

Minutes of 54th meeting of the Technical Review Committee (TRC) under the Hazardous Waste (Management, Handling and Trans-boundary Movement) Rules, 2008 held on 17th and 18th February 2016 under the chairmanship of Shri R.K.Garg

The decisions of the Ministry as per the agenda are as follows:

2.1 AGENDA ITEM NO 01: Clarification sought by M/s MV Kini Law Firm regarding the applicability of HW Rules, 2008 to Photo Voltaic (PV) solar modules with thin film cadmium telluride (Cd Te) semi-conductor technology and representation from M/s Indian Solar Manufacturers Association stating imported Cadmium based thin film PV solar modules used in Solar Power Plants flouting e-Waste (Management & Handling) Rules, 2011 (F. No. 23-150/2015-HSMD):

Decision: The Committee observed that the waste solar cells are not covered in any of the schedules of Hazardous Waste (Management, Handling and Trans-boundary Movement) Rules, 2008 and of e-waste (Management & Handling) Rules, 2011. However the end of life/waste cells proposed to be exported by M/s First Solar do contain Cadmium and Tellurium which are known to be toxic elements. As reported by the company, Cd and Te together is 1069 mg/kg of the total quantity of the cell. As such the waste has the hazard potential.

According to the report submitted by the applicant the TCLP test has shown the leachate concentration to be 0.19mg/l of Cd in one case and 0.14 mg/l in another case. The concentration of Te is reported as 0.2mg/l. Both together are less than 1mg/l which is the limit for considering it as hazardous under Schedule II of the proposed HW Rules, 2016. The Committee recommended that a sample of the waste material should be subjected to TCLP test by Central Pollution Control Board to confirm the results reported by the applicant. If the TCLP test by CPCB confirms claim of the applicant, then waste/ end of life cells may be categorized as non-hazardous and therefore the applicant would not require the permission of MOEF&CC for export of such waste. However, in case of solar cells containing any of the hazardous constituents such as Cadmium, Tellurium, lead, silver etc., such cases would be considered for import export on case to case basis.

2.2 AGENDA ITEM NO 02: Mercury content in CFL lamps-representation of ELCOMA forwarded by Bureau of Indian Standards:

Decision: The Technical Review Committee is of the view that there are technologies available for conforming to the mercury content in

the CFLs given in Schedule II of e-waste (Management & Handling) Rules, 2011. Therefore there is no reason for considering relaxation in mercury content of CFLs which was prescribed way back in 2011.

2.3 AGENDA ITEM NO 03: Information regarding Transport of paper waste mixed with household from Ireland to India from the Inspectorate of Transport and Human Environment, Ministry of Infrastructure and Environment, Netherland (F.No. 23-279/2014-HSMD): -

Decision: As per Rule 17 (ii and iii) of Hazardous waste (Management, Handling and Trans-boundary Movement) Rules, 2008 any import or export which does not conform to the shipping details provided in the movement document or the permission has been obtained through falsification, misrepresentation or fraud will be considered as illegal traffic and accordingly as per Rule 17(2) in case of illegal import of Hazardous waste, the importer shall re-export the waste. If along with paper waste any other waste like municipal or bio-medical waste has also been imported against the declared import of waste paper, it is illegal import.

In view of such cases the bio-medical waste and the household/municipal waste have already been included in the banned category (Schedule VI) of the proposed Hazardous waste Rules, 2016. Taking cognizance of these regular complaints of illegal import of bio-medical and municipal waste in disguise of paper waste, the Committee was of the view that the paper waste as listed in Schedule III D of the HW Rules, which was in the exemption category may be moved to Schedule III B of the proposed Hazardous Waste Rules, 2016 so that its import will be regulated by the Ministry.

2.4 AGENDA ITEM NO 04: Representation from M/s Raj Lakshmi Metals Jalna, Maharashtra with regard to Re-export of used battery on high sea sale basis (F. No. 5-4/2016-HSMD):-

Decision: Both the issues were deliberated by the Committee and accordingly issue wise Decision are as given below:

- i. So far as purchase and sale of used batteries on high seas is concerned it does not come under the purview of Hazardous Waste (Management & Handling) Rules, 2008; since it is neither import into India nor export from India.
- ii. So far as importing the batteries into India is concerned, it is allowed only to actual users for recycling with the permission of MOEF&CC under the HW Rules, 2008. Since the instant application is for trading purpose

involving import and re-export, the Committee recommended that the application may be rejected.

2.5 AGENDA ITEM NO 05: Escrow account as Corpus fund/contingency fund/insurance policy for post monitoring and remediation of contaminated site w.r.t. Treatment Storage and Disposal Facility (TSDF) for Hazardous waste (F. No.23-1/2008-HSMD).

Decision: The issue is pending (under discussion) as directed by the Competent Authority.

2.6 AGENDA ITEM NO 06: Representation from M/s Apple regarding (i) importing Certified Pre-Owned (CPO) iPhones for sale in India; and (ii) manufacturing Certified Pre-Owned iPhones in India, for sale in India.

Decision: The issue is pending (under discussion) as directed by the Competent Authority.

2.7 AGENDA ITEM NO 07: Representation from Society of Oil Savers, Sahibabad, Distt-Ghaziabad, U.P. regarding light cut and bottom residue obtained from used oil distillation (F. No.23-26/2016-HSMD) :

Decision: The issue is pending (under discussion) as directed by the Competent Authority.

2.8 AGENDA ITEM NO 08: Representation from Nimbua Greenfield (Punjab) Limited (NGPL) regarding extending exemption from payment of service tax to TSDFs for hazardous industrial waste (F. No. 23-27/2016-HSMD)

Decision: The Committee recommended that the request of the applicant for taking up the issue of service tax exemption for TSDFs may be considered by the Ministry of Finance, on the lines of exemption already granted to Common Effluent Treatment Plants.

2.9 AGENDA ITEM NO 09: 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: The Committee suggested that the Association of Indian Dry Cell Manufacturers may be asked to come for presentation and the Association of Lead Acid Batteries Manufacturers may be invited in the next TRC.

2.10 AGENDA ITEM NO 10: Representation from Mumbai Port Trust with regard to disposal of the hazardous materials/goods lying in the Port-request for conveying no objection (F. No 23-24/2016-HSMD):

Decision: From the letter of the Mumbai Port Trust it was observed that the consignment proposed to be disposed off contains lead acid batteries. There are number of units registered for recycling of lead scrap including waste/used lead acid batteries. The Committee therefore recommended that the consignment may be sold/auctioned only to registered recyclers of used lead acid batteries.

2.11 AGENDA ITEM NO 11: Representation from Madhya Pradesh Waste Management Project with regard to guidelines for siting of Landfill for Treatment Storage Disposal Facility (TSDF) of hazardous waste at Pithampur, Dhar District, MP-Request for review and clarification (F. No. 23-25/2016-HSMD):

Decision: The Committee suggested that the applicant may be invited for presentation along with the maps at the time of construction of TSDF and the present status. The representative of the Madhya Pradesh Pollution Control Board may also be invited along with the applicant.

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