

**Decision of Ministry of Environment, Forest and Climate Change with respect to discussion on issues pertaining to clarifications sought on Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016, as approved by the Competent Authority on the basis of recommendation of the 79<sup>th</sup> Meeting of the Technical Review Committee (TRC) held on 20<sup>th</sup> June, 2023**

**Agenda 1. Representation from Gujarat Chambers of Commerce and Industry (GCCI) regarding issues related to Rule 9 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016**

- i. GCCI has mentioned that Gujarat Pollution Control Board (GPCB) has withdrawn all the permissions given under interim policy for utilization of Hazardous waste under Rule 9 of HOWM Rules, 2016 on 20.04.2022. Thereafter, on requested of different industry association, GPCB vide letter dated 25.04.2022 extended the interim policy for one year i.e. up to 25.04.2023. However, SOPs for large number of wastes are still pending either for trial run or for further one year. It is unlikely to be completed by April, 2023. Further, they have requested to extend time limit by further one year.
- ii. GCCI has also raised their concern on the following Points:
  - a. GCCI has mentioned that the cost of SOP for MSME to submit Rule 9 approval for a particular waste cost nearly Rs.15-20 lakhs and also takes minimum 10-12 months for approval by CPCB, so they recommended CPCB to incur this cost to get approval under Rule 9 for any Hazardous Waste. Also, the applications under rule 9, which directly submitted to CPCB, should be made available to GPCB.
  - b. GPCB has already set up/implemented robust monitoring of transfer/sale of Hazardous Waste, use of Hazardous Waste and any transportation is subject to legal Manifest and has also Online Tracking System of each such vehicle transporting the waste. Unfortunately, no other state has implemented such a fool-proof system. Due to this, industries of Gujarat are not having level-playing field at par with other States. GCCI has requested that all States must involve such stringent policy in the transportation of Hazardous Waste as regulated by GPCB.
  - c. In February 2021, the CPCB established the Standard Operating Procedure (SOP) for the utilization and recovery of spent solvents. The SOP listed a total of 18 solvents; however, some solvents, such as acetic acid and formic acid, are categorized as class 3 solvents. GCCI has requested that CPCB should include the SOPs for these class 3 solvents (acetic acid and formic acid) as well. This request is based on the fact that the distillation process for all solvents and acids is the same, with boiling points ranging from 100 to 150°C, below 150°C. They

further requested to include distillation process for propionic acid, acetic acid, and formic acid to be added to spent recovery solvent list. Adoption of distillation process for all solvents and acids like propionic acid acetic acid & Formic acid etc. with boiling point ranging from 100 to 150°C

- d. GCCI has mentioned that it has been learnt that CPCB is going to stop use of spent acids. So, GCCI has requested to hold the decision of restricting the usage of spent acid in the manufacture of Pharmaceuticals, fertilizers etc. till necessary research and development in consultation with other institutes like IIT, NEERI, State Pollution Control Boards is not done to confirm the adverse effect, if any.

**Deliberation:** The committee deliberated upon the issue. However, the representative of GCCI did not join the meeting. The committee felt that more discussion is required on the subject.

**Recommendation:** After deliberation on the issue the committee felt that more discussion is required on the subject. The committee also recommended that views/comments from CPCB may be obtained for further discussion/deliberation. Till then, the matter is deferred.

**Agenda 2. Request for categorization of ETP Sludge (i.e. Red/White Gypsum generated from effluent water neutralization process) as co-product - M/s Travancore Titanium Products Limited.**

M/s Travancore Titanium Products Limited (TTPL) has informed that they manufacture Titanium Dioxide Pigment. TTPL is operating Effluent Treatment Plant (ETP) continuously for neutralizing the effluent generated during the production process and during the effluent water neutralization process, White and Red Gypsum is generated. Around 364 MT gypsum per day is generated and is stored in the plant premises as per the protocol. Currently, a portion of white Gypsum produced is sold to Cement companies on trial basis. Also, a small portion of Red Gypsum is used for making B caps and Tetra Pots on trial basis.

TTPL has further informed that M/s Anacon Laboratories Pvt Ltd, Nagpur, has conducted field survey, characterization of ETP by products leachate through TCLP, analysis of all possible hazardous components in all inputs and outputs of production process as per schedule II of HOWM Rules, 2016 and its report shows all parameters are well within the permissible limits.

TTPL has also mentioned that Kerala State Pollution Control Board (KSPCB) has carried out inspection and conducted TCLP study of the ETP sludge and found all parameters including heavy metals are well within the limit. The letter dated 05.02.2022 of KSPCB in this regard is attached in the representation.

In view of the above, TTPL has requested to consider this matter and categorized ETP Sludge (i.e. Red/White Gypsum generated from effluent water neutralization process) as co-product.

*The matter was discussed in 78<sup>th</sup> meeting of TRC. The committee observed that the analysis of ETP through the MoEF&CC accredited laboratory have been conducted and all the parameters are under the permissible limit as per schedule II of HOWM Rules, 2016. It was also informed by the applicant that Kerala State Pollution Control Board (KSPCB) has carried out inspection and conducted TCLP study of the ETP sludge and found all parameters including heavy metals are well within the limit. The committee however opined that the generation of calcium sulphate due to neutralization of spent process acid is widespread and usually, such sludges, being contaminated with process residues, are classified as hazardous, and have to dispose off or used as per SOPs prepared by CPCB. Committee also noted that that applicant have been able to find buyers for their white gypsum*

*The committee was of the opinion that the applicant may be requested to submit the copy of Consent to Operate and Environmental Clearance for further deliberation in the matter.*

TTPL has submitted the requisite details. Accordingly, the matter is placed before the TRC for deliberation/decision.

**Deliberation:** The committee deliberated upon the issue and gone through details submitted by TTPL.

**Recommendation:** The committee noted that white gypsum and red gypsum are not specifically mentioned in the Environmental Clearance but they are shown as by-products in the Environment Impact Assessment report- white gypsum is to be sold while red gypsum is to be used as a soil conditioner or for land fill. The committee also noted that these are shown as by-products in the Consent to Operate. Presently, some white gypsum is sold to customers, while red gypsum is being stocked. As per HoWM Rules, spent acid neutralisation sludge is generally considered hazardous. Considering the analysis report submitted by the applicant, the committee recommended that samples may be collected/ drawn by CPCB from TTPL and analysed for parameters given in schedule II of HOWM Rules, 2016. On receipt of the analysis result from CPCB, the matter will be reconsidered whether an exception should be made from the general rule in this specific case.

**Agenda 3. Review of export obligation for Special Economic Zones (SEZ) and Export Oriented Units (EOU) units engaged in import of ‘post-industrial or pre-consumer polyethylene wastes’ and ‘Polymethyl Methacrylate’ as per the Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2021**

Ministry has amended the HOWM Rules, 2016, vide G.S.R. 47(E) dated 27<sup>th</sup> January, 2021.

As per the amended notification:

79<sup>th</sup> meeting of the Technical Review Committee

(i) The import of ‘post-industrial or pre-consumer polyethylene wastes’ and ‘Polymethyl Methacrylate’ is permitted to units in Special Economic Zones (SEZ) and Export Oriented Units (EOU) notified by the Central Government.

(ii) The import of ‘post-industrial or pre-consumer polyethylene wastes’ shall be permitted with a requirement of at least 50% exports in terms of tonnage for 18 months from the date of the notification or till a decision is taken on the basis of review or audit undertaken to ascertain the effect of such import, whichever is later.

However, no review/audit undertaken to ascertain the effect of such import and to further decide the export obligation. Now, it has been decided in the Ministry that the matter may be referred to TRC for review. Accordingly, the matter is placed before the TRC for deliberation.

**Deliberation:** The committee deliberated upon the issue.

**Recommendation:** After detailed deliberation on the issue the committee recommended that import data of last 3 years may be obtained from Kandla Special Economic Zone Industries Association (KASEZ) and KASEZ may also be invited in the next meeting for detailed deliberation on the matter. Till then, the matter is deferred.

\*\*\*\*\*