

Decision of the 64th meeting of the Technical Review Committee held on 6th April 2018

Agenda 1: Clarifications sought with regard to Hazardous and other Wastes (Management & Trans-boundary Movement) Rules, 2016

Agenda 1.1 Import License for import of industrial rejects (PVC)-pre consumer-Representation by M/s RMG Polyvinyl India Limited

RMG Polyvinyl India Limited are manufacturers of PVC flooring, PVC Sheet Film, PVC Leather cloth etc. Their requirement for importing Industrial rejects of PVC is to reduce production cost of PVC floorings by using Recycled PVC materials in the middle & bottom layers of PVC floorings without affecting the quality and without adding any extra pollution in the environment. RMG intends to import PVC industrial surplus/rejects/side-trimmings from Europe & USA. It will consist of clean rejected material derived from factories producing PVC floorings, PVC films, PVC leather, PVC compounds and rejects/side-trimmings manufacturers of PVC stationery articles/PVC table cover & shower curtains//PVC wood deco furniture film, etc. Such material will be rich in PVC raw materials and will be directly used in RMG's production process. There will be no need to wash & clean the material thereby eliminating any chances of generating effluent.

Such industrial rejects are costing up to 500 US\$ per MT as compared to PVC resin which is costing 1000 US\$ per MT which will be beneficial to the PVC Flooring & PVC film industry which is facing strong competition from cheap imports in view of shortage of PVC resin in India and despite that, a heavy Anti dumping Duty (ADD) from nearly all sources in the world.

The applicant has submitted the following justification for allowing them the import of Industrial Rejects (PVC):

1. Use of plastics/ PVC is said to add to pollution but if Plastic/PVC production is not there, then natural resources will be depleted in a big way to fulfill the requirements of consumers. Some examples are:
 - a. PVC Wood grain film-wood or wood veneer would be used.
 - b. PVC floorings-Granite /Stone/ Wooden Parquet would be used.
 - c. PVC Water proofing membranes-either natural rubber/cement or hazardous waterproofing chemicals would be used.
 - d. PVC leather-either genuine leather or cotton fabrics would be used.
 - e. PVC pipes-Metal or Cement pipes.
2. Consumption of PVC resin is 2.25 Million Tonnes per annum in India as compared to production of 1.25 Million tones only, i.e. production is 50% only.

3. Imports are inevitable and imports of PVC resin is freely allowed, albeit that a heavy Anti Dumping Duty was imposed in 2014 leading to throttling of growth in PVC processing units in India.
4. Only two big manufacturers supplying PVC to India were not covered under ADD, namely Formosa Taiwan and LG Korea. They are offering higher prices to India in comparison to offers made by them to other countries including Pakistan, Bangladesh, Sri Lanka. For Indian Market other resin suppliers cannot compete with them so they charge a premium. This leaves the Indian PVC processing industry at a disadvantage to cheaper imports of finished products from Thailand, China, Korea, etc. and also from some European countries.
5. 75% consumption of PVC resin is for PVC pipes which go for agricultural or construction uses. Since the pipes are hollow in nature and cannot be imported, the price increase is easily passed on to the farmers/consumers. However, the remaining 25% industry has to compete with cheap imports.
6. PVC resin is used for PVC floorings & PVC water proofing membranes. Typically these applications are for a very long time and it is “end of life cycle” application. European countries and also countries like Thailand, Korea & China are consuming high quantity of recycled PVC material in these applications. This helps in consumption of waste PVC and also reduces the costs dramatically.
7. In India, due to consumer behavior, clean scrap is not available for use in PVC floorings or PVC membranes. So the Indian industry is at a disadvantage.
8. If Indian manufacturers are allowed to import Industrial rejects of PVC for reprocessing and reuse in PVC floorings and PVC membranes, they can benefit in the following ways:
 - A. Save valuable Foreign exchange by not importing expensive virgin raw materials and instead import clean reprocessible PVC industrial rejects which are much cheaper in comparison.
 - B. There are huge imports of PVC floorings & PVC membranes into India as the domestic industry cannot compete. Cheaper raw material costs for domestic industry retard import of finished goods and demand will be met with domestic production.
 - C. Growth in domestic industry will encourage employment and contribute to additional tax collections by the Government.

Government already allows import of:

- i) Waste Paper under DGFT Policy Circular no. 88(RE-08)/2004-09 dt. 06.05.2009.
- ii) Metal Scrap as per Commissioner of Customs, NS-III Nhavasheva Public notice no. 147/2016 DTD. 09.11.2016.

Similarly PVC waste/Industrial rejects should also be allowed for recycling and re-use.

Industrial Rejects (PVC) could be-

- a) Waste in the form of side trimmings and rejections due to quality problem originated during production/QC.
- b) Waste from pre-finishing stage from any process like-Extrusion/Injection moulding/Calendering/Spread coating etc.
- c) Finished material rejected in any product manufacturing company due to non compliance of product specifications and could not be dispatched to the customer.

The applicant has received several offers for the above industrial rejects from some suppliers in Europe and USA. These scraps are neat & clean in nature as they are collected from factories where they are produced and there is no chance of any contamination. If import of such scrap is allowed which replaces virgin raw materials and after using it, the Indian manufacturer also becomes competitive in comparison to imported materials which are flooding the market then this shall boost the growth of Indian industry and would definitely encourage the “make in India” programme in this field. The Ministry has been requested to grant the import license for import of 500 MT of PVC Industrial rejects.

Decision: **The Committee recommended to call the applicant for presentation/technical discussion to understand the case.**

Agenda 1.2 Clarification in respect of the Proposed Import of electronic testers, Wave Machines and Pick & Place Machines-M/s Jabil Circuit India Private Limited:

M/s Jabil Circuit India Private Limited is engaged in the manufacture of various types of electronic goods in its Electronic Hardware Technology Park (EHTP) unit. They manufacture electronic products as per the engineering design supplied by their customers under contract manufacturing agreements. All the products are manufactured as per the engineering design and specification given by the customers.

For commercial reasons and for economizing the cost of production, the applicant proposes to import second hand or used electronic testers, wave machines, and pick & place machines (hereinafter referred to as 'the goods'). The goods will be imported from their customers or from their Group Company, and they will be used in India on as is basis, without any further repair or modification thereon. The imported goods will be cleared from the Customs on the basis of Software Technology Park of India (STPI) permission, Procurement Certificate (PC), and Chartered Engineer (CE) certification. As per Para 2.31, the import of used equipment or goods is allowed under free import category.

The Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 are applicable inter alia when any waste material is imported in India. Rule 3(1)(38) of the HWM Rules 2016 defines 'waste' as follows:

"waste" means materials that are not products or by-products, for which the generator has no further use for the purposes of production, transformation or consumption. Explanation for the purposes of this clause:

- i. waste includes the materials that may be generated during, the extraction of raw materials, the processing of raw materials into intermediates and final products, the consumption of final products, and through other human activities and excludes residuals recycled or reused at the place of generation; and
- ii. by-product means a material that is not intended to be produced but gets produced in the production process of intended product and is used as such;

The applicant has interpreted Rule 3(1)(38) of the HWM Rules, 2016 as follows:

“The imported goods will be treated as 'waste' only if the goods are materials which satisfy the following conditions;

a) that the goods are not product or by-product and

b) that the generator of the imported goods has no further use for production, transformation, or consumption. Although 'product' has not been defined in the HWM Rules, 2016, the meaning can be derived from the manner in which 'by-product' is defined in the said Rules as follows: 'product' is a material that is intended to be produced and which is used as such.

In light of the background and analysis provided hereinabove, it can be gathered that the goods which the applicant has proposed to import are 'products' and the generator of such goods have further use for the purposes of production, transformation, or consumption. In essence the generator has not discarded these goods. The generator sells such goods for economic reasons and not because he has no further use of such goods.

Therefore the applicant is of the view that the said goods do not qualify as 'waste' as per Rule 3(1)(38) of the HWM Rules, 2016 and, therefore, will not require permission from Ministry of Environment, Forest and Climate Change. The Committee deliberated the issue with respect to provisions of Hazardous and Other Wastes (Management & Trans-boundary Movement) Rules, 2016.

Decision: **The Committee noted that the items proposed to be imported namely testers, wave machines and pick and place machines are all used electronic items. Thus they fall under B1110 of Schedule III B of HW Rules, 2016. Therefore they need permission for import. This position was clarified to the applicant.**

Agenda 1.3 Clarification/amendment in respect of Rule 8 of Hazardous and other wastes (Management & Trans-boundary Movement) Rules, 2016-Representation by M/s Jubilant Life Sciences Limited

As per Rule 8 of HW Rules, 2016, Storage of hazardous and other wastes.- (1)
The occupiers of facilities may store the hazardous and other wastes for a period not exceeding ninety days and shall maintain a record of sale, transfer, storage, recycling, recovery, pre-processing, co-processing and utilisation of such wastes and make these records available for inspection.

The applicant has submitted the following:

Whereas, the authorized treatment, Storage and Disposal Facility (TSDF) for hazardous and other wastes disposal remain closed during monsoon period for about 120 days, during which the occupier of a facility generating hazardous and other wastes are constrained to store for a period exceeding 90 days resulting in violation of the rules. Such violation invites action from the environmental regulators for no fault of the occupier.

Hence Rule 8 may be amended as **8. Storage of hazardous and other wastes.- (1)**
The occupiers of facilities may store the hazardous and other wastes for a period not exceeding ninety days “excluding during monsoon period” and shall maintain a record of sale, transfer, storage, recycling, recovery, pre-processing, co-processing and utilisation of such wastes and make these records available for inspection.

The applicant requested to issue suitable amendment in this regard.

Decision: **The Committee noted that there is already a provision in Rule 8 (5) of HW Rules, 2016 which empowers the SPCB to extend the period of 90 days upto 180 days on justifiable grounds. Therefore the applicant is advised to approach the concerned State Pollution Control Board.**

1.4 Clarification Sought By M/s Bakul Aromatics and Chemicals Pvt. Limited regarding ammonia produced during urea production to be designated as ‘By-Product’-reg (F.No. 23-101/2016-HSMD):

The applicant has earlier indicated that Ammonia is produced as unintended product during manufacture of Dimethyl Urea by methylation of Urea with Methyl Amine and is thus not a hazardous waste but a by-product. The Ministry was requested to clarify to GPCB not to consider Ammonia production as “waste” so that the applicant can carry on uninterrupted production at their end. Accordingly, the HW Rules, 2016 will not apply to the storing/transport/sale of ammonia referred above and the applicant shall be allowed to sell ammonia for any type of utilization.

The matter was considered in the 55th Meeting of the Technical Review Committee held during 27th and 28th June 2016. The Committee had then recommended that the applicant may be called for technical presentation with regard to details of concentration of ammonia solution generated, impurities therein and the users of ammonia solution as such. The matter was further re-considered in the 57th Meeting of the Technical Review Committee held during 18th and 19th October 2016. During the presentation the applicant provided the following information:

- i. Concentration of ammonia solution obtained- 17 to 18 percent
- ii. Impurities- not detected
- iii. Users of ammonia solution- names of various industries was provided.

The Committee observed that the analytical report does not specifically mention the content of methyl amine which is likely to be present in the ammonia solution. The analysis report also does not mention the detection limit of impurities and the names of impurities analysed in the solution. The Committee suggested that CPCB may carry out an analysis of the solution for determining the concentration of methyl amine in the solution. The analysis report to be provided by CPCB should depict the comparative value of methyl amine vis-à-vis its threshold Limit Value. The matter will be reconsidered subsequent to receipt of aforesaid information.

Subsequent to the aforesaid meeting the applicant in the mean time has sent the analytical report from MOEFCC recognized and NABL accredited laboratory. Thereafter the case was considered in the 59th Meeting of the Technical Review Committee held during 30th and 31st January 2017. Although the analysis report of the solution from CPCB is yet to be received, the applicant in the mean time has sent the analytical report from MOEFCC recognized and NABL accredited laboratory. As per the report the concentration of mono methyl amine in the solution is much below the TLV. Since the applicant has been supplying this material to various users and storage of ammonia solution in large quantity is neither practical nor environmentally safe, the Committee therefore was of the view that the applicant may be permitted to continue the existing practice for a period of three months. Also CPCB may be asked to expedite to submit the analysis report of the sample within a fortnight. Further, CPCB submitted that testing facility of methyl amine samples is not available in the laboratory of CPCB.

Decision:

The Committee noted that CPCB has written that they have no facility in their lab to carry out the test pertaining to residual methyl amine in the ammonia solution. While the unit has given the analysis report from MoEF&CC recognized lab showing the concentration of methyl amine in ammonia solution was less than Threshold limit value. However the sample was supplied by the client and was not collected by the laboratory itself. The Committee therefore recommended the following:

- (a) that the permission given earlier to the applicant may be extended up to September 2018.**

(b) In the meantime CPCB may be requested that CPCB should collect the sample and get it analyzed from NABL accredited lab since its own laboratory does not have the facility.

1.5 Clarification with regard to categorization of imported FeMn Slag in order to freely import – Representation by M/s Abhijeet Ferrotech Limited, Vishakapatnam.

The applicant has submitted that during import of FeMn slag it has been noted that the item is not conforming as either hazardous or restricted items under any particular schedule of published HW Rules, 2016. The applicant has also submitted that the Manganese content of this imported ferro manganese slag is higher than some of the manganese ore available indigenously. The applicant has further submitted that the applicant is importing low cost Mn (present in slag) converting and exporting it as high grade manganese alloy. Confirmation is sought from the Ministry with regard to categorization of ferro manganese slag.

Decision:

The applicant has sought clarification with regard to categorisation of ferro manganese slag to be imported as to whether it is hazardous or not. The Committee noted that presently import of ferro manganese slag is permitted as per the recommendation of the Expert Committee. Although, slag has not been listed as hazardous waste as per Schedule I of HW Rules, 2016. Their management has to be carried out as per guidelines prepared by CPCB. The Committee noted that the item does not figure in the Schedule III B of HW Rules, 2016. However as per provision Rule 12 (8) the import and export of hazardous and other wastes not specified in Schedule III, but exhibiting the hazardous characteristics outlined in Part C of Schedule III shall require prior written permission of the Ministry of Environment, Forest and Climate Change before it is imported to or exported from India, as the case may be. The Committee also noted that Schedule II includes manganese and the concentration limit is quite low i.e. 10 mg/L. The Committee is of the view that for finding out hazardous nature of the slag the TCLP test should be carried out and based on the result of the test it could be decided whether it should be considered as hazardous for purpose of import. The applicant has therefore been advised to get the sample of the material proposed to be imported for manganese content and other heavy metal

constituents by TCLP test from NABL accredited laboratory and submit to the Ministry. The matter is deferred till then.

1.6 Use of compost mixed with ETP Sludge for Food Crops- Representation from Nitta Gelatin India Limited

M/s Nitta Gelatin India Limited (formerly Kerala Chemicals & Protein Limited) is a public limited company promoted by the Kerala State Industrial Development Corporation Limited, Trivandrum, in collaboration with M/s Nitta Gelatin Inc. Japan, a leading Global manufacturer of Gelatin, Ossein, Limed Ossein, Di-Calcium Phosphate and Collagen Peptide. Commercial production started in 1979 and the name changed to Nitta Gelatin India Limited in 2008 reflecting the global affiliation. Since 2010 the applicant has forayed into consumer markets with food supplements and bio-compost manure. At the Ossein division in Kerala, Ossein and limed ossein are manufactured. The nutrient rich sludge generated from the ETP is categorized as non-hazardous as per the order no. 23-24/2007-HSMD dtd 3rd January 2008 issued by MoEF. The use of compost mixed with ETP sludge has been approved by MoEF vide the above order for use in plantation crops.

The Kerala Agricultural University, Kerala had carried out field studies to evaluate the use of the Compost mix with sludge for food crops. The study was conducted on rice, vegetable and fruit crops. The report confirms that there was an increase in grain yield on use of ETP sludge and no buildup of heavy metals in the soil and plant samples. The experiments on vegetable crops show that the plots enriched with ETP sludge showed early flowering, increased number of fruits per plant and higher yield.

Kerala State Pollution Control Board (KSPCB) vide their order no. PCB/HO/TSR/ICO/80/2007 dtd 9.02.2010 has approved the use of compost from ETP sludge for all types of Food and Plantation Crops. The sludge and the compost mixed with the sludge (compost manure) were tested by CPCB and NEERI, Nagpur. CPCB in their report submitted to NGT, Chennai confirmed that the heavy metal content in bio-compost and sludge are well within the standards specified by the Fertilizer Control Order (FCO) 1985. NEERI, Nagpur in their report after extensive study also confirmed that the ETP sludge is non-hazardous.

Analysis of the Organic manure (Bhoomitra) sample by Regional Centre of Organic Farming (RCOF), Ministry of Agriculture & Cooperation, Govt of India, Bangalore confirms that the organic manure, Bhoomitra from the ETP sludge of Ossein division conforms to the standard specified by FCO. The Department of Agriculture, Government of Kerala has permitted the applicant to manufacture bio-compost with the sludge.

In summary:

1. The ETP sludge is categorized as non-hazardous by MoEF. This is confirmed by NEERI also.

2. The effectiveness of the compost mixed with Sludge (Compost manure Bhoomitra) on Food crops is confirmed by the study conducted by the Kerala Agricultural university, Kerala
3. The compliance of the quality parameters of the compost Manure, Bhoomitra, to FCO standards is confirmed by the report by regional centre of organic farming and CPCB.

The applicant has requested to permit the use of the compost mixed with ETP sludge (Compost manure, bhoomitra) for food crops.

Decision: **The applicant has been manufacturing ossein and di-calcium phosphate from crushed bones and the sludge generated from the ETP is mixed with compost for use in agriculture. They have come with a request that this compost may be permitted to be used in food crops. The Committee noted that the industry does not fall in the Schedule I of the HW Rules, 2016. Moreover, the ETP sludge as analysed by CPCB in December 2016 does not come in the category of hazardous waste as per Schedule II of the Rules. So far as the use of the material in agriculture is concerned the applicant may be advised to approach the Ministry of Agriculture.**

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