

**AGENDA ITEMS FOR 34<sup>th</sup> MEETING OF TECHNICAL REVIEW COMMITTEE (TRC) UNDER HAZARDOUS WASTE RULES, 2008**

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

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

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

**AGENDA**

**Agenda Item No. 01: - Clarification sought by Office of Commissioner of Customs, NOIDA with regard to import of goods from China declared as Carbon black Oil (Carbon Black feed Stocks) by M/s Continental Carbon India Ltd., Ghaziabad (F. No.12-90/2014-HSMD):**

Office of Commissioner of Customs, NOIDA Customs Commissionerate, Inland Container Depot, Tilapata, Dadri, UP has forwarded a communication informing that M/s continental Carbon India Ltd., Ghaziabad has imported goods (2296.50) vide three bills of Lading No. CSFTTJ140604-06 dated 15.07.2014 from China and declared as Carbon Black Oil (Carbon Black feed Stocks). In the course of examination of the goods, samples were drawn by the Customs and sent for testing to the Central Revenue Chemical Laboratory.

As per test report of the goods, the goods found to be of black viscose liquid which is organic and aromatic in nature and is petroleum residual oil/bituminous mineral oil. The goods have PAHs concentration in the range of 132161.1 to 151355 mg/kg. The Lab opined that said goods are hazardous in nature as goods contain waste constituents (PAHs) concentration higher than prescribed limits as listed under "List of constituents with concentration limit" from A-12 to A-15, class A of Schedule-II of Hazardous Waste (Management Handling and Trans-boundary Movement) Rules, 2008. It is also opined that the said goods are organic residue derived from petrochemical process which are listed at Sl. No. 1 of Schedule-I of HW Rules and are also covered under Part A (Basel no. 4140), Schedule III of HW Rules.

In terms of said reports and opinion of the CRCL, New Delhi on the matter, it appears that the said good are hazardous in terms of Sl No. 01 of Schedule-I, Class-A of Schedule-II and Part-A (basel No. 4140) of Schedule-III of HW Rules, 2008 and therefore importer is required import permission from the competent authority for clearance of the goods from the Port.

The Committee may like to deliberate if the Carbon Black Oil falls under the purview of HW Rules, 2008 and if permission is required for import.

**AGENDA ITEM NO 02: Clarification regarding applicability of Manufacture Storage and Import of Hazardous Chemical Rules, 1989 / Hazardous Waste (Management, Handling and Trans-boundary Movement) Rules, 2008 with respect to Carbon Black Feed stock (CBFS) (F. No. 16-1/2014-HSMD).**

Ministry has received communication from Cleantech International Foundation seeking clarification regarding applicability of appropriate rules pertaining to management and handling of hazardous chemicals and hazardous waste. In the given case carbon black feedstock (CBFS) is a heavy aromatic fraction of petroleum crude / tar distillation comprised predominantly of aromatics with almost 90% carbon content. CBFS/ Carbon Black Oil is procured by the carbon black industry for high value added production of carbon black used as vital ingredient for rubber, plastics and tyre industry. The Carbon Black Manufacturers pyrolyze this material at ultra high temperature to completely disintegrate it to obtain Carbon Black.

Considering the importance of CBFS/ Carbon Black oil as globally accepted raw material and the fact that the process of carbon Black manufacturing entails total thermal destruction of chemical feedstock into elemental carbon and hydrogen, this material is not only allowed freely for import under Open General Licensing (OGL) policy. Thus industry uses both indigenously available feedstock from refineries/tar distillation and also import this material to supplement their requirement. Generally there has been no problem in importing this chemical raw material by the industry as actual users over the decades, but of late, custom authorities have been insisting in stray instances that the said material contain hazardous constituents and thus import of CBFS attracts the provision of Hazardous Wastes (Management, Handling and Trans-boundary Movement) Rules, 2008.

This gives rise to a fundamental issue that whether use/import of feedstock by the actual user is to be regulated by the Manufacture, Storage and Import of Hazardous Chemical Rules 1989 or by the HW Rules, 2008.

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

**Agenda Item No.03: Clarification sought by Shri P P Vasudevan regarding use of indigenous patented Technology for Solid Fuel from Waste Phosphate Gypsum and Iron Oxide i.e. approval in principle by the MoEF for starting new industries on the basis of technology. (23-202/2014-HSMD)**

The applicant has acquired Govt of India Patent on the subject matter having calorific value ranging from 3170 to 3567 calories / gram. These have been tested for toxicity by Defense R&D organization and index is 813 whereas permissible limit is 1.5. There is wide possibility for use of the residue also for manufacturing of allied industrial materials. The raw materials are available of plenty in India and abroad.

PSUs in India have spent cores of Rupees as technology fee and put up plants for manufacturing some products which have not been successful.

Applicant has requested for clearance for starting new industries for manufacturing Solid fuel from Waste Phospho Gypsum and Iron Oxide which may be used in lieu of coal. This will have export potential too.

The application was considered in 32<sup>nd</sup> TRC meeting held on 24<sup>th</sup> October, 2014, the committee has recommended for inviting the applicant for technical presentation in the next meeting.

**Agenda Item No.04: Review of “Spent Alumina Catalyst” as a Hazardous waste classified in Scheduled-I, requested by M/s Panipat Refinery and Petrochemical Complex. (23-191/2013-HSMD)**

The matter was discussed in 28<sup>th</sup>, 30<sup>th</sup> and 32<sup>nd</sup> Meeting of TRC held in the Ministry. It was observed that the Unit is generating around 200 MT spent alumina catalyst per month which at present is lying un-utilized due to its mention in the Hazardous Waste Rules, 2008. The applicant informed that the spent catalyst is non-hazardous as confirmed by licensor/vendor on the basis of their Material Safety Data Sheet provided by the vendor. The unit has got analyzed one sample from the SGS laboratory. As per the applicant the Analysis report confirmed that it is non-hazardous in nature and if can get de-categorized from the Rules.

The Committee after detailed deliberation sought following information from the applicant during previous meeting:

- (i) Composition of Virgin Catalyst
- (ii) Composition of spent catalyst with analysis of contaminants including oils / hydrocarbons as per Schedule-II of the Hazardous Waste Rules, 2008.
- (iii) Detailed description of the process with raw material used
- (iv) Mode of disposal of the spent catalyst.

The proponent submitted the requisite information which was furnished to the Committee members. The committee had a detailed deliberation on the issue on the basis of information submitted by the applicant. The Committee observed that Spent Alumina from Petrochemical industry being a Schedule item of Hazardous Waste Rules, 2008; is a hazardous waste. Accordingly, a further detailed characterization of material is required before it can be considered for taking out of category of Hazardous Waste Rules, 2008.

The applicant has now re-submitted the detailed characterization and requested for de-notifying it from the HW Rules, 2008.

Accordingly, the Committee in the 32<sup>nd</sup> Meeting deliberated that the analysis of the spent alumina catalyst submitted by the refinery indicates cyanide is more than 5mg/Kg (the test result reported cyanide values of the order of 2000

mg/kg). The committee therefore confirmed that such wastes cannot be categorized as non-hazardous and hence cannot be de-categorized from the Rules.

The applicant vide its letter dated 30<sup>th</sup> Oct 2014 has once again requested to de-categorize the spent alumina being generated from Swing Unit of Naphtha Cracker as Non- Hazardous waste. The applicant has also forwarded the revised test report of the sample collected by Shriram Institute for Industrial Research. It has been observed that the total cyanide in the sample is below detection limit.

**Agenda Item No.5: : Clarification sought by M/s Ishwardas Clearing Pvt. Ltd, regarding categorical clarification among Hard Zinc Spelter, zinc dross, Al dross and Al scrap thirl (23-195/2014-HSMD)**

The unit is engaged in customs clearance work of Ferrous and non Ferrous Metal Scrap for many of their clients spread throughout India. Such consignments include Hard Zinc spelter and Zinc Dross.

*The case was considered in the 32<sup>nd</sup> TRC Meeting held on 24<sup>th</sup> September 2014. They had requested for clarification on the following:*

- 1. The difference between Hard Zinc Spelter and Zinc Dross;*
- 2. The permissible quantum of Lead content allowed in Zinc Dross.*

*The Committee recommended that it can be clarified that hard zinc spelter and zinc dross come in the same category namely B1100 and are required to have minimum of 85% zinc. The difference between spelter and dross is mainly physical shape and size.*

The applicant has referred to the afore-mentioned recommendation and mentioned that, if this is so, the Policy for import should also be same and it cannot be different from each other but in the ITC Policy it is different.

- Under EXIM code 26201100 Hard Zinc spelters- Policy Restricted and under Policy conditions of the Chapter 26, no conditions are specified for Zn dross;
- While under EXIM code 79020010 Zinc Dross Policy Free and in policy conditions of chapter 79, no condition is specified for Zn dross;
- Same is the case with Al dross under EXIM Code 26204010 suffers the same fate- shown as restricted but without specifying the restrictions thereof. Under EXIM Code 76020010 Al thirl is shown as free;

The committee may like to deliberate.

**Agenda Item No. 06: Request from M/s Rubamin Limited, Vadodara with regard to Amendment of Hazardous Waste (Management Handling, and Trans-boundary Movement) Rules, 2008 wrt provision on Spent Catalyst and Zinc Ash/ skimmings in dispersible form (23-9/2010-HSMD).**

The applicant has requested for amendment in HW Rules, 2008 with respect to Spent Catalyst, Spent Cleaned Metal Catalyst and Zn Ash/ skimmings in dispersible form.

As per Hazardous Wastes Rules, all waste listed in Schedule 3 Part B having no stars can be imported into the country with the permission of MOEF. They have requested for amendment and thus insertion of certain words wrt spent catalyst in Schedule IV.

As per the Rules, Schedule III, Part B, Note (2), Zn Ash/ Skimmings in dispersible form containing Zn more than 65%, Pb and Cd equal to or less than 1.25% & 0.1% respectively and spent cleaned metal catalyst containing Zn are allowed for import without DGFT license to units registered with MoEF (actual users) upto an annual quantity limit indicated in Registration Letter. Zinc ash and skimmings containing less than 65% zinc and lead and cadmium equal to or more than 1.25% and 0.1% respectively and hard zinc spelter and brass dross containing lead greater than 1.25% are under restricted category for which import is permitted against DGFT licence and only for purpose of processing or reuse by units registered with MoEF (actual users). They have requested for amendment wrt to percentage concentration of constituents in Zinc Ash Skimmings.

The committee may deliberate on the provision in the HW Rules, 2008 wrt Spent Catalyst, Spent cleaned Metal Catalyst and Zinc Ash/Skimmings.

**Agenda Item No. 07: - Clarification sought by M/s DSG Papers Private Limited regarding categorization of ETP Sludge to be hazardous / non-hazardous as per Hazardous Waste Rules, 2008. (23-207/2014-HSMD)**

The case has been considered in the 32<sup>nd</sup> TRC Meeting held on 24<sup>th</sup> September 2014.

The applicant has submitted that their unit is an existing paper mill based industrial unit engaged in manufacturing of writing and printing paper (Unit-1) with installed capacity to produce -75 MT/day of finished product, and semi-craft/writing/tissue paper (Unit-2) having installed capacity to produce – 50 MT/day of finished product. The industrial unit uses waste paper as basic raw material. Presently, while operating at the rated capacity, the industrial unit produces about 12MT/day of sludge from primary and secondary treatment of process effluent.

The Schedule-I of the Hazardous Wastes (Management, Handling & Trans-boundary Movement) Rules, 2008 classifies the sludge on the basis of presence of AOX (Category 32.3) without specifying any threshold concentration of limits. The Schedule-II of the Rules emphasizes on categorization based on threshold limits of identified constituents. The Schedule-II of the Rules has got prevalence over the Schedule-I.

The applicant informed that CPCB has proposed draft standards specifying threshold (minimum) AOX concentration in the sludge to be 2.5 kg/MT of sludge for the sludge to be categorized as hazardous waste (which are yet to be notified).

CPPRI, Saharanpur was approached with a sludge sample for its categorization. The CPPRI, on the basis of its analysis, have concluded that the sludge is non-hazardous (copy of the report from the CPPRI is attached with the application).

They have requested to clarify whether the ETP sludge from the paper mill process effluent should be classified as hazardous waste (or not) as per the Rules. In case, there is need for further investigation, then they have requested for guidance wrt appropriate parameters (individual contributing parameters out of those identified in the Schedule-II of the Rules) for which the sludge should be analyzed and the appropriate testing laboratory which can conduct the needed analysis (to check for their concentration viz.-a-viz. respective threshold limits specified) so that the classification of the ETP sludge being hazardous (or not) be conclusively established.

The committee recommended inviting the applicant for presentation and they should be advised to get the TCLP test done as prescribed under the Hazardous Wastes Rules, 2008.

Indian Agro & Recycled Paper Mills Association would like to present the case.

***Agenda Item No. 8 – Clarification sought with regard to differential rate of duty levied on the import of aluminum scrap thrill under CTH 76020010 (Customs Tariff Heading), aluminum dross under CTH 26204010 from Krishan Kumar Rathi (23-265/2014-HSMD):***

The applicant has raised the issue of variation and differential rate of duty on the import of Aluminum Scrap Thril (Dross, spatters, spilling, etc) and Aluminium Dross and similar Non-ferrous Metal Dross and Skimmings which arise as a By-Product in the process of Manufacturing of Aluminum/Non Ferrous Metal products. He has informed that these are manufactured goods and hence excisable w.e.f 10.05.2008 in view of the explanation added to section 2 (d) of Central Excise Act, 1944.

As per the applicant, the Directorate General of Foreign Trade should indicate the restrictions thereof in the EXIM Policy, without which it is neither correct nor appropriate.

The applicant has suggested to:

- a. To define the basic difference between Al/zinc Ash and Al/Zinc Skimmings;
- b. To determine the percentage of Metallic Zinc permissible in Zinc ash;

- c. To re-define the CTH/ BTN number for zinc Ash and Zinc skimmings isolating it from each other;
- d. To rationalize the Duty Structure for zinc ash and zinc skimmings separately.

The Committee may like to deliberate if any information or clarification needs to be provided to the applicant wrt the excise duty difference.

***Agenda Item No. 9 – Clarification sought with regard to export of 2,200 used computers with flat screen monitors and key boards to the state run institutions of Jammu and Kashmir by a local NGO- Mr Irfan Malik, Department of Human Resources Administration of the City of Newyork:***

The applicant Mr. Irfan Malik is a resident of New York is working with Department of human resources administration of the city of New York. The dept will be moving to World trade Centre on or around January 2015 and will be replacing the existing computers and flat screen monitors with newer models. HRA-NYC Dept is willing to donate the full inventory of around 2200 used computers with flat screen monitors and key boards to the state run institutions of Jammu and Kashmir through a local NGO to the floods' devastated Jammu and Kashmir.

Approval is sought from the Ministry, as these donated used items fall under Schedule III Part B, List of Hazardous Wastes not requiring Prior Informed Consent, B1110, electrical and Electronic assemblies destined for direct reuse and not for recycling or final disposition.

The committee may like to deliberate if the policy of ban on import of second hand computer needs to be reviewed wrt above application.

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