosions, among others;
- b) To have containment walls and retention system to capture spills;
- c) For liquid substances, residues or wastes, the floors must have gutters that carry the spills to the retention pits, with the capacity to contain what is stored;
- d) Having sufficiently wide aisles to allow the transit of mechanical, electronic or manual forklifts, as well as the movement of safety equipment;
- e) The walls and floor should be covered with impermeable material, such as polyureas, with respect to the substances stored, with adequate ventilation and lighting; and
- f) To have fire prevention systems in place.

Spills of hazardous substances, residues and wastes

The generator and, as the case may be, the holder of the service activity of handling hazardous substances, wastes or residues, shall immediately notify the Ministry, by any means, when spills, infiltrations or discharges of hazardous materials occur.

Ratification of the notice

The notice referred to in the preceding Article must be ratified in writing within the following three days, without prejudice to the measures applied by the competent authorities within the scope of their powers.

The written notice shall include:

- a) Identification, address and precise data of the owner, the generator or the management activity in question;
- b) Location and characteristics of the site where the incident occurred;
- c) Possible causes of the spill, infiltration, discharge or dumping;
- d) Accurate description of the physicochemical, toxicological and biological characteristics, as well as the amount of hazardous materials released;
- e) Actions taken to deal with the accident and measures adopted for the restoration of the affected area; and
- f) Possible damage caused to ecosystems.

The liability for the corresponding damage shall be borne by the owner of the activity involved in the accident, who shall be responsible for the appropriate compensation, in accordance with the Law.

Dispersant registration

Art. 76. The dispersants used to counteract the spills mentioned in the previous Article shall be biodegradable and duly registered with the Ministry, and shall provide the following information:

- a) Generic and trade name;
- b) Chemical composition;
- c) Dosage and application;
- d) Toxicology; and
- e) Immediate effects on ecosystems.

Safety measures

Art. 77. Safety measures applicable to persons working at storage sites, those who transport, recycle, treat or handle such materials, hazardous substances, residues or wastes, shall be adopted to ensure their own safety, as well as the protection of ecosystems and the environment in general. Likewise, in case of spills, absorbent materials such as calcined clay, sawdust, lime, synthetic absorbents (vermiculite), among others, or adequate means for their control and cleanup, must be available.

CHAPTER IX

OF CONTROL MEASURES

Inspection and surveillance

Art. 78 The Ministry may carry out the inspection acts and audits necessary to verify due compliance with the technical rules, environmental quality standards and the provisions of the Law and these Regulations.

Of the complaint

Any person may denounce before the Ministry or before the competent authorities, any fact, act or omission that produces ecological imbalance or damage to the environment, in contravention of the provisions contained in these Regulations.

CHAPTER X

INFRACTIONS AND PENALTIES

Classification of infringements

Art. 80. Violations shall be determined in accordance with the provisions of the Law, as regards the administrative sanctioning procedure, without prejudice to the application of other penalties and sanctions expressly contemplated in other national laws on the matter.

Preventive measures

Art. 81. The preventive measures established in the Law are applicable in each particular case. When an accident with hazardous materials is imminent, the activity that generates them, or any other activity related to their management, must be suspended for the time necessary to overcome the threat. A peremptory term will be stipulated for the execution of adequate contingency plans.

Validity

This Decree shall enter into force eight days after its publication in the Official Gazette.

GIVEN IN THE PRESIDENTIAL HOUSE: San Salvador, on the thirty-first day of May of the year two thousand.

FRANCISCO GUILLERMO FLORES PEREZ,
President of the Republic

ANA MARIA MAJANO
Minister of Environment and Natural Resources

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