

AGENDA ITEMS FOR 57th MEETING OF TECHNICAL REVIEW COMMITTEE (TRC) UNDER HAZARDOUS WASTE RULES, 2008

Dated: 18th and 19th October 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

AGENDA ITEM NO 01: Issues to be deliberated with regard to Hazardous and other Wastes (Management & Handling) Rules, 2016

1.1 Removal of De-inking Sludge from Hazardous Waste Category- Representation of Gujarat Paper Mills Association forwarded by Gujarat Pollution Control Board

De-Inking Sludge is considered as a Hazardous Waste category. In this regard the applicant has given a work for assessment of De-Inking Sludge for Categorization under Hazardous Waste Rules 2008. Gujarat Paper Mills Association (GPMA) has also attached the detailed Technical report submitted by ERM India Pvt. Ltd on "assessment of Deinking Sludge for categorization under HW Rules, 2008: Vapi, Gujarat"(Shah Paper Mills Limited).

GPMA has submitted that as per their report all parameters are within the limit but in the case of AOX the suggested limit of AOX has not been notified as a standard by the Government of India. As per the Article "Development of AOX Standards for Large Scale Pulp and Paper Industries", that was published by the Central Pollution Control Board, India in the year 2007, a mass based concentration limit of AOX was suggested to Ministry of Environment & Forest for consideration as 2.5 Kg. AOX per MT of dry sludge (i.e. 2,500 mg/kg.) as against their result of AOX which is 263 mg/kg as per the report of ERM on the Pg. No. 10.

The applicant has also enclosed the copy of report of Confederation of European Paper Industry (CEPI) wherein they are using De-Inking Sludge for various purposes mainly for land restoration and mine filling. As per their report, it is classified that "land restoration covers the use of dried sludge as a product applied on derelict land, damaged industrial

sites topsoil, or during road constructions, topping of landfills, mine filling etc." as depicted on Pg. No. 37 of their report.

Ministry has been requested to consider de-inking sludge generating from the process of paper mill as Non-hazardous and to grant necessary permission for the utilization of said waste for land filling/ mine filling.

1.2 Clarification Sought By M/S Bakul Aromatics and Chemicals Pvt. Limited Regarding Ammonia Produced During Urea Production to be Designated as 'By-Product'-reg.

The applicant has 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. MOEFCC has been 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 to any customer showing the utilization of ammonia.

The matter was considered in the 55th Meeting of the Technical Review Committee held during 27th and 28th June 2016. 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. The applicant has now confirmed for presentation.

1.3: Representation from Maharani Innovative Paints Pvt. Ltd. with regard to categorization of "used waste thinner" in HW Rules, 2016

The applicant has been granted authorization and registration for recycling of industrial paint sludge (Hazardous waste) covered under Schedule I of HW Rules, 2008. The applicant is utilizing wastes covered under Item no. 21.1 of Schedule I which was consisting process wastes, residues and sludges, which is valid upto December 2018.

In the recent HW Rules, 2016 in Sch I, Item No. 21.1 remains unchanged i.e. covers process wastes, residues and sludges, but in Item No. 21.2 the filter Residues have been replaced with Spent Solvent, which actually is a residual waste and should be named as used waste thinner which was a part of Item no. 21.1 itself in the HW Rules, 2008. In

Industrial Paint Application there is no usage of solvents as such, what is used in industrial paint application there is thinner i.e. a mixture of two or more solvents. The Used Waste Thinner is a process residue of the operation of Industrial Paint Application which is a waste for paint application industry and therefore, as such it is a residual waste only. The applicant has stated that they are using this used waste thinner i.e. the residual waste of industrial painting as a raw material in our paint sludge recycling instead of used fresh thinners i.e. Solvent Mixtures. By adoption of the practice of using a residual hazardous waste as a raw material, the virgin raw materials are being saved thus conserving natural resources of our country and thus making the process more eco-friendly.

The used waste thinner which is a residual waste has been transferred to Item No. 21.2 with a name of spent solvent, which was part of Schedule- I, Item no. 21.1 earlier, its generator wants the applicant to provide them a clarification from CPCB that the applicant can continue to use it as a raw material in the process of paint sludge recycling/primer manufacturing.

The applicant has referred to Rule 6.1 and 6.2 of the Hazardous and Others Wastes Rules, 2016 as per which they do not need any fresh authorization or any approval to continue the usage of item no. 21.1 and 21.2 of Schedule-I, just because the name of the Residual waste has been changed as spent solvent i.e. used waste thinner, which was earlier the part of item no. 21.1. The operation remains unchanged and is covered under guidelines of CPCB. The applicant has mentioned that as there is no SOP for “**used waste thinner**”, the Ministry has been requested to kindly grant permission to the applicant to use the waste thinner under item no. 21.2 till such time its SOP is formulated.

**1.4: Representation from Indian Drug Manufacturers’ Association
With regard to correct interpretation of HW Rules, 2016 in respect of spent solvents and by-products**

As per the submission by Indian Drug Manufacturers’ Association, at present there is some confusion regarding the classification of “Spent solvents” and “by-products” as hazardous waste and then the subsequent application of rules for treatment of hazardous waste to these substances. This practice does not promote the effective recycling and re-use of these materials and in fact the current enforcement by the State PCBs regarding these issues is adversely impacting the environment as re-use/recycling is being hampered.

In particular , Pharmaceutical operations in many cases require the use of fresh solvents as per GMP guidelines and the spent solvents generated from these processes while not being suitable for the pharmaceutical industry , are perfectly well-suited for other industries such as textiles/dyes and intermediates/construction etc. For several decades these downstream industries have been acquiring spent solvents from Pharmaceutical companies and using them for their applications. Now some State PCBs are preventing this exchange from taking place since they are considering these spent solvents as hazardous waste as the current Rules for Hazardous Waste classify spent solvents as such. This is forcing Pharmaceutical companies to send these solvent for treatment as per Hazardous Waste Rules, which in turn results in their deposition into the environment in one form or another after just a single use. If the spent solvents are continued to be sold to downstream users then they will be re-used/recycled several times or new products will be generated from them, which will result in the reduction of their deposition into the environment. So we request the MoEF to revise the Rules for Hazardous Waste to remove spent solvents from being classified as hazardous waste and allow for their free sale. Particularly in cases where there are already downstream users ready to purchase these items and use them for their applications there should not be any regulation in terms of quality/purity, registration of manufacturer/end user etc. As mentioned above the current rules are not only hammering trade but more importantly are adversely affecting the environment.

In terms of “by-products” the issue is also along similar lines but the MoEF in its recent amendment of Hazardous Waste Rules (published on 4th April 2016, in the Gazette of India, Extraordinary, Part II , Section 3, Sub-section (i) has specifically defined by-products and differentiated them from hazardous waste (Chapter I, Sr. No. 38 on page 5) . for example inorganic salts , acids and bases such as **ammonia** often produced as industrial by-products in many cases. These by-products have use in ancillary industries and are commonly sold and used without any further processing. Perhaps the MoEF recognized the additional use of these by-products and thus removed them from the category of hazardous waste. The removal of by-products from hazardous waste classification results in the promoting of re-use/recycling and prevention of damage to environment. While the industry is grateful to the MoEF for amending this Rules, the State PCBs are still not clear on how to interpret this new amendment and are still treating by-products as hazardous waste is still not being implemented and industry is forced to treat these by-products as hazardous waste, Which is resulting in the direct damage to the environment. So we once again suggest that the State PBCs be instructed to differentiate between by-products and hazardous waste and in cases where by-products have been incorrectly

classified as hazardous waste, swiftly resolve these issues as it will ultimately protect the environment.

For cases in which down-stream users already exist for the industrial by-products, the State PCB should not regulate in terms of quality/purity registration of manufacturer/end user etc. but in fact should nurture this process as it promotes the re-use/ recycling of material and prevents the direct deposition of these items into the environment.

Ministry has been requested to clarify the above cited matters regarding spent solvents and by-products.

1.5: Request for clarification with regard to the definition of “Zinc Ash” and Zinc Skimmings as specified in Schedule III Part B under Basel no. 1080 and Schedule III Part D under Basel No. B1100 of HW Rules,2016 from Shri Krishan Kumar Rathi

1.6 Clarification with regard to SCHEDULE VI-Hazardous and Other wastes prohibited for import , B3010 Solid plastic waste from All India Recycled Fiber and Yarn Manufacturers Association and All India Plastic Recyclers association:

➤ **All India Recycled Fiber and Yarn Manufacturers Association**

The post-consumer pet bottles are washed and thereafter washed PET flakes are made. The said washed PET flakes are imported by manufacturers of recycled polyester staple fiber is used as a material for manufacturing of recycled polyester staple fiber. Clarification is sought from the Ministry whether said washed PET flakes made out of post-consumer PET bottle waste (by the exporter) would be covered under B3, Wastes containing principally organic constituents, which may contain metals and inorganic materials.

➤ **All India Plastic Recyclers Association**

With regard to Policy for the import of Plastic waste & Scrap, the Association has following submissions:

- i. Import policy fro PET bottles and plastic waste scrap is quite different;
- ii. PET bottles comes under the heading of Open General License item whereas Plastic waste/ scrap falls under restricted list of items for which import license issued by DGFT is required, with recommendation of this Ministry and Ministry of Chemicals & Petrochemicals;

- iii. The entitlement is based on public notice no. 20 dt 12.03.2003 sr. no. 2 (A), as per policy import of 50 % of the Manufacturing Capacity is allowed , for the balance local material is to be used;
- iv. As per page no. 392 dt. 01.011997 only virgin plastic is allowed as per the definition and description as defined at S.No. 1& 2 of the said public public notice as under:

“ Plastic scrap/ waste constitute those fractions of plastics generated by various plastic processing operations or those fractions generated in the production process of plastics in a plant, which have not been put to any use whatsoever and such can be termed as virgin or new material which can be recycled into vuable commercial products using standard plastic processing techniques but without involving any process of cleaning whereby effluents are generated.

Such virgin/new plastic scrap/waste shall be permitted for import in the following forms i.e. compressed, films in cut condition, cut tape soft waste, flakes, powders, pieces or irregular shape (not exceeding the size of 3” x 3”)

- v. On import of each consignment, the custom authority draws sample from the consignment and send it to CIPET (Central Institute of Plastic Engineering Technology) and relese the consignment only after receipt of confirmatory Lab report from CIPET that the imported material is non-toxic and non hazardous and has not been put to previous use;
- vi. The material used is much cheaper than the virgin granules which is used for manufacturing of Kissan pipes, Tarpaulin and dust bins liners etc. which are widely used by poor people;
- vii. The decision wrt to prohibition PET scrap is on the ground that there is enough availability of PET scrap in the country which remains un-utilized creating disposal issue. Whereas virgin plastic scrap generated by various factories is not readily available to locally run units smoothly. Unfortunately plastic waste and scrap is also being denied along with PET OGL item which is not justified.

- viii. Hazardous waste amendment dated 6th July 2016 clearly separates SEZ units from EOU and domestic actual users.

Ministry has been requested for permission for import of PET scrap should be continued as earlier.

1.7 : CPCB 's representations on Inclusion of threshold limits on quantity of generation of hazardous waste for applicability of authorization to industries including commercially and domestically generated hazardous waste in the Hazardous and Other Wastes (Management and Transboundary movement) Rules, 2016.

Ministry has been requested to examine the matter in context of generation of hazardous waste from the sources other than industries which has already been covered in the Solid Waste Management Rules, 2016.

1.8: Representations from Central Pollution Control Board-

Interventions desired from MoEF&CC for effective implementation on the following issues:

- A. *CPCB has sent a circular dated 30th June, 2016 to all SPCBs along with a list of trial runs (Annexure I) conducted for co-processing of wastes in Cement Kilns, mentioning its calorific value and % utilization of each waste in the respective trials.*

Concerns:

- Circulation of the list of trials based CPCB approved wastes was relevant only in the absence of notified emission for the cement plants as per Rule 9.3 of HWM Rules 2016.
- SPCBs are not able to understand the relevance of the relevance of Calorific Values and the percentage utilization when the co-processing is required to be mandated with compliance to emission standards.

- Large number of co-processable waste streams will not be able to get utilised as per the waste management hierarchy mandated in Rule 4 of HWM Rules 2016 because they are not subjected to co-processing trial.
- A co-processing trial demonstrated capability of a cement plant to handle, store, pre-process and co-process the subject waste stream in an environmentally safe manner. The same objective is achieved by the cement plants if they are complying to Rule 6 and 9.3 of HWM Rules 2016.

B. CPCB has issued a notice to Delhi Pollution Control Committee (DPCC) under section 5 in which it has asked DPCC to ensure that incinerable and other compatible hazardous wastes to be sent to cement plants located in other states for co-processing with immediate effect. Unless the cement plants in other states receive authorization, the said action cannot be implemented.

Concerns:

- Many states still mandate NOC for inter-state movement of wastes (KSPCB, HPPCB etc.)

C. As per existing format of FORM 2 defined in the HWM, Rules, 2016 authorization can be granted by SPCBs only for defined categories of wastes and for a specified volumes.

Concerns:

- The existing format of FORM 2 is very appropriate for waste generators, waste recyclers, waste re-users etc. who handle a defined number of waste streams from Schedule I, II and III with applicable volumes.
- For TSDFs for pre-processors or co-processors where the numbers of waste categories are large and the same facility can handle different waste categories, the existing format of FORM 2 is cumbersome for use.
- Even if only CPCB approved waste streams have to be authorised, the existing FORM2 requires entry of about 50 waste categories.
- As one facility can manage many categories of waste streams, there will be mis-match in the sum total of the authorized

volumes of individual waste streams and the total capacity available in the facility.

1.9: Communication from office of the Customs, Land Customs Station, Sonauli, Maharajganj, Uttar Pradesh with regard to submission of Chemical Analysis Report in case of import of waste paper from Nepal to India required under HW Rules, 2016

The import of waste paper from Nepal to India is governed by the Hazardous & Other wastes Rules, 2016. Part D of Schedule III of the said Rules provides a list of documents for verification by the Customs at the time of import of the waste. In case of import of waste paper, mentioned at Sl. No 5(Basel no. B 3020) the importer is required to furnish a chemical analysis report of the waste, being imported. However, there is no mention about the parameters/standards that need to be tested by way of chemical analysis of the imported waste paper.

Ministry has been asked to confirm whether there are any specific parameters/ standards that are required for test by means of the chemical analysis report, it would ease the Customs in processing and clearance of the import consignments of waste paper at this port.

1.10:Representation from Maharashtra Pollution Control Board with regard to clarification with respect to grant of Authorization to importers of hazardous and other wastes under the HW Rules, 2016

As per the requirement of the Form No. 7 (Application form for traders obtaining Authorisation for import of waste) traders need to furnish the details of actual user for whom they are importing the wastes. The details to be furnished by Traders is Name and Address of Authorised Actual users.

In view of the above, Ministry has been requested to guide the Board on the following issues:

- i. Whether trader who is importing listed other wastes in the Part D of Schedule III shall furnish copies of authorisation obtained by Actual Users from SPCb as per the provisions of these Newly notified Rules.
- ii. Whether actual users who have already obtained combined consents from the State Pollution control Board are needed to

obtain separate authorisation under these rules for utilization of other wastes listed in Part – D of Schedule III (Steel and Aluminium manufacturing industries use scrap steel, aluminium for manufacturing ingots and other products. However, steel scrap, aluminium scrap were not listed in Schedule IV of HW Rules, 2008). Hence, such industries have obtained only consents from the SPCB?

- iii. Whether SPCB can issue One Time Authorisation to the traders who are importing other wastes listed in Part –D of Schedule-III of these rules on the basis of information furnished by them in form 7 along with copies of consents obtained by the industries.

1.11 Proposed Amendment in Hazardous and Other Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016 from Madhya Pradesh Waste Management Project

The applicant has suggested amendment in following clauses of the rules with justifications:

- i. Rule 6(2)- Grant of authorisation for managing hazardous and other wastes;
- ii. Rule 13 (2) Procedure for import of hazardous and other wastes;
- iii. Rule 16 Treatment, storage and disposal facility for hazardous and other wastes;
- iv. Rule 17 Packaging and Labelling;
- v. Rule 18 Transportation of hazardous and other wastes;
- vi. Schedule II- List of waste constituents with concentration limits

AGENDA ITEM NO 02: Issues to be deliberated with regard to E-waste (Management) Rules, 2016

2.1 Rules to be re-reviewed for

- i. **SCHEDULE III, Targets for Extended Producer Responsibility Authorisation , needs to be reviewed only with respect to the language to ensure better clarification and not the targets as such**
- ii. **FORM-1, Applicable to producers seeking Extended Producer Responsibility- Authorisation with regard to** Details of electrical and electronic equipment placed on market year-wise during previous 10 years in the form .

- iii. **Bulk consumers to channelize e-waste only to producers not to recyclers**

2.2 Representation from Consumer Electronics and Appliances Manufacturers Association with regard to Difficulties in Implementation of New E-waste (Management) Rules 2016

Following issues have been raised:

I. The general structure of new rules

- i. No responsibility has been put on the consumer for proper disposal of an electronic item where as in India it is the consumer who decides as to when the product has reached to its end life. Typically, an electronic product passes through many hands before its finally scrapped.
- ii. By stipulating the end of life which is less than the products are being actually used for, we would be promoting generation of additional waste.

II. Retrospective Implementation of the E- waste (management) Rules 2016

- iii. The calculation of the target of collection on the basis of data submitted when the Rules were not enacted by essence triggers the retrospective effect of the Rules as the Producer would bear the burden of recycling such products which were produced when the said Rules of 2016 were not in effect. The rules of 2011 had provided for an Extended Producer Responsibility 'but the same were of a general nature without specifying any targets, time periods or penalties. Any targets will have to be prospective, giving due consideration to the final life of the product.

III. End of Life (EoL)

Lack of awareness in the consumers and rising informal sector has been a primary challenge in collection of e-waste. Govt. needs to create program and publicity campaigns while tracking electronic products to inform consumers when product should be returned or recycled.

IV. Municipal Corporations to support in collection mechanism of E-waste

Local bodies like municipal corporations, municipal councils and others may be empowered to collect the waste from individual/societies.

V. Ease of doing business

The implementation will necessarily become extremely draconian which could be indemnity bond/ securities being demanded at the time of import, rent seeking and corruption because of the threat of appraisers / enforcement action.

VI. Extension period for implementation of the new rules

As per the new rules under chapter III of 13(1), which gives producer a timeframe of **90 days** to apply for authorization and 13(II) allows **120 days** to CPCB to grant the authorization to the producer. Hence, the rules should be allowed to be **implemented from 1st May, 2017**.

AGENDA ITEM NO 03: Insurance policy to be made mandatory for export and import as already present in Basel Convention

As per Basel Convention's ARTICLE 6 Transboundary Movement Between Parties, clause 11 " Any transboundary movement of hazardous wastes or other wastes shall be covered by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party"- to be included in the HW Rules, 2016.

As per the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, no import of hazardous and other wastes from any country to India for disposal shall be permitted. Further, as per the rules, any occupier intending to export waste specified in Part A of Schedule III, Part B of Schedule III and Schedule VI, shall make an application in Form 5 along with insurance cover to the Ministry for the proposed transboundary movement of hazardous and other wastes together with the prior informed consent in writing from the importing country in respect of wastes specified in Part A of Schedule III and Schedule VI. The insurance policy covers liability to health and environment during transit of hazardous and other wastes. Accordingly, since no import of hazardous and other wastes from any country to India for disposal is permitted and no insurance, bond or other guarantee is required by India for import of hazardous and other wastes, we may have no comments on the document 'Guidance on insurance, bond and guarantee' . However, in pursuance to Article 6 (2)

of the Convention and since insurance covering liability to health and environment is already mandatory for export of hazardous and other wastes under the provision of rules; such insurance cover may also be necessitated for all such import of hazardous and other wastes.

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