

AGENDA ITEMS FOR 58th MEETING OF TECHNICAL REVIEW COMMITTEE (TRC) UNDER HAZARDOUS WASTE RULES, 2008

Dated: 29th and 30th November 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 1: ISSUES WITH REGARD TO HAZARDOUS AND OTHER WASTES (MANAGEMENT, HANDLING & TRANS-BOUNDARY MOVEMENT) RULES, 2016

1.1: 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

There is a public grievance(MOEF/E/2016/00643) received in this Ministry from the applicant requesting clarification on the definition of ‘Zinc Ash’ and ‘zinc skimming’ as specified in Schedule III Part B under Basel no. B1080 and Schedule III Part D under Basel No. B1100 of Hazardous and other Wastes (Management, Handling and Trans-Boundary Movement) rules, 2016. The matter was deliberated upon in the 57th meeting of the Expert Committee. The Committee had then noted that in order to resolve this issue the Indian Lead and Zinc Development Association along with a technical representative may be invited in the next TRC meeting. The applicant also may be invited in the same meeting.

The Indian Lead and Zinc Development Association have confirmed their presence for the meeting.

The Committee may deliberate with regard to Hazardous and other Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

1.2 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

The matter was deliberated in the 57th Meeting of the Technical Review Committee. The Committee had then recommended to call the applicant for discussion with regard to requested amendments in HW Rules, 2016. The applicant has now confirmed for presentation.

The Committee may deliberate with regard to Hazardous and other Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

1.3 Export of Solid Bath Material to India- Representation from Abdul Mohsin Mahmood AlMahmood, Basel Convention Focal Point Assistance:

Aluminium Bahrain which is ranked as one of the largest Aluminium smelters in the world and is known for its technological strength and high quality aluminium" has submitted that they would like to send Solid Bath Material to direct buyer in India for re use directly. Solid Bath Material is actually generated while adjusting bath level in smelting cells, this tapped bath collected in molds and is then crushed and stored in closed yard as piles or in plastic bags, it is used in pot room specially during the startup of the pot and this material can be re-used in another factory. It is a by-product ,according to Bahrain's regulation and Basel convention it is not classified as hazardous waste, but the applicant has submitted that the "No objection" from Indian Environment Authority is better before give a green light to export.

The Committee may deliberate with regard to Hazardous and other Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016 and Basel convention on the control of trans-boundary movement of Hazardous waste and their disposal.

1.4 Grant of permission for the import/export of hazardous and other waste under Hazardous and other Wastes (Management and Trans-boundary Movement) Rules, 2016.

CPCB has submitted that they receive letters from MoEF&CC for inspection of units desirous of import/export of hazardous and other wastes based on which permission for import/export is issued by this Ministry. CPCB has proposed that wherever Standard operating Procedures are available verification of the facility may be carried out by concerned SPCBs/PCCs.

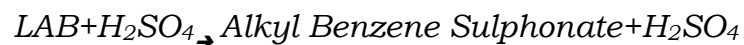
The Committee may deliberate with regard to Hazardous and other Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

1.5 Categorization of sulphuric acid as a by-product rather than as a hazardous waste- representation by M/s Nirma Limited

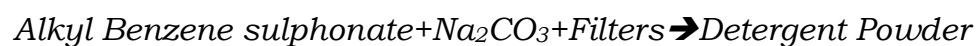
The applicant has submitted that they are having their Synthetic Detergent & Single Super Phosphate (SSP) manufacturing facility at Moraiya, Ta. Sanand, Dist. Ahmedabad, Gujarat. Sulphuric Acid (80%) is generated from the unit as well as other units of Nirma Ltd. along with its sister industries, is as such used as a raw material in manufacturing of SSP.

While manufacturing the synthetic detergent sulphuric acid ranging 80-86% is generated and is as such reused as a raw material for manufacturing of SSP. Production of synthetic detergent is mainly done in two steps viz Acid slurry preparation and Synthetic detergent powder preparation.

- i. Production of acid slurry is done by sulfonation of linear alkyl benzene (LAB) with 22% Oleum and sulphuric acid and circulation of cooling water. When sulphonation is completed after five to six hours, the charge is allowed to settle and lower layer which is composed of sulphuric acid is separated and further as such utilized in manufacturing of SSP.



- ii. Acid slurry is further neutralized with soda ash and sodium salt of LAB to obtain standard synthetic detergent powder.



Sulphuric acid generated from the process is considered as D2 category waste of Schedule II under the Hazardous Waste, Rules, 2008 and Rule 11 of the said Rule which is presently considered as Rule 9 as per the HW rules, 2016. Utilization of such waste can be possible after getting permission from CPCB.

However the definition of “Hazardous Waste” in the HW Rules, 2016 is provided as “ Hazardous Waste means any waste which by reason of characteristics such as physical, chemical, biological, reactive, toxic, flammable, explosive or corrosive causes danger is likely to cause danger to health or environment, whether alone or in contact with other wastes or substances”. The definition provided is exclusively considering the waste material only. As per the definition of “waste” means materials that are not products or by-products, for which the generator has no further use for the purposes of production, transformation or consumption.

Which is further explained as:

- (i) waste includes the materials that may be generated during, the extraction of raw materials, the processing of raw materials into intermediates and final products, the consumption of final products, and through other human activities and excludes residuals recycled or reused at the place of generation; and
- (ii) by-product means a material that is not intended to be produced but gets produced in the production process of intended product and is used as such;

From the definitions provided in the Rule, the applicant has inferred that if any material has no further use to the generator for the purpose to the generator for the purpose of production, transformation or consumption, than only it can be considered as waste material.

The Committee may deliberate with regard to Hazardous and other Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

1.6 Exemption from submission of documents as required under HW Rules, 2016 for the import of waste Paper- Representation from Indian Agro & Recycled Paper Mills Association

Indian Agro & Recycled Paper Mills Association is one of the apex body of paper mills manufacturing paper out of non-wood raw materials

namely wheat straw, rice straw, baggase and recycled fibre (waste paper). Sevent percent of the paper production in the country is contributed by the non-wood segments out of whcich more than 50 percent is contributed by paper mills using waste paper as the feed stock.

Since the waste paper recovery in india is less, which is estimated to be around 20-25% as compared to almost 80-85% in Europe, USA, etc. therefore they are heavily dependent on importing the waste paper as raw material to meet the requirement of the paper industry.thes mills are importing waste paper from Europe, USA and also from Middle East where the collection mechanism is far superior than india.

As per the Schedule VIII of newly notified HW, Rules 2016 whereby various documents are to be verified by Custom Authorities for importing of waste specified in part D of Schedule III (copy enclosed). In the serial no. B 3020 in which the waste paper import in general are required to fill up Form 6 and also among other documents such as pre-shipment certificate and authorization and consent to operate the mill.

The applicant has further submitted that the paper mills are already providing pre-inspection certificate issued by inspection agency of the exporting country or certified agency approved by the DGFT, Ministry of commerce. However, the mills are now finding difficulty in clearance of goods from the port as the mills are asked to submit the authorization from SPCB over and above the consent to operate under the Air and Water Act.

The consent is an authorization for a unit to function and any further authorization for the imports of waste paper will add to problems on account of delay in obtaining and other procedures involved therein. Further it is also stipulated that the chemical analysis report of the waste paper being imported is also to be submitted prior to the clearance of the good. In case of waste paper the chemical analysis report would be difficult from the exporting countries as:

- i. It would delay the export and;
- ii. It would add to the cost of the waste paper that is imported.

Many exporters have not agrre to provide the chemical analysis report of waste paper, as such reports are not provided by any lab. In view of the problems mentioned above, the consignments are being held up and demurrages are accruing in various ports, particularly in Tuticorin Port and other Southern Ports.

Ministry has been requested to kindly intervene and help in getting all clearance of import of waste paper-

- i. Consent to operate the unit is to be tereated as the valid authorization;

- ii. Exempting waste paper from the chemical analysis report.

The Committee may deliberate with regard to Hazardous and other Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

1.7 Removal of De-inking Sludge from Hazardous Waste Category- Representation of Gujarat Paper Mills Association forwarded by Gujarat Pollution Control Board(23-146/2016-HSMD)

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.

The matter was considered in the 57th Meeting of the Technical Review committee and was deferred as the applicant was not present for technical discussion.

The Committee may deliberate with regard to Hazardous and other Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

AGENDA 2: CLARIFICATIONS WITH REGARD TO E-WASTE (MANAGEMENT) RULES, 2016

Agenda 2.1: Clarification on Extended Producer Responsibility obligations under E-waste Rules, 2016- representation from Toshiba India Private Limited

Toshiba India Private Limited (TIPL) has submitted that it has discontinued all operations of its laptop business i.e. sales and after sales service of Toshiba laptops after 30th September 2016; and pursuant to discontinuation of sales and after sales service of laptops in india, TIPL no longer remains a producer as per the definition of producer under the e-waste Rules and therefore does not require to obtain an EPR Authorization for the laptops.

TIPL is currently placing a very limited quantity of EEE in Indian market in the form of TV spare parts to meet its after sales service obligations. Further, TIPL is placing negligible quantity of spare parts for home appliances in the Indian Market as there are very few service requestes from its customers.

As TIPL is no longer selling or placing any EEE other than spares of TV and home appliances, we are of the view that TIPL has to apply for EPR Authorization with respect to spare parts only (for TV and Home Appliances). And, for such authorization, scope of TIPL's EPR plan should be limited to fixing of collection targets only for spare parts of TVs and home appliances, instead of the completely built units of TV and home appliances.

Ministry has been requested to provide clarifications to TIPL in order to enable them to apply for EPR Authorisation for spare parts of televisions and Home Appliances instead of completely built units of TVs and home appliances.

The Committee may deliberate with regard to E- Waste (Management) Rules, 2016.

Agenda 2.2 Rule 9, Bulk consumers to channelize e-waste to authorized dismantler or recycler either directly or through Producers

This provision will create a scenario of competition between recyclers and Producers for e-waste. Further when the target is given to Producers and not to recyclers, it will be for feasible option, both for implementation and monitoring if the e-waste from bulk consumers is channelized to authorized recyclers and dismantlers through Producers.

The Committee may deliberate with regard to E- Waste (Management) Rules, 2016.

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