

**AGENDA ITEMS FOR 54<sup>th</sup> MEETING OF TECHNICAL REVIEW COMMITTEE (TRC) UNDER HAZARDOUS WASTE RULES, 2008**

**Dated: 27<sup>th</sup> and 28<sup>th</sup> June, 2016 at 10:00 AM**

**Venue:- Narmada Conference Hall, Ground Floor, JAL Block, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003**

**In the Chair: Shri R.K.Garg**

**AGENDA**

**27<sup>th</sup> June 2016**

**AGENDA ITEM NO 01: REVIEWING OF COMMENTS WITH REGARD TO THE IMPLEMENTATION OF THE RULES RECEIVED POST NOTIFICATION OF E-WASTE (MANAGEMENT) RULES, 2016**

The comments received from Consumer Electronics and Appliances Manufactures Association(CEAMA), Manufacturers Association for Information Technology (MAIT), Lexplosion Solutions Private, Kolkata, Electric Lamp and component Manufacturers' association of India (ELCOMA), Keysight Technologies International India Private Limited will be deliberated upon with regard to E-Waste(Management), Rules, 2016.

**AGENDA ITEM NO 1.1 Clarification sought with regard to various clauses of the Rules: Representation from Manufacturers Association for Information Technology (MAIT) and Consumer Electronics and Appliances Manufactures Association (CEAMA):**

The comments/observations/clarifications have been received with regard to applicability of the rules, definitions like consumables, deposit refund scheme, end of life, refurbisher, responsibilities of the manufacturer, responsibilities of the producer, responsibilities of the dealers, ROHS compliance, Responsibilities of consumer or bulk consumer, procedure for seeking and grant of authorisation for management of e-waste, transportation of e-waste, liability of manufacturer, producer, importer, transporter, refurbisher, dismantler and recycler, and on the forms and various schedules of the rules.

**AGENDA ITEM NO 1.2: Clarification on categorization Fluorescent and other Mercury containing lamps in SCHEDULE I -Categories of electrical and electronic equipment including their components, consumables, parts and spares covered under the rules- representation from Electric Lamp and component Manufacturers' association of India (ELCOMA) and Manufacturers Association for Information Technology (MAIT)**

Clarifications have been sought with regard to the categorization of the "fluorescent and other mercury containing lamps" and confirmation is sought if the manufacturer of CFL and other products reduced the limits of Mercury

contents as prescribed in the schedule, will such products be exempted from e-waste rules .

**AGENDA ITEM NO 02: REVIEWING OF COMMENTS WITH REGARD TO THE IMPLEMENTATION OF THE RULES RECEIVED POST NOTIFICATION OF HAZARDOUS AND OTHER WASTES (MANAGEMENT, HANDLING AND TRANS-BOUNDARY MOVEMENT) RULES, 2016**

The comments received from Metal Recycling Association of India, Inland Importers & Consumers Association, All India MFD (Preowned importers and Distributors association), Best Mega International, importers and Exporters, Minku Gandhi, Alkali Manufacturers' Association of India, Aditya Birla, Hindalco, All India Recycled Fibre & Yarn manufacturers Association, Inspectorate human Environment and Transport, Netherlands and Keysight Technologies International India Private Limited will be deliberated upon with regard to Hazardous and other wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

**2.1.1 CLARIFICATION WITH REGARD TO THE DEFINITION OF “waste” as specified in HW Rules, 2016-Representation from Shri Aditya Birla Hindalco, Shri Minku Gandhi and Bakul Pharma**

Clarification with regard to application of the definition of waste and by-product on various chemicals generated during the manufacturing process in various industries.

**2.1.2 Manifest system (Movement Document) for hazardous and other waste to be used within the country only, List of documents for verification by customs for import of other wastes and Schedule VIII Part D: representation from Metal Recycling Association of India Inland Importers & Consumers association**

The notification requires preparing 7 copies of the manifest in Form 10 and the same to be submitted to different agencies at different times, clarification has been sought with regard to the problems encountered in doing so.

**2.1.3 Amending of Schedule III D Part D notes marked \*\*\*\* with regard to Multi-function devices- Representations from All India MFD (Preowned importers and Distributors association) and Best Mega International, importers and Exporters**

Clarification to the customs authorities that EPR authorization for the importers would be mandatory only after the new notification of E-waste Rules which comes in force from 1<sup>st</sup> of October 2016.

**2.1.4 Clarification sought with regard to 16 D of Schedule I of the Rules-Representation Alkali Manufacturers' Association of India**

Clarification with regard to mercury cell process in Schedule I (List of processes generating hazardous wastes) has been sought.

**2.1.5 Clarification with regard to Form 7: APPLICATION FORM FOR ONE TIME AUTHORISATION OF TRADERS FOR PART- D OF SCHEDULE III, WASTE and an acknowledged copy of the annual return filed with SPCB as referred in schedule VIII (List of documents for verification by Customs for import of other wastes specified in Part D of Schedule III)- Representation from Keysight Technologies International India Private Limited**

Clarifications have been sought with regard to various clauses of Form 7, details on annual return to be filed with the State Pollution Control Board.

**2.1.6: Removal of ETP sludge from the list of Hazardous Waste of Hazardous and other wastes (Management, Handling and Trans-boundary Movement) Rules, 2016- representation from Indian Agro & Recycled Paper Mills Association (IARPMA)**

IARPMA has submitted information with regard to removal of ETP sludge from the list of hazardous waste.

The matter may be deliberated with regard to the Hazardous and other wastes (Management, Handling and Trans-boundary Movement) Rules, 2016

**2.1.7: Review of list of Critical care equipment submitted by DGHS that fall in the ambit of Hazardous and other wastes (Management, Handling and Trans-boundary Movement) Rules, 2016**

The Committee will be reviewing the list of Critical care equipment submitted by DGHS that fall in the ambit of Hazardous and other wastes (Management, Handling and Trans-boundary Movement) Rules, 2016 as well as will be deliberating upon the clarity regarding the vintage and the criticality of the medical equipment in reference to their import.

The aforesaid will be deliberated upon by the TRC for finalizing the criteria for consideration of applications for medical equipment and for finalizing the list of critical care medical equipment for the notification.

**2.1.8 Representation from Recycling and Environment Industry Association of India with regard to Schedule IIID- B1110**

Ministry has been requested to amend the relevant provision with regard to import of electrical and electronic assemblies for repair and re-export.

The Committee will be deliberating on the aforesaid issue with regard to HW Rules, 2016.

**2.1.9 Submission of valid authorization for the import of rubber scrap: representation from M/s Shree Mangal Radhika and M/s Goodwill imports**

The matter pertains to import of rubber scrap. The Ministry has received applications from Shree Mangal Radhika and M/s Goodwill imports wherein

they have stated that their unit is registered under green category, and as per Public Notice issued by Haryana State Pollution Control Board, it has exempted the green category from valid authorization. As per the Hazardous and other wastes (Management, Handling and Trans-boundary Movement) Rules, 2016 a valid authorization has been made mandatory.

The matter may be deliberated with regard to the Hazardous and other wastes (Management, Handling and Trans-boundary Movement) Rules, 2016

**2.1.10 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- Representation from Jain Tubes Corporation-reg.**

As per the Hazardous and other Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016, PET scrap falls in the Schedule VI which lists the Hazardous and other wastes prohibited for import.

The industries which have been issued permission by the Ministry prior to the notification of the HW Rules, 2016 are facing problems from the customs with regard to clearances of their import.

The Committee may deliberate on the issue with regard to the recent notification.

**2.1.11 Banning of import of Pet Scrap in the rules- Representation from All India Recycled Fibre & Yarn manufacturers Association, Gujarat acrylic Plastic sheets manufacturer's association and Inspectorate human Environment and Transport, Netherlands**

Ministry has been requested to remove the ban on import of Plastic scrap. The Committee may deliberate on the issue with regard to the recent notification.

**2.1.12 Applicability of Hazardous Waste rules as prescribed in schedules may be reviewed urgently-Representation from CPCB-reg.**

The Committee may deliberate on the issue with regard to the recent notification.

**28<sup>th</sup> June 2016**

**AGENDA ITEM NO 03: Representation from Association of Indian Dry Cell Manufacturers with regard to ceasing the use of lead acid batteries based appliances:**

Uses of lead acid batteries in appliances are banned in several countries and have been replaced with new versions of batteries like Lithium -Ion, lithium Iron Phosphate (LiFe<sub>4</sub>PO<sub>4</sub>), Lithium polymer type of batteries which are environment friendly, safe and have better life cycle. The appliances in which lead acid batteries must not be used are :

- a. Solar Led Lights/Lanterns;
- b. Solar home lighting systems and
- c. Flash Lights (Torches)

These appliances are mainly used in areas where there is no grid power or by common households during load shedding. A general consumer of such appliances is not aware of harmful effects of lead acid batteries and its disposal methodology; he merely throws it away after its life is over without realizing the harm he is causing in the environment.

With regard to environment protection a note on harmful effects of lead acid batteries used for (a) solar LED lights/Lanterns (b) Home Lighting systems, and (c) flash lights (Torches) has been enclosed with the representation.

The applicant has requested to initiate suitable actions to stop the use of aforesaid Lead Acid batteries based appliances. State Governments must issue fresh tenders for such appliances and specifically mention the requirement with Lithium batteries and simultaneously pending supplies against old tenders with lead acid batteries should be cancelled.

The Committee had deliberated on the issue in the 54<sup>th</sup> meeting of the Expert committee with regard to the HW Rules, 2008. 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.

The association's representative has confirmed their presence during the presentation.

The Committee may deliberate on the issue with regard to the recent notification.

**AGENDA ITEM NO 4: 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**

Madhya Pradesh Waste Management Project (MPWMP), a division of Ramky Enviro engineers Ltd., is having a TSDF for hazardous waste in notified

industrial area at Pithampur in Dhar District of MP. The TSDF is for 20 years of operation and 30 years post monitoring on BOOT basis on the land provided by MP government through its Audoyik Kendriya Vikas Nigam (AKVN) and is being promoted by its unit, Pithampur Auto cluster Limited (PACL). About 60 acres of Land was provided for development of TSDF to cater the disposal of the Hazardous waste in the state. The site is notified by Government of the MP for the disposal of TSDF purposes only vide gazette notification of MP Govt number 37, dated 16-12-2005.

Clarification is sought from MOEFCC on the siting guidelines as per the HAZWAMS/17/2000-01 wherein it is stated that “a landfill site shall be at least 500m from a notified habituated area.” A zone of 500 m around a landfill boundary should be declared a no-development buffer zone after the landfill location is finalized”. It may be noted that the entire site of 70 acres is notified for hazardous waste disposal and is falling in the notified industrial area of MP.

The Committee deliberated the issue in its 54<sup>th</sup> meeting as per Hazardous Waste Rules, 2008. 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. Madhya Pradesh Waste Management Project has confirmed their presence for presentation.

#### **AGENDA ITEM NO 6: Import of old unused color picture tubes- Representation by Beltek Trading Company**

The manufacturing of color picture tubes has stopped and the goods which they have imported from manufactures are from old stock but these tubes are unused. The Customs are mentioning them as old and used tubes. The applicant has requested to know which lab can test and give them correct results that the tubes are used or unused, so that they will be able to release the cargo from the Customs.

The Committee may deliberate on the issue with regard to the recent notification.

#### **AGENDA ITEM NO 7: Import of refurbished presses machines without MoEF's permission- representation from Hewlett- Packard (HP).**

It has been mentioned in the communication from HP that in the enterprise printing segment, HP distributes and markets its proprietary printing press under the brand name 'Indigo', which is also a registered trademark in India. Being industrial grade printers, a typical indigo press would be of 4000 kg. These printers are sold to enterprise customers in India only through HP's registered distributor Redington (India) Ltd.

It is further mentioned in the communication that it has come to HP's notice that a particular entity Sapphire Digital Printers, Gurgaon has been importing Indigo presses into India by declaring that these are for captive use. Since these printing presses are only sold by HP through its authorised distributors, the printers imported by Sapphire could be refurbished units. As per the

information available on Zauba.com, Sapphire has imported 13 units of indigo machines in the past 29 months through the Tughlakabad port in Delhi.

As per HP, these machines are being imported for further sale and not for captive use as has been wrongly declared at the time of import. The applicant has enclosed a flyer by sapphire which demonstrates that it has been openly soliciting customers for refurbished indigo machines being imported without necessary MoEF permissions and in violation of the import norms for refurbished materials.

It may be mentioned that Ministry has received two applications from Sapphire with regard to import of 1+1 HP Indigo Digital Press with accessories on 13th August 2014. The application was considered in the 52nd Meeting of the Expert Committee held on 27th October 2014 (pg 72/c) and the Committee decided that “The purpose of import was not apparent. The applicant then was called for presentation in the next meeting by the Ministry”. Thereafter the case was re-considered in the 53rd Meeting held during 3rd -4th December 2014. “During presentation by the importer, the Committee was informed that these items (import 01+01 nos. of used HP Indigo Digital Press with accessories and spares) have been already imported because of lack of awareness on its part. The items are of 2005 make and have been imported from the 3rd party and not the original manufacturer. There is no document to show that these have been refurbished and there is no CEC from the exporting country. The only certificate is from an Indian Chartered Engineer who has obviously given the certificate based on visual conditions. The Ministry therefore did not recommend the import and suggested re-export”.

The matter may be deliberated with regard to the Hazardous and other wastes (Management, Handling and Trans-boundary Movement) Rules, 2016

**AGENDA ITEM NO 8: Re-refining of used oil industry ‘Bottom Residue Disposal’- representation from Petroleum Re-refiners’ association of India.**

As per the communication received from Petroleum Re-refiners’ Association of India(PRAI), the bottom residues from the process has to be incinerated (inspite of the fact that it has many good alternatives uses and is a valuable resource), which results in extreme financial burden. This product has many qualities and hence is a useful resource. In the western countries, it is a standard practice to use the bottom residue as asphalt extender, masticating agent, flap oil action the similar grounds.

Ministry has also been requested to sort out the following issues:

- i. Strict compliance of HWRules, regarding disposal of used oils by ensuring that it goes only for recycling.
- ii. Informing the grave situation to Ministry of finance and asking them to reduce huge taxation on “Light diesel Oil” a comparatively clean fuel so

- that the industry switches to LDO for heating instead of burning used oils which in turn degrades the ambient air quality every time it is burnt.
- iii. Make burning of oil a criminal offence so as to ensure cleaner and safer air for everybody and survival of recycling industry.

Help is sought from the Ministry for solving the problem of disposing off the bottom residue and allow alternate commercial usage of the bottom residues, which essentially is a by-product, a practice allowed the world over.

The matter may be deliberated with regard to the Hazardous and other wastes (Management, Handling and Trans-boundary Movement) Rules, 2016

**AGENDA ITEM NO 9: Import of Second hand machineries to the STPI Units-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).**

As per the communication STP units are eligible for duty free import of second hand capital goods without any age limit as per Para 6.3 of Foreign trade Policy 2009-2014 (**Second Hand Capital 6.3 Second hand capital goods, without any age limit, may Goods also be imported duty free.**).

MoEFCC is requested to nominate a liaison officer for dealing with matters related to STP/EHTP units for the purpose of bringing clarity to the importers of second hand capital goods by 100 % EOUs of STP/EHTP and removing procedural bottle necks for timely clearance.

The matter may be deliberated with regard to the Hazardous and other wastes (Management, Handling and Trans-boundary Movement) Rules, 2016

**AGENDA ITEM NO 10: Balant misuse of import of tyre scrap with one cut in bead.**

All India Scrap Recyclers Association (AISRA) has thrown light on the following issues:

1. At present tyre scrap is being allowed to be imported cut in 2/3 pcs, multiple cuts, shredded and with one cut in bead;
2. Tyre scrap with one cut in bead is under open General License (OGL) and does not require any DGFT license and DIPP clearance whereas tyre scrap import in other forms require DGFT license and DIPP clearance;
3. Tyre scrap with one cut in bead is a very ambiguous and misleading term as the nature and kind of cut in bead is not specified;
4. It has come to the notice that tyre scrap with one cut in bead is being imported by doing a small cosmetic finger cut and after its clearance is being sold in the replacement market which has been banned by MoEF.

AISRA has given the following suggestions:



- i. Tyre scrap imports with one cut in bead should not be allowed to prevent its misuse;
- ii. Or otherwise, it should be mentioned that there should be a complete cut on the tyre cutting it into two half so that the same cannot be sold in the replacement.

The matter may be deliberated with regard to the Hazardous and other wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

**AGENDA ITEM NO 11: Requirement of buffer zone in post closure scenario of SLFs.**

Various RTIs and representations have been received in this regard.

The matter may be deliberated with regard to the Hazardous and other wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

**AGENDA ITEM NO 12: Exemption of brine sludge generated from membrane cell based Caustic Soda plants from the category of hazardous waste- Representation form Manufacturer's association**

The matter may be deliberated with regard to the Hazardous and other wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

**Agenda Item 13: Clarity regarding the vintage and the criticality of the medical equipment/ electronic machines**

There were three applications received from M/s Philips, M/s Essel Shyam Communication Limited, M/s SeS environmental Services Pvt. Ltd. Gurgaon with regard to import of used medical equipment/ EEAs that have been considered in the 69 the Meeting of the Expert committee. In order to have clarity regarding the vintage and the criticality of the medical equipment/EEAs, the Committee recommended that this matter may be referred to the Technical Review Committee (TRC) for evolving future guidelines for import of used/refurbished medical equipment/EEAs.

The matter may be deliberated with regard to the Hazardous and other wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

