

Decisions of 55th meeting of the Technical Review Committee (TRC) under the Hazardous Waste (Management, Handling and Trans-boundary Movement) Rules, 2008 held on 27th and 28th June 2016 under the chairmanship of Shri R.K.Garg

AGENDA ITEM NO. 4: ISSUES WRT AMENDMENT OF HAZARDOUS AND OTHER WASTES (MANAGEMENT, HANDLING AND TRANS-BOUNDARY MOVEMENT) RULES, 2016

4.1 CLARIFICATION SOUGHT BY SHRI MINKU GANDHI WITH REGARD TO TWO PRODUCTS (Ammonium Carbonate and diluted Sulphuric Acid) REGARDING THEIR STATUS AS 'BY PRODUCT' OR 'WASTE' UNDER THE HW RULES, 2016 (F.NO. 23-99/2016-HSMD)

Decision: With regard to the definition of the “waste” in the HW Rules, 2016, the Committee recommended no change in the definition. With regard to the other two issues, the following is recommended:

- (a) The Committee was informed that ammonium carbonate of concentration 40 to 50 percent recovered is of high quality and almost pure form in the process of CPC blue production. Ammonia and carbon dioxide evolved in the process are scrubbed with cold water producing ammonium carbonate. The Committee was also informed that this material is being supplied to soda ash manufacturers and other users for direct use. The Committee recommended that this may be considered as a ‘by-product’ and not a ‘waste’ under the HW Rule, 2016.
- (b) So far as the dilute sulphuric acid produced in the sulphonation process is concerned, only 15 to 20 percent is recovered and is likely to contain impurities. In any case spent acid is already included in Schedule I item no. 26.3 as hazardous waste. Hence it continue to be hazardous waste under the HW Rules, 2016.

4.2 CLARIFICATION SOUGHT BY M/S BAKUL PHARMA REGARDING AMMONIA PRODUCED DURING UREA PRODUCTION TO BE DESIGNATED AS 'BY-PRODUCT'.

Decision: The Committee 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.

4.3 REPRESENTATION FROM M/S HINDALCO INDUSTRIES LIMITED, ADITYA BIRLA GROUP WRT 'WASTE' AND 'BY-PRODUCT' STATUS OF VANADIUM SLUDGE (F.NO. 23-96/2016-HSMD):

Decision:

i. Vanadium Sludge

During presentation, the representatives of M/s Hindalco stated that Vanadium Sludge which is generated in the alumina refineries are so far being considered as a by-product and has been supplied to their group company and a few other recyclers

for recovery of vanadium. They presented some literature in support of their contention that Vanadium sludge is a by product in alumina production.

The Committee looked at the composition of the sludge and found that the vanadium content is of the order of 13 percent as vanadium pentoxide. It also contains arsenic-0.86 % as As_2O_3 . From this it is obvious that it is hazardous in nature and needs chemical processing to recover vanadium as ammonium metavanadate (NH_4VO_3).

The Committee therefore is of the view that vanadium sludge has been rightly included in the Schedule I of the HW Rules, 2016. It was recommended that the applicant may go through the process of obtaining authorisation from SPCB and approval from CPCB under Rule 9 of HW Rules, 2016 for its utilization. Since the applicant has been treating Vanadium Sludge as a byproduct and sending it for recovery to other plants, which practice has now been stopped in view of the new rules leading to accumulation of the sludge in their plants' premises and closure of the plants utilizing the sludge, CPCB may be asked to expedite finalization of Standard Operating Procedure and send it to the concerned SPCB. The Committee also recommended that in view of the environmental consequences of accumulation of the sludge such as pollution of the ground water and soil, the applicant may be permitted to continue the practice of sending the sludge to the plants utilizing it, for six months' period.

ii. Aluminium dross from re-melting operation:

The Committee was informed that the aluminium dross is generated from re-melting of the scrap from their own process. This dross is supplied to recyclers for recovery of Al. Further, the dross does not contain any hazardous constituents as per Schedule II as shown in the analysis report submitted by the applicant. The Committee therefore recommended that Al dross generated in M/s HIL process may be categorized as non-hazardous.

4.4 REPRESENTATION FROM METAL RECYCLING ASSOCIATION OF INDIA(MRAI) AND INLAND IMPORTERS & CONSUMERS ASSOCIATION REGARDING THE PROVISION ON MANIFEST SYSTEM FOR INTER-STATE TRANSPORT OF METAL SCRAP AND SCHEDULE III D AND SCHEDULE VIII

Decision: The matter pertains to amendment and is under consideration.

4.5 REPRESENTATIONS FROM ALL INDIA MFD PREOWNED IMPORTERS AND DISTRIBUTORS ASSOCIATION and BEST MEGA INTERNATIONAL, IMPORTERS AND EXPORTERS WRT NOTES REFERRED AT ** UNDER SCHEDULE III D PART D (F.no. 23-92/2016-HSMD).**

Decision:

- i. Ministry has notified G.S.R. 670 (E) dated 6th July 2016 with regard to import of MFDs.
- ii. The Committee noted that the e-waste Management Rules, 2016 will come into force from 1st October 2016. Till then the import of second hand/used electrical or electronic items for reuse will continue to be governed under the 2011 e-waste Rules. The authorization under the 2011 Rules was to be given by the concerned SPCB. As such, the importers of second hand MFDs will continue to get EPR authorization from the concerned SPCB

till September 30th 2016. Accordingly, this Ministry can't issue any such clarification.

4.6 REVIEW OF LIST OF CRITICAL CARE MEDICAL EQUIPMENT SUBMITTED BY DIRECTORATE GENERAL OF HEALTH SERVICES (DGHS), M/O HEALTH AND FAMILY WELFARE FOR NOTIFYING UNDER THE AMBIT OF HAZARDOUS AND OTHER WASTES (MANAGEMENT, HANDLING AND TRANS-BOUNDARY MOVEMENT) RULES, 2016 (F.No. 23-4/2009-HSMD)

Decision: The matter is under deliberation.

4.7 REPRESENTATION FROM RECYCLING AND ENVIRONMENT INDUSTRY ASSOCIATION OF INDIA WITH REGARD TO SCHEDULE IIID- B1110 (F.No. 23-90/2016-HSMD)

Decision: Amendment dated 6th July 2016 to the Hazardous and other Wastes (Management, Handling & Trans-boundary Movement) Rules, 2016 has already been notified.

4.8 REPRESENTATION FROM M/S SHREE MANGAL RADHIKA(F.NO. 23-55/2015-HSMD) AND M/S GOODWILL IMPORTS (F.NO. 5-7/2016-HSMD) REGARDING THE RECENT REQUIREMENT FOR AUTHORIZATION FOR THE IMPORT OF RUBBER SCRAP.

Decision: The Committee recommended that a direction under EPA, 1986 may be issued that all the SPCB/PCCs should issue the requisite authorization as mandated in the HW Rules., 2016 after following the prescribed procedures for units recycling imported rubber tyre scrap/used tyres.

4.9 REPRESENTATION FROM JAIN TUBES CORPORATION (F.NO. 17-18/2009-HSMD) AND ALL INDIA RECYCLED FIBRE & YARN MANUFACTURERS ASSOCIATION (F.NO. 17-16/2016-HSMD) REGARDING DIFFICULTY IN CLEARANCE FROM CUSTOMS WITH REGARD TO PERMISSION ISSUED FOR THE IMPORT OF PET SCRAP PRIOR TO THE NOTIFICATION OF HAZARDOUS AND OTHER WASTES (MANAGEMENT, HANDLING AND TRANS-BOUNDARY MOVEMENT) RULES, 2016

Decision: Having taken note of the validity of licenses for import of plastic and PET scrap issued under the previous Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008, It has been decided that all the valid licenses of import of plastic and PET scrap issued under the previous Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008 will be treated as legal documents. However, the import will be limited to following four categories as on the date of issue of this office memorandum:

- i. Those consignments which have arrived under the valid licenses on Indian ports.
- ii. Those consignments under valid licenses which are in transit from the country of origin.
- iii. The quantity of import for which Letter of Credit (LC) has already been opened by valid license.
- iv. The quantity of import for which advance has already been paid with documentary evidences. However, in this category the quantity permissible for import will not be the entire quantity for contract against which the advance is paid but the quantity would be limited to the value of advance paid.

AGENDA ITEM NO 05: GENERAL ISSUE OF IMPLEMENTATION OF HW RULES, 2016 NOT PERTAINING TO AMENDMENT

5.1 REPRESENTATION FROM ASSOCIATION OF INDIAN DRY CELL MANUFACTURERS WITH REGARD TO CEASING THE USE OF LEAD ACID BATTERIES BASED APPLIANCES(F.NO.5-5/2016-HSMD):

Decision: During presentation, the representative of the Association of Indian Dry Cell Manufacturers made the following points:

- i. A large no. of small lightning devices like torches, lanterns etc. using lead acid batteries are being imported from China;
- ii. India and china are the only countries which use lead acid batteries instead of dry chargeable cells which do not contain lead or other hazardous constituents;
- iii. There is no organized system of collection and disposal of the small sized lead acid batteries with these devices after they become nonfunctional and which is a potential environmental problem;
- iv. In view of the above the import of such devices should be banned.

The Committee deliberated and felt that in the lead acid batteries are covered in separate rules. Therefore the committee was of the view that the issue may be considered as and when Battery (Management and Handling) Rules, 2001 are sought to revise.

5.2: REPRESENTATION FROM M/S RAMKY REGARDING THE MADHYA PRADESH WASTE MANAGEMENT PROJECT WITH REGARD TO CLARIFICATION ON GUIDELINES FOR SITING OF LANDFILL FOR TSDF OF HAZARDOUS WASTE AT PITHAMPUR, DHAR DISTRICT, MP (F.NO. 23-25/2016-HSMD):

Decision: The Committee noted that this site was developed as integrated TSDF before 2006 EIA notification with the approval of the concerned state board. However, now for any expansion of the activities in this site from what was approved by the MPPCB, the applicant has to obtain EC from the Ministry as per 2006 notification. The Committee therefore advised the applicant to seek environmental clearance from MOEFCC.

5.3: REPRESENTATION BY M/S BELTEK TRADING COMPANY REGARDING IMPORT OF OLD UNUSED COLOR PICTURE TUBES (F.No. 23-14/2016-HSMD):

Decision: The applicant has claimed that the colored picture tubes imported by them are from old stock and are unused. As per the existing provision under the HW Rules, 2016 in case of import of used EEE including colored picture tube, the permission of this Ministry is mandatory. In the instant matter, as informed by the applicant the Customs authority has considered them as old and used colored picture tubes. The issue in the present case falls in the purview of the Customs Authority and this Ministry does not have any role to play.

5.4: REPRESENTATION FROM M/S HEWLETT- PACKARD (HP) INDIA SALES PVT. LTD, GURGAON REGARDING IMPORT OF REFURBISHED PRESS MACHINES WITHOUT MOEF'S PERMISSION (F.NO. 23-178/2014-HSMD):

Decision: The Committee noted that the matter pertains to illegal import and accordingly the permission was denied by the Ministry to M/s Sapphire when they applied. However as has been brought to the notice by M/s HP, the representation regarding these illegal import of used HP Indigo Digital Press with accessories and spares by Sapphire should be forwarded to the Port and Customs Authority for necessary action as per HW Rules, 2016 and Port and Customs Act.

5.6: REPRESENTATION FROM PETROLEUM RE-REFINERS' ASSOCIATION OF INDIA REGARDING RE-REFINING OF USED OIL INDUSTRY 'BOTTOM RESIDUE DISPOSAL'- (F.No. 23-91/2016-HSMD).

Decision: The issues raised by the applicant pertains to the jurisdiction of other ministries and regulatory agencies. The Committee is therefore of the view that all these issues are beyond the purview of MOEF&CC. As far as the issue of bottom residue is concerned the committee advised that the applicant may approach CPCB for their approval of utilization of these wastes under Rule 9 of HW Rules, 2016.

5.7: REPRESENTATION FROM MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY WITH REGARD TO DIFFICULTY FACED BY 100% EXPORT ORIENTED UNITS (EOUS) UNDER SOFTWARE TECHNOLOGY PARK (STP)/ELECTRONIC HARDWARE TECHNOLOGY PARK (EHTP) SCHEME IN RESPECT OF IMPORT OF SECOND HAND CAPITAL GOODS (CG)(F.NO. 23-100/2016-HSMD).

Decision: The Committee observed that the recent notified HW Rules, 2016 has appropriately addressed most of the issues pertaining to IT sector in order bring clarity and remove various kind of bottle neck with respect to import of second hand EEE for various purposes. A separate Schedule as Schedule III D now provide the list of Other Wastes applicable for import and export without permission from MoEF&CC. This list includes various category of second hand EEE for re-use purpose at B1110 which include those for repair and rental purpose and to be re-exported within one year; for R&D, testing and project purpose to be re-exported within 3 years etc. The recently revised rules, referring to the specific provision may be forwarded to M/o Communication and Information Technology.

5.8: REPRESENTATION FROM ALL INDIA SCRAP RECYCLERS ASSOCIATION (AISRA) REGARDING BLATANT MISUSE OF IMPORTED TYRE SCRAP WITH ONE CUT IN BEAD(F.NO. 23-89/2016-HSMD):

Decision: The Committee reviewed the matter and agreed to the proposal that import of tyre scrap with one cut in bead should not be permitted to prevent its misuse specifically for the purpose of direct reuse, the import with respect to which is already banned under HW Rules, 2016. A communication regarding the same may also be forwarded to DGFT, to ensure its removal from OGL.

5.9: CLARITY REGARDING THE VINTAGE LIFE OF THE MEDICAL EQUIPMENT

Decision: The matter is still under deliberation.