

# ICC

**Indian Chemical Council**

(Formerly Indian Chemical Manufacturers Association)

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Ref: SHE-153

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The Secretary,  
Environmental & Forests  
Government of India  
Paryavaran Bhavan  
CGO Complex, Lodhi Institutional Area  
New Delhi 110 003

Kind Attn: Ms. Meena Gupta, I.A.S.

Dear Madam,

**Ref: Hazardous Materials (Management, Handling & Trans boundary Movement) 2007 - Draft Rule**

**Sub: Comments of Indian Chemical Council**

Indian Chemical Council (ICC) is the Apex body of Chemical and Allied Industries in India, having around 330 members which includes almost all major Private Sector chemical companies (Indian and Multinational) as well as large Public Sector Industries namely Rashtriya Chemical & Fertilizers, Bharat Petroleum, Hindustan Organic Chemicals, etc. The proposed "Hazardous Materials (Management, Handling & Trans boundary Movement) Rule, 2007, ( hereinafter referred as HM (MH & TM) Draft Rule), its Title, intended scope & contents thereof is of direct concern to our members in ICC.

The HM (MH & TM) Draft Rule was circulated to almost all our member companies who sent their comments to ICC on various aspects of the Rule expressing serious reservation. Our Safety, Health & Environment (SHE) expert committee held detail deliberation on these comments. ICC representative also attended MOEF/CII interaction meeting on this Draft Rule held in Mumbai recently. Hence it. took some time to formalize our comments which is submitted in this letter.

We hope the Ministry will condone few days delay in furnishing comments by Indian Chemical Council considering the fact that the proposed Rule substantially affect the operations of Indian Chemical Industries .

A **GENERAL COMMENTS :**

1 The Draft Rule in the present form is titled as "Hazardous Materials (Management, Handling & Trans boundary Movement) Rule " hereinafter referred as HM (MH & TM) Draft Rule.

i) The present applicable Rule on Hazardous Waste i.e. **Hazardous Waste (Management and Handling) Rule, 1989** (with amendments thereon) hereinafter called HW (M&H) Rule is a fairly comprehensive one. After the Hon'ble Supreme Court's direction in 2004, all the stakeholders i.e. (Industries, Pollution Control Boards, Ministry of Environment & Forest and CPCB) are earnestly working to implement the same. Industry is in the process of being fully conversant with the Rule. Further as more and more TSDF Sites and Land Fill Sites are made operative, (through State Government / Industry Co-operation) compliance with the Rule is growing at fast pace. Once the present bottleneck of nonavailability of adequate nos. of licensed disposal sites is over, full compliance will be ensured. *Scrapping HW (M&H) Rule at this stage will be a setback to the entire exercise.*

ii) The word "Waste" do not even find mention in proposed title of HM (MH & TM) Draft Rule. This is bound to create confusion with the other Rule i.e. **Manufacture, Storage and Import of Hazardous Chemicals Rule 1989 (with amendments thereon) referred in brief as MSIHC Rule**. MSIHC Rule defines with good clarity "Hazardous Chemicals" in its various schedules. Proposed HM (MH & TM) Draft Rule where

“Hazardous Materials (not Waste)” are also included with somewhat different definition in various schedules, lacks clarity and is likely to create major confusion for the industries and the enforcing authorities alike.

- iii) MSIHC Rule is well understood by the Industry and accordingly its compliance level is very satisfactory. We find no reason why Hazardous materials (largely chemicals) should also be reclassified in the proposed HM (MH & TM) Draft Rule. In our view, Hazardous materials should only be a part MSIHC Rule and should not be included in the proposed HM (MH & TM) Draft Rule at all.
- iv) We presume an attempt has been made to include the most of the stipulations of “Basel Conventions” in a composite Rule to manage local and imported Hazardous Waste in the country. Further Draft Rule also mentions all PIC chemicals covered by Rotterdam Convention. We apprehend this approach will lead to confusion and should be done away with. Instead we suggest -
  - a) HW (M&H) Rule in the present form should be retained as it is.
  - b) MOEF may issue guidelines based on Basel Convention stipulation or promulgate a new rule which may be titled as **“Trans boundary Movement of Hazardous Wastes (Basel Convention)” Rules**. This Rule should only relate to import and export of Hazardous Waste, exclusively dealing with the trade of this kind with other countries. HW (M&H) rule may be suitably amended to deal with only Hazardous Waste produced and disposed locally.
  - c) Stipulations under Rotterdam Convention for PIC chemicals may similarly be covered either in the form of an another guidelines, Schedule or a

Rule suitably titled.

- d) **We strongly suggest for the reasons explained HM (MH & TM) Draft Rule in the present form should be withdrawn and remodeled to deal with Basel Conventions.**
- e) Besides while framing the rules, stipulation as per Gazette notification on Chemical Weapons Convention Act, 2000 (No. 34 of 2000) enacted on 26<sup>th</sup> August 2000 need to be taken care of.

B

**SPECIFIC COMMENTS ON CONTENTS OF THE RULE:**

- 1 **"Hazardous Materials"** should be excluded from this Rule altogether and the Rule should only refer to **"Hazardous Waste"** and its title be suitably changed.
- 2 Hazardous Waste be only defined in two categories i.e. **Waste for Disposal** and **"Waste for recycle and Reuse"** in line with European Regulations. These two different categories need different treatment under the law itself as former is disposed in proper manner and later is to be almost treated as any other hazardous raw material
- 3 **Schedule 1** of the Draft Rule have many discrepancies. Some of the major ones being indicated below :
  - a) **In Point IV of Schedule 1, "Acidity"** materials with  $\text{pH} \leq 5$  are included. Colas has pH less than 5. Acetic Acid is harmless ( $\text{pH} = 5$ ), whereas Nitric acid is very corrosive at  $\text{pH} = 5$ . Nitric acid is already included in MSIHC Rule.
  - b) **In Point V "Alkalinity"** materials with  $\text{pH} \geq 9$  have been classified. Soap water generally has pH of 10 but quite harmless whereas Caustic Soda is hazardous at  $\text{pH} = 9$ . Caustic Soda is also included in MSIHC Rule.
  - c) **Toxicity classification (Refer Point 1)** in the Draft Rule is in total

variation of the Toxicity classification for Hazardous chemicals given in Schedule I - Part 1 of MSIHC Rule.

*We are citing these few examples as there could be many others of similar nature thus requiring to do away with Schedule I.*

4        **Schedule II** of the Draft Rule too also have number of discrepancies, some of which are pointed below :

- a)       Under Classification C, under Item C9 "**Organic Silicon compound**" substances such as Shampoo, several Pharma / Medical / Textile formulations and even nipple for baby feeding bottles will qualify as this contains Organic Silicon Compound.
- b)       Under Classification D, Item D - "**Organic Oxygen compound**" Sugar and Starch may qualify in this classification.

*Hence Schedule II may be removed.*

5        **Schedule III (Part A)** relates to stipulations under Rotterdam Convention on "**Prior Inform Consent**". *This should be scrapped and as suggested under General Guideline above, a separate guideline / rule may be framed for PIC chemicals.*

6        **Schedule III (Part B)** should also be done away with. *It should be included in new guideline / rule framed in line with Basel Convention as suggested above under General Condition above.*

7        **Schedule III - Part C** : Most of the substances classified Hazardous here are covered in MSIHC Rule. *Balance item can be added in MSIHC Rule and Schedule III - Part C should also be accordingly done away with.*

8        **Schedule IV** is again covered by Basel Convention. *As mentioned therein it can be a part of new guideline/rule framed solely for Basel Convention as suggested above.*

- 9        **Form 1 to Form 9 :** Requirement of these Forms and their Draft need to be revisited based on our comments mentioned above. Forms covered under present HW (M&H) Rule may be deleted from HM (MH & TM) Draft Rules and new ones related to “Trans boundary movement of Hazardous Waste” be included in new guideline/rule framed as per Basel Convention.
- 10       **Rule 3 : Definition,** Hazardous Materials (Item K) shall be deleted and in Hazardous Waste (Item I) should be mentioned in two categories i.e. “Hazardous Waste for Recycle and Reprocessing” and “Hazardous Waste for Disposal”. These two categories should be separately defined.
- 11       **Rule 3 Item 5 :** Recycling should only refer to Reclamation and Reprocessing of “Hazardous Waste” and not Hazardous Material. In various Chemical processes no. of times recycling and reprocessing of Hazardous materials may need to be carried out for no. of reasons e.g. Off-spec production, achieving high process conversion efficiency, etc. These intermediate chemicals should never come under the HM (MH & TM) Draft Rule.
- 12       **Rule 3 - Item U :** Here also recycler should only be referred as procurer and processor of “Hazardous Waste” and not Hazardous material. In many cases, a down stream unit manufactures / toll converts by procuring and processing intermediates many of which may be Hazardous Chemicals (MSIHC Rule). These should not be under HM (MH & TM) Draft Rule.
- 13       **Rule 3-Point U & W:** Again Hazardous material be replaced by Hazardous Waste.

- 14 **Schedules II to V** : Wherever Hazardous Material is appearing, it should be replaced by "Hazardous Waste". Clauses should be revised accordingly.
- 15 **Chapter IV Point 12 (2)** : Mentions of treatment in a Licensed Disposal Sites. There should be a provision of **SPCB** licensing inhouse Hazardous Waste disposal sites to companies of who have constructed own facility meeting the requirement of the rule.
- 16 **Chapter V - Point 13** : Procedure for granting of licence involved etc. should never be applicable in Manufacturing / Processing / Reprocessing Hazardous material as these are covered under other rules under EP Act and "Environment Clearance, Consent to Operate, Compliance MSIHC Rules, etc. apply.
- 17 **Chapter VII** :Hazardous Material word should be replaced with "Hazardous Waste" and clauses should be revised accordingly.
- 18 **Rule 18** etc. should only apply for "Hazardous Waste" as Hazardous Materials should be covered under MSIHC Rule as at present.
- 19 The Draft Rule proposes ten yearly licence for Hazardous Waste Management from CPCB against present practice of obtaining the authorisation / renewal from SPCB for a much shorter period. We suggest instead of CPCB, SPCB should be empowered to give upto ten yearly licence by amending HW (M&H) Rule.

**C. DETAIL COMMENTS FROM ICC MEMBERS:**

Detail comments from ICC members are enclosed vide Appendix-I.

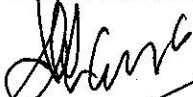
We reiterate that the Draft Rule in the present form is very confusing, almost impossible to implement and hence not in the interest of stakeholders (Industry, Enforcing Authority, Public). It will not achieve the purpose of Sound Environment friendly management/ disposal of Waste.

We hope Ministry will take note of our comments / suggestions and take necessary steps . If desired, we will be very happy to meet MOEF representatives and discuss all the issues stated herein.

We at ICC promote the gospel of compliance and our Responsible Care® program is one such example. If agreed ICC can form a small group to facilitate the changes suggested and it may be looked as an another example of Public Private Partnership in governance vis-à-vis law making.

Thanking you,

Yours faithfully,  
For Indian Chemical Council,



S.K. Hazra  
Chairman  
Safety, Health & Environment Committee

Encl: Appendix-I

**Draft Hazardous Materials (Management, Handling and Transboundary Movement) Rules, 2007**

S. No	Aspect	As per Hazardous Waste (Management & Handling) Rules, 2003	As per proposed Hazardous Materials (Management, Handling and Transboundary Movement) Rules, 2007	General Implications	Comments for Industry Forum to take up with MOEF	
					Draft Ref	Comments
	Intent		to review the rules published earlier, to enable the recovery and/or reuse of useful materials from hazardous materials generated from a process, thereby, reducing the hazardous wastes destined for final disposal and to ensure the environmentally sound management of all hazardous materials.	The rules may get applied to all manufacturing involving raw materials and products which can get classified as hazardous under general guidelines of Schedule I.	Preamble	As the intent is for recovery and/or reuse should not be applied to materials used in chemical processing as raw materials for different products. The rules should apply only to recovery and/or reuse of useful materials from hazardous waste generated from a process, thereby, reducing the hazardous wastes destined for final disposal and to ensure the environmentally sound management of all hazardous waste.
	Title	<b>Hazardous Waste (Management &amp; Handling) Rules, 2003</b>	<b>Hazardous Materials (Management, Handling and Transboundary Movement) Rules, 2007</b>	All materials are covered in the rule and not specific to the Hazardous wastes		Title should be "Hazardous Waste Materials (Management, Handling and Transboundary Movement and disposal )Rules, 2007
1	Hazardous Materials	Hazardous materials were not defined and not covered under these rules	Any material confirming to criteria set forth in Schedule I & II <b>[See Def: (k) of Rule: 3]</b>	Some raw material such as Ammonia, Catalysts, Naphtha, Solvents may come under the purview of definition of Hazardous Material,	Chapter 1 Rule 2	The fuels, raw materials, intermediates and products (naphtha, oil, ammonia, urea, phosphoric acid, sulphuric acid, Chlor caustic, soda ash etc, chlorine, HCL, Bromine & HBr etc) forming part of the project environmental clearance and whose emissions and discharge are covered under consent under Air and Water act should

						be considered outside the purview of the act and only hazardous wastes containing these materials need to be considered. Also the substance monitored under the various acts of Petroleum & Explosives Safety Organisation, GOI should also be exempted.
2	Hazardous Waste	Any waste, which by reason of its characteristics causes danger or likely to cause danger to health or environment and includes the wastes listed in Schedule-1 (process based wastes) or having constituents as listed in Schedule-2 [See Def: (14) of Rule: 3]	Any waste confirming to criteria set forth in Schedule I & II and are destined for final disposal [See Def: (1) of Rule: 3]	Most of the material / wastes may require regular analysis to verify their characteristics and constituent concentration to conform the identity as HW	Chapter 1 Rule 3	The effluents and emissions monitored under the Air and Water Act should not be considered as hazardous wastes as is intended. Intermediate products or materials/fuels and in process storage of chemicals in tanks/reactors or pipelines etc should not be considered as storage of hazardous materials or wastes
3	Wastes	No definition	“are materials, which are disposed of, or intended to be disposed of, or required to be disposed of, to the environment” [See Def: (zj) of Rule: 3]	All Hazardous Wastes are Hazardous Materials but all Hazardous Materials are not Hazardous Wastes	Def z of rule 3	Process generated materials stored in the plant for use in future should not be considered as wastes if they are not intended to be disposed off to environment.
4	Authorisation	Occupier to take permission for collection, transport, treatment, reception, storage and disposal of hazardous wastes, granted by the competent authority [See Def: (5) of Rule: 3] [See Sub-rule: 2 & 3 of Rule: 5]	Concept of Authorisation is omitted from the proposed rules	Occupier doesn't need any Authorisation for generation and handling of hazardous wastes or materials.  How ever, Manifest form (Form-9) needs authorization number	Rule 20 and Form 9	The rule should not apply to raw materials and products transported as per the Motor Vehicle act and other applicable guidelines. The manifest form should apply only to hazardous wastes destined for final disposal for recycle or reuse or recovery.

5	License	Earlier not required / mentioned	Written or printed permission granted by the Central Govt. in MoEF or an authority designated by it for this purpose. [See Def: (q) of Rule: 3]	License is required for recyclers or reusers [See of Rule: 13]	Rule 13	The license requirement for manufacturing using hazardous chemicals and having due environmental clearance and consents and clearances under other applicable rules like PESO etc should not be required to obtain separate license under these rules.
6	Occupier	Not defined	"in relation to any factory or premises, means a person who has, control over the affairs of the factory or the premises and includes in relation of any substance, the person in possession of the substance." [See Def: (s) of Rule: 3]	Person in possession of the hazardous material / waste is coming under the purview of Occupier		
7	Safe for recycling	Not defined	Any hazardous material not containing hazardous constituents more than 60% of the recoverable materials and recycled using environmentally sound technologies. [See Def: (z) of Rule: 3]	Hazardous material analysis is required to check whether it is safe for recycling or not. If it is safe for recycling it can be sold to licensed recycler otherwise it should be sent to a licensed facility for disposal.	Def (z) in Rule 3	The treatment in case there are no licensed recyclers or licensed facility for disposal should be defined.
8	Recycling, Reuse, Recovery	Not defined	Defined in proposed rules [See Def: (v, w & y) of Rule: 3]	Indicative list of hazardous materials suitable for recycling, reprocessing and reuse was given in Schedule-4	Def v, w & y of Rule 3	All in process or in facility reuse, recycle and recovery of wastes in a chemicals industry and meeting the air and water consent and not involving disposal of solid wastes should be excluded from the definitions.
9	Disposal	"means deposit, treatment, recycling and recovery of any hazardous wastes" [See Def: (8) of Rule: 3]	"means treatment and deposition of any hazardous wastes on land." [See Def: (d) of Rule: 3]	Hazardous material which is not safe or suitable for recycling will be considered as hazardous waste and to be treated and disposed off	Def(d) of rule 3	For such HW Safe disposal land fill sites shall be required, which are very few and none in Northern region.
10	Storage	"means storing hazardous waste for a temporary period, at the end of which the hazardous waste is	"means storing of any hazardous material in a licensed storage facility for a temporary period, at the end of which such materials are processed."	Collection and reception of hazardous material at generator's facility may not require a license for storage as per rule 18	Rule 18	Storages of hazardous chemicals is part of manufacturing process should not come under this provisions of time limits. All Hazardous

		hazardous waste is treated and disposed off;” [See Def: (29) of Rule: 3]	[See Def: (ze) of Rule: 3]	per rule 18		of time limits. All Hazardous Chemicals are covered under MHSIC Rules 1989.
11	used oil', 'waste oil', 'recycling of waste oil', re-refining of used oil' 'auction' & 'auctioneer'	terms are defined [See Def: (34, 35, 23, 25, 3 &4) of Rule: 3]	Not defined and hence not applicable	In Schedule-4, category 19 consists Used oil and Waste oil, but specifications and specifications prescribing authority were not mentioned in the rules	Schedule 4 Rules 6, 10, 13,14 & 15	The quantity and compositions limits needs to be defined.
12	State of transit	Not defined	means any state, other than the state of export or import, through which a movement of hazardous wastes or other wastes is planned or takes place; [See Def: (zd) of Rule: 3]			
13	Storage or reception of Hazardous waste/material	Max. 90 days [See Sub-rule: (4) of Rule: 20]	Max. 90 days [See Sub-rule: (2) of Rule: 14]	The Occupier shall not store any hazardous material for more than 90 days [See Sub-rule: (2) of Rule: 14]	Subrule 2 of Rule 14	Should not apply to raw materials, intermediate and products of a chemicals plant. Storage time for HW should be different for generator and recyclers. In view of quintiles generated and recycled. For the generator 120 days considering time taken for all procedures.

14	Manifest System (Movement document to be used with in the country only)	Specified form (Form-9) in 6 colour codes. Additional copy to be given to each transit state. [See Sub-rule: (4 & 5) of Rule: 7]	Specified form (Form-9) in six colour codes. Additional copy shall be given to each state. [See Sub-rule: (1, 2, 3 & 4) of Rule: 20]	Movement (within country) of Hazardous material such as Ammonia, Chlorine, acids, Naphtha etc.. as raw material & products may require manifest system and the same to be clarified.  Further Occupier's registration No. & Waste category No. are required on Manifest form, but Hazardous Material generator doesn't need any registration or authorisation and Waste categorization is not possible for wastes coming under schedule-I	Sub-rule: (1, 2, 3 & 4) of Rule: 20	Should not apply to raw materials, intermediates and product of a chemical manufacturer and should be applicable to hazardous wastes only.
15	Transportation of Hazardous Wastes / materials	Transport of hazardous waste shall be in accordance with the provisions of the rules made by the central government under the Motor Vehicles Act, 1988 and other guidelines issued from time to time. Manifest system to be maintained. In case of transport of hazardous wastes to a facility for treatment, storage and disposal existing in a state other than the state where hazardous wastes are generated, the Occupier shall obtain 'No objection Certificate' from the State Pollution Control Board of	Transportation of Hazardous material shall be in accordance with the provisions of these rules and the rules made by the central government under Motor Vehicles Act, 1988 and other guidelines issued from time to time. [See Sub-rule: (1) of Rule: 19]  In addition, all hazardous wastes transported from an Occupier's establishment to a licensed facility for disposal shall be transported by a transporter licensed for carrying hazardous waste in question. [See Sub-rule: (3) of Rule: 12]  In case of transport of hazardous material for recycling or reuse or final disposal to a facility for treatment, storage and disposal existing in a state other than the state where the hazardous material is generated the Occupier shall obtain 'No Objection Certificate' from the concerned State Pollution Control Board.	Transportation of all hazardous material including raw material, material for recycling or reuse and hazardous wastes shall be as per the rules made under Motor Vehicles Act, 1988.  Hazardous wastes shall be transported by a transporter licensed for carrying such waste.  'No Objection Certificate' shall be obtained for transport of hazardous material in case of final disposal or recycling or reuse.	Sub-rule: (3) of Rule: 12, Subrule 1 & 3 of 19	The application of Motor Vehicles Act is for all materials but the provisions of NOC etc from State Pollution Boards and Manifest form should apply to wastes and materials generated as wastes and not the raw materials or products from chemicals plants.

		concerned state where the facility is existing. The Occupier shall provide transporter with TREM card in the specified form. [See Sub-rule: (2, 4, 5, 6 & 7) of Rule: 7]	[See Sub-rule: (3) of Rule: 19]			
16	Import and export of Hazardous Waste for dumping and disposal	Import and export of hazardous waste for dumping or disposal shall not be permitted [See Rule: 11]	Import of hazardous wastes from any country to India for disposal shall not be permitted. [See Sub-rule: (1 & 2) of Rule: 5]  Export of hazardous wastes from India is allowed to an actual user of the wastes or operator of disposal facility with the Prior Informed Consent of the importing country to ensure environmentally sound management of hazardous waste in question	Export of hazardous waste from India shall be communicated in Form 1 to the Central Government in MoEF as per the procedure in Rule: 8		
17	Import and export of hazardous material/waste for recycling or reuse	shall be permitted as raw material for recycling or reuse except for the wastes listed in Schedule-8 [See Sub-rule: (1 & 3) of Rule: 12]	The Hazardous material listed in all schedules except schedule V and which are safe for recycling or reuse shall be permitted for imports and exports [See Sub-rule: (1, 2, 3, 4, 5, 6 & 7) of Rule: 6]	Import of hazardous material as raw material (not for recycling or reuse) may not come under purview of these rules and this needs to be clarified. [See Rule: 10 along with Rule: 6] Export of hazardous material	Rule: 10 along with Rule: 6	Not to apply to raw materials and product from chemicals and Fertilizers manufactures.

				even in the form of product may come under the scope of these rules and the same to be clarified. [See Rule: 9 along with Rule: 6]		
18	Wastes excluded from the rules (Covered under other acts & Rules)	<p>1) Waste water and exhaust gases covered under the provisions of Water &amp; Air Acts</p> <p>2) Wastes covered under the provisions of Merchant Shipping Act, 1958</p> <p>3) Radio active wastes covered under the provisions of the Atomic Energy Act, 1962</p> <p>4) Bio-medical wastes covered under Bio-medical Waste (Management &amp; Handling) Rules, 1998</p> <p>5) Wastes Covered under the Municipal Solid Waste (Management &amp; Handling) Rules, 2000</p> <p>6) The lead acid batteries covered under the Batteries (Management &amp; Handling) Rules, 2001</p> <p>[See Rule: 2]</p>	<p>1) Waste water and exhaust gases covered under the provisions of Water &amp; Air Acts</p> <p>2) Wastes covered under the provisions of Merchant Shipping Act, 1958</p> <p>3) Radio active wastes covered under the provisions of the Atomic Energy Act, 1962</p> <p>4) Bio-medical wastes covered under Bio-medical Waste (Management &amp; Handling) Rules, 1998</p> <p>5) Wastes Covered under the Municipal Solid Waste (Management &amp; Handling) Rules, 2000</p> <p>[See Rule: 2]</p>	<p>Batteries (Management &amp; Handling) Rules are omitted from the list and the same to be confirmed whether Lead acid battery wastes are coming under the scope of present rules or still a separate one.</p> <p>Hazardous Material covered under The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 such as Ammonia etc... are coming under the scope of both the rules which may not be acceptable.</p>		The materials under the Batteries (Management and Handling) Rules, 2001. and Petroleum and Safety Organisation and Explosives Act should also be exempted.
19	Sale of Hazardous material	Hazardous wastes meeting the prescribed specifications, shall be sold to a registered re-	Hazardous materials which are safe for recycling shall be sold to recyclers or reusers having valid license for recycling. [See Sub-rule: (1) of Rule: 14]	Hazardous Material which is recyclable or reusable shall be sold to licensed recyclers or reusers and hazardous waste		Hazardous materials to be replaced by Hazardous waste.

		refiner or recycler [See Sub-rule: (1) of Rule: 20]		shall be sent to licensed treatment and disposal facility		
20	Treatment, storage and disposal facility for hazardous wastes	<p>An Occupier or recycler not having a hazardous wastes treatment and disposal facility of his own, shall become a member of a Common Treatment, Storage and Disposal Facility (TSDF) to ensure proper treatment and disposal of hazardous wastes generated [See Sub-rule: (2) of Rule: 5]</p> <p>The occupier or operator of a facility or any association of occupiers shall be jointly and severally responsible for identifying the sites for establishing facility for treatment, storage and disposal of hazardous wastes. [See Rule: 8 &amp; 8A]</p>	<p>The State Government, occupier, operator of a facility or any association of occupiers shall jointly and severally be responsible for, and identify sites for, establishing common facility for treatment storage and disposal of hazardous wastes in the State. [See Sub-rule: (1) of Rule: 16]</p>	Occupier scope in identifying the site for establishing common facility for treatment, storage and disposal of hazardous wastes, needs to be clarified.	Sub-rule: (1) of Rule: 16	The role and responsibility of occupier, operator of existing facilities needs to be clarified for establishing of common facility for treatment and disposal of hazardous wastes needs to be defined.

21	Returns & Records	<p>Form-1 (Application for authorization)</p> <p>Form-2. (Form for grant of authorization)</p> <p>Form-3. (Format for maintaining records of hazardous wastes at the facility)</p> <p>Form-4. (Form for filing returns regarding handling of hazardous wastes)</p> <p>Form-5. (Format for reporting accidents)</p> <p>Form-6. (Application for importing hazardous wastes as raw materials)</p> <p>Form-7. (Transboundary movement of waste-notification)</p> <p>Form-8. (Marking of Hazardous waste containers)</p> <p>Form-9. (Hazardous waste manifest)</p> <p>Form-10. (Transport Emergency (TREM) Card)</p> <p>Form-11. (Application for authorization for recycling)</p> <p>Form-12. (Format for returns by Recyclers)</p> <p>Form-13. (Form for filling returns of Auction/Sale of Used oil / Waste oil)</p>	<p>Form-1 (Transboundary Movement - Notification Document)</p> <p>Form-2. (Transboundary Movement - Movement Document)</p> <p>Form-3. (Application for importing hazardous materials for recycling)</p> <p>Form-4. (Format for maintaining records of hazardous material imported and exported)</p> <p>Form-5. (Form of application for grant of license of industrial units possessing Environmentally Sound Management Facilities for Recycling)</p> <p>Form-6. (form for filing returns and records by recyclers)</p> <p>Form-7. (Marking of hazardous material and waste containers)</p> <p>Form-8. (Transport Emergency (TREM) Card)</p> <p>Form-9. (Hazardous Materials/Waste Manifest)</p> <p>Form-10. (Form for filing returns and records by Occupier/Operator of facility)</p> <p>Form-11. (Application for filing appeal against order passed by Central Pollution Control Board/ State Pollution Control Board / Pollution Control Committee of the Union Territories)</p>	<p>Forms applicable to Occupier:</p> <p>Form-6. (form for filing returns and records by recyclers) - Title of the form need to be changed to include the Generator/Seller as per rule 14.</p> <p>Form-7. (Marking of hazardous material and waste containers)</p> <p>Form-8. (Transport Emergency (TREM) Card)</p> <p>Form-9. (Hazardous Materials/Waste Manifest)</p> <p>Form-10. (Form for filing returns and records by Occupier/Operator of facility)</p> <p>Annual returns in Form-10 to be submitted to State Pollution Control Board by 30th June of every year for the preceding period from April to March. [See Sub-rule: (1 &amp; 2) of Rule: 21]</p>	Form 6	Form-6. (form for filing returns and records by recyclers) - Title of the form need to be changed to include the Generator/Seller as per rule 14.
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22	Schedules	<p>Schedule-1 (List of Hazardous Wastes - Process based)</p> <p>Schedule-2 (List of waste constituents with concentration limits)</p> <p>Schedule-3, Part A (List of wastes applicable for Import and Export)</p> <p>Schedule-3, Part-B (List of Hazardous Characteristics)</p> <p>Schedule-4 (List of Non-Ferrous Metal wastes applicable for registration of recyclers)</p> <p>Schedule-5 (Specifications for used oil suitable for re-refining)</p> <p>Schedule-6 (Specifications for waste oil suitable for recycling)</p> <p>Schedule-7 (List of authorities and corresponding duties)</p> <p>Schedule-8 (Hazardous wastes prohibited for import and export)</p>	<p>Schedule-I (Characteristics of Hazardous Materials)</p> <p>Schedule-II (List of hazardous materials constituents with concentration limits)</p> <p>Schedule-III, Part-A (List of Hazardous materials where import shall be permitted with prior informed consent in writing from the importing country)</p> <p>Schedule-III, Part-B (List of Hazardous Materials for import/export not requiring prior informed consent unless otherwise contains or contaminated with List-A materials to the extent exhibiting Schedule 3 part B characteristics)</p> <p>Schedule-III, Part-C (List of Hazardous characteristics)</p> <p>Schedule-4 (List of Hazardous materials for recycling, reprocessing and reuse)</p> <p>Schedule-V (Hazardous wastes prohibited for import and export)</p> <p>Schedule-VI (List of Authorities and Corresponding duties)</p>	<p>Regular/frequent analysis of material or waste may be required to check whether it is a hazardous waste or not under schedule-I.</p> <p>Requirement of Prior informed consent for Import or Export of raw material, which are hazardous material under schedule-III, is not clear.</p>	Schedule I	<p>Schedule I Acidity and alkalinity should be defined by the specific acid or alkali contents and not by pH as some of the natural waters may have pH beyond these limits.</p> <p>The carcinogenicity should be defined with reference list published by competent authority designated by Govt of India authority and not be open to differing opinions in public domain.</p> <p>The definition of explosives needs to be clear and only substances as defined by Indian Explosive Act should be applicable.</p>
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