

**AGENDA ITEMS FOR 33<sup>rd</sup> MEETING OF TECHNICAL REVIEW COMMITTEE (TRC) TO BE HELD UNDER HAZARDOUS WASTE RULES, 2008**

**Dated: 28<sup>th</sup> October, 2014 at 10:30 AM**

**Venue: -- Conference Room Krishna, 4<sup>th</sup> Floor Jal Wing**

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

**AGENDA**

**AGENDA ITEM NO 01: Import of second hand tyre for direct re-use purpose**

**(i) M/s Imrose Traders, Delhi (No.23-141/2014-HSMD)-** The application pertains to import of 20,000 pieces of used tyres for direct re-use purpose. The applicant had furnished Form 7 & 8, acknowledgement from concerned SPCB as required under the Hazardous Waste Rules, 2008, list of users, certificate from exporting country with regard to tyres having age of 2 to 4 years, having more than 50% of tread life and can still be used in motor vehicles. The application was considered during 50<sup>th</sup> Meeting of Expert Committee held during 6-8<sup>th</sup> August, 2014 in the Ministry.

The Expert Committee noted that from the documents and presentation made by the applicant the tyres to be imported are of cars and not of heavy duty vehicles. The applicant further informed that the cost of each tyre is likely to be more than US \$ 25. The committee desired that the applicant should submit confirmation of these two points from the exporter. The decision in the matter was deferred by EC.

**(ii) M/s S.K. Enterprises, Delhi (No.23-12/2014-HSMD)-** The application pertains to Import of 4,00,000 nos. of old and used Pneumatic tyres from UAE/Malaysia for selling.

**(iii) M/s A.D. International Delhi (No.23-76/2014-HSMD)-** The application pertains to Import of 2,00,000 nos. of old and used Pneumatic tyres from UAE/Malaysia for selling.

**(iv) M/s Luxmi Tyres Limited (No.23-11/2014-HSMD)-** The application pertains to Import of 4,00,000 nos. of old and used Pneumatic tyres from UAE/Malaysia for selling.

All the applications at agenda item no. 2.1 (ii), (iii) and (iv) were accompanied by Form 7 & 8, acknowledgement for receipt of copy of application from concerned SPCB as required under the HW Rules, 2008, sales agreement between buyers and sellers, list of buyers, Chartered Engineer Certificate. The applicant had also furnished the declaration regarding the import of Car and Jeep tyres @ US

\$5-10. The matter was discussed during 51<sup>st</sup> meeting of Expert Committee held on 2-3 September, 2014.

The Expert Committee observed that the old tyres are proposed to be imported at a cost of \$5 to 10 per piece depending upon the size and its condition. The Committee also noted that as per DGFT the old tyres costing US \$ 25 or more are freely importable and thus those which are for less than US \$ 25 are restricted for import. Since the tyres proposed to be imported by the applicant are at very low cost their condition needs to be ascertained and some guidelines need to be evolved. For this purpose, the committee suggested that this matter be referred to TRC wherein experts from other concerned departments, namely, DGFT; Central Rubber Research Institute (CRRI), New Delhi; Central Revenues Control Laboratories (CRCL), All India Tyre Manufacture Association may also be invited. Till then the decision was deferred by EC.

All the applications were considered in 32<sup>th</sup> TRC meeting held on 24<sup>th</sup> September, 2014 the decision of the committee is given below:

*During the discussion on import of used tyres for direct re-use, the representative from All India Tyres Manufacture Association could not attend the meeting. The Committee as per the suggestion of CRRI also felt that for road worthiness testing input is required from CIRT (Central Institute of Road Transport) and for standards for tyres, if any, the presence of the representative of BIS would be desirable. Since, from the presentations made by the importers, the method of test for road worthiness and the manner in which residual life of used tyres is determined could not be satisfactorily explained by the applicant, the committee deferred the decision and decided to have another meeting of TRC wherein representatives of the aforesaid organization would be invited.*

**AGENDA ITEM NO 02: Clarification sought by M/s Mady Walker Estate Management Pvt. Ltd. for import of tyre for re-treading (23-197/2014-HSMD)**

M/s Mady Walker E.M. Pvt. Ltd. Rewari has informed that they are engaged in retreading of passenger car radial Tyres with most modern equipment through Bead to Bead retread Process.

They are not able to source suitable casings from local markets, from local traders, and are compelled to import due to bulk availability from overseas markets. Hence they solicit permission to import of the casings. They have enclosed Import invoice, Justification of Import of Tyre Casings, Used tyre pictures and Undertaking for use of these Tyre Casings in their retreading unit. Accordingly, they have requested for early permission to import these tyre casings for retreading.

The committee on detailed evaluation of the application observed that 'casings' under reference here are 'used tyres' which are being imported for 'retreading'

also known as 'recapping' or 'remolding'. It's a re-manufacturing process of tyres where in tread on worn tyres (casings) are replaced. The proposition is defended on the ground that (i) its environment friendly mechanism since it conserves oil; (ii) all commercial airlines, as well as military jet aircraft, use retreaded tyres; (iii) The retreaded process also consume less energy than the manufacture of a comparable new tyre.

The application was considered in the 32<sup>nd</sup> TRC meeting held o on on 24th September, 2014 the decision of the committee is given below:

*To be discussed again, when representatives of CIRT, BIS and ATMA are present as recommended above wrt agenda item 01.*

**AGENDA ITEM NO 03: M/s Shiva Petro – Synth Specialties Ltd, Mumbai.- Clarification for inter-state movement of used/ Waste oil as per the rules 20(3) of Gazettes Notification of Hazardous Waste Rules, 2008 (23-213/2014-HSMD)**

Representation received from M/s Shiva Petro – Synth Specialties Ltd, Mumbai with respect to directions of Goa Pollution Control Board to Commissioner of Customs, Goa to allow disposal of waste oil only to Goa State Registered Recyclers in accordance with their circular issued under the Rule 20(3) of HW Rules, 2008. They have referred to Ministry's letter dated 13.11.2009 in the related matter M/s Attero Recycling Pvt. Ltd Noida(U.P) which clarifies that Rule 20 (3) is applicable only to inter-state movement of hazardous waste for disposal purpose and the rule is not applicable to Recyclable Hazardous waste. **Accordingly, the applicant who apparently are recyclers have requested Ministry to direct the Goa SPCB to allow the generators of waste oil in the state to transport it to other states for recycling purpose.**

In the above referred circular Goa PCB has observed that waste/sludge oil/residue containing oil recycling units located outside the State of Goa are not filing records of returns regularly to Goa PCB. Similarly many generators do not intimate the Goa PCB in advance before handing over the hazardous waste to transporter as prescribed in the Rules for better tracking and maintenance of records of storage, transportation and treatment of waste oil/residues containing oil. Accordingly, they have given instructions to the generators in Goa to hand over the waste oil for recycling/reprocessing to recyclers who have plant in Goa with valid CTO and Authorization.

The committee may deliberate if the request of the applicant can be acceded to or not.

**AGENDA ITEM NO 04: Dispensing with the requirement of CPCB Pass Book for clearance of Zinc Dross- clarification seeking by O/o Commissioner of Customs, Nhava Sheva( 23-212/2014- HSMD).**

Office of the Commissioner of Customs, JNC House, Nhava Sheva has forwarded a request for clarification on the issue of requirement of 'SPCB passbook' for clearance of import of zinc dross by the custom officials. They have informed that during the import of zinc scrap described as 'zinc dross' the custom officials follow the following procedure for evaluation of the scrap as per the HW Rules, 2008:

(a) The goods are sent for testing to verify:

- (i) Whether Zinc dross or otherwise
- (ii) Nature
- (iii) Composition
- (iv) Zinc%
- (v) Free from Zinc skimming
- (vi) If case the goods are either Zinc Skimmings or other than Zinc Dross, than the percentage of lead and cadim8m may be ascertained.

(b) If found under permissible limits, the goods are assessed.

Further, the importers at the time of import of 'zinc dross' are instructed to produce a copy of valid 'SPCB passbook', indicating the total quantity of import permitted in the financial year. Some importers have raised query with respect to mandatory compliance requirements as mentioned above and requested for dispensing with the mandatory requirement of 'SPCB Passbook'. The custom office has requested for clarification if the 'SPCB Passbook' is required or not.

The application was considered in the 32<sup>nd</sup> TRC meeting held on 24th September, 2014 the decision of the committee is given below:

*"The committee observed that zinc scrap including 'Zinc dross' is covered under Schedule III D (B 1100) of notification no. SO 710(E) dated 30.3.2010 which is third amendment to the HW Rules, 2008. As per the Rules, every trader desirous of import of metal scrap, paper waste and other wastes as listed in Schedule III D has to obtain registration as traders from concerned SPCB/PCC. Further, import of such metal scrap are permitted in the country by actual user or by importer registered with the SPCB on behalf of actual user who shall furnish the details of actual user along with the quantities to the concerned SPCB on quarterly basis (SO No. 2447(E) dtd 23.09.2009). In view of the foregoing, the 'SPCB registration which gives the registration details including the quantity approved by SPCB for import is mandatory requirement under the HW Rules and need to be checked by the customs before clearance of any such import of metal scrap. "*

**However it has come to the notice of the Ministry that Zinc Dross which has two asterix is also covered under schedule IV of Hazardous Waste Rules, 2008, necessitating registration.**

Committee may deliberate if there is requirement for simple one time registration certificate for traders or proper SPCB passbook from concerned SPCB/PCC.

**AGENDA ITEM NO 05: Clarification sought by M/s NIDEC India Pvt Ltd if permission from the Ministry is required for import of second hand machineries which are basically motors**

Ministry has received communication from Secretary, DeitY forwarding certain concerns of the above referred company wrt permission of the Ministry for import of second hand capital good under the HW Rules, 2008. Details were sought from the company who vide email dated 10/10/14 have informed that their Unit is coming up with a manufacturing plant at Neemrana area Rajasthan for manufacturing of various motor to be used in home appliance, automobile sector etc and proposes to import some second hand machinery from its overseas facilities at China and Japan.

Accordingly, they have asked for expert advice from this ministry as to whether they need to take prior approval of the Ministry under Circular NO. 27/2011 issued by CPCB of Excise and Customs (CBEC) dated 4-07-2011 for importing said machines. They have also enclosed complete specifications along with the photographs of those second hand machines proposed to be imported.

**AGENDA ITEM 06: M/s Nipro Glass India Pvt. Ltd., Meerut has sought NoC for importing the material named Anhydrous Borax, used as a raw material for manufacturing of Borosilicate glass tubes only**

Ministry has received application from M/s Nipro Glass India Pvt. Ltd., Meerut seeking permission for importing the material named Anhydrous Borax, which is used as a raw material for manufacturing of Borosilicate glass tubes only.

The committee may deliberate on the provision in the HW rules wrt import of the specific material.

**AGENDA ITEM 07: M/s Vintech India Corporation, Mangalore has sought permission for import of 14,581 MTS Scrap Polycarbonate Powder for manufacture of Polycarbonate granules.**

Ministry has received application from M/s Vintech India Corporation, Mangalore seeking permission for import of Polycarbonate powder which is used for manufacture of Polycarbonate granules. Polycarbonate is a thermoplastic polymer and can contain precursor monomer bisphenol a(BPA).

The committee may deliberate on the provision in the HW rules wrt import of the specific material.

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