

Minutes of 39th meeting of the Technical Review Committee (TRC) under the Hazardous Waste (Management, Handling and Trans-boundary Movement) Rules, 2008 held on 16th September 2015 under the chairmanship of Shri R.K.Garg

The decisions of the Ministry as per the agenda are as follows:

AGENDA ITEM NO 01: De-categorization of spent alumina generated by Panipat Naphtha Cracker complex of Indian Oil Corporation Limited as non-hazardous under the Hazardous Waste Rules (F.No. 23-191/2013-HSMD).

Decision: The Committee re-examined the issue especially in the light of revised Schedule II of the draft Hazardous and Other Waste (Management and Trans-boundary) Rules, 2015. The Committee observed that there is variation in the limits of the concentration of some of the constituents (leachable or otherwise) between the existing Schedule II and the one under the draft Rules. Further, it was also noted that the sampling procedure adopted by CPCB with respect to analysis of the samples from the unit was not adequate enough to give statistically sound results, thus leaving the scope of uncertainty with respect to the interpretations of the results. Thus concluding anything on the basis of those results will be a deviation from precautionary approach that is a paramount while taking such decisions. In view of this and as a matter of abundant precaution the following was proposed:

- i. Fresh samples from the accumulated spent alumina waste should be drawn from different locations and depth of the heap and each sample should be analysed separately to obtain the range of constituents. The samples should be drawn as per the standard sampling procedure.
- ii. In addition to the parameters analysed by CPCB earlier, the parameters such as phenol and benzene also should be analysed.
- iii. To compare these results from the heap, the currently generated spent alumina waste should also be subjected to sampling and analysis and for the same parameters.

The matter will be reconsidered after receipt of the results from CPCB.

AGENDA ITEM NO 02: Representation from West Bengal Pollution Control Board (WBPCB) with regard to Standard Operating Procedure (SOP) for production of Tyre Pyrolysis Oil (F.No. 23-147/2015-HSMD)

Decision: The Committee has information that in some of the pyrolysis plants there have been serious accidents/ explosions leading to fatalities. In addition, there have been reports of adverse environmental consequences due to odour problem and emission of fine carbon particles to the environment in areas around the plants (including agricultural fields). Taking these into consideration the SOP has been formulated as guidance to the regulatory authorities as well as to the operators of such plants. The Committee therefore recommends:

- i. The SPCB/PCC should ensure that requirements as stated in the SOP are complied with before granting Consents/Authorization ;
- ii. In respect of granting permission for import of used/ waste tyre scrap, the present practice of inspection/site verification and obtaining statement of end use of the product/products by MoEFCC should continue.

AGENDA ITEM NO 03: Representation from M/s UOP India Pvt. Ltd., Gurgaon with regard to import of Vaccum Gas Oil (F.No. 23-146/2015-HSMD)

Decision: The Committee observed that the item proposed to be imported is one of the fractions of crude distillation obtained under vacuum. It is not a waste as per Hazardous Waste (Management, Handling and Trans-boundary Movement), Rules 2008. The item is reported to be meant for R&D purpose. The Committee therefore recommended that no permission is required from this Ministry for its import.

AGENDA ITEM NO 04: Representation of M/s Sea Packers and Decorates, Noida with regard to exporting saw dust of imported woods (23-148/2015-HSMD):

Decision: The Committee observed that the item is not a hazardous waste as per Hazardous Waste (Management, Handling & Trans-boundary) Rules, 2008. Therefore permission from this Ministry is not required.

AGENDA ITEM NO 05: Permission for operating Biomedical Waste (BMW) facility in Hazardous Waste TSDF and incinerating the BMW waste in hazardous waste incinerator- M/s Ramky Enviro Engineers Ltd., Delhi (23-16/2015-HSMD):

Decision: The Committee again reviewed the matter and reiterated the earlier view that the matter may be referred to the Expert Appraisal Committee dealing with environmental clearance of TSDFs for incineration of bio-medical waste. Further Bio-medical wastes are governed by different Rules and the provisions of these

Rules have also to be taken into consideration while arriving at the decision.

AGENDA ITEM NO 06: Representation from Maharashtra Pollution Control Board (MPCB) with regard to destruction of custom confiscated agricultural products/food products (F.No. 23-149/2015-HSMD)

Decision: The Committee was of the view that the agricultural products/ food stuff proposed to be destroyed can be incinerated in the incinerators at TSDFs meant for incineration of hazardous waste.

AGENDA ITEM NO 07: Clarification sought by M/s Ishwardas Clearing Pvt. Ltd, regarding import of Hard Zinc Spelter under EXIM code 26201100 and Zn dross under EXIM Code 79020010 in the EXIM Policy 2009-2014

Decision: The Committee considered the representation. The Committee is of the view that hard zinc spelter and zinc drosses come in the same category of Schedule III B B1100 of the HW Rules 2008 and do not require permission of MoEFCC as long as zinc content is greater than 85 percent or as specified in B 1100 of the said Rules. However, this Committee is not in a position to comment on whether such an import would need DGFT license or not. If DGFT license as per EXIM policy is required the same may be obtained.

AGENDA ITEM NO 08: Representation from the Regional Office, Bhubaneshwar of this Ministry with regard to use of Spent Pot lining Waste generated by the Industry (F.No. 23-152/2015).

Decision: The Committee considered the request of RO office Bhubaneshwar of this Ministry. It was noted that as a matter of principle any hazardous waste amenable to any gainful utilization, such opportunities should be explored first before sending such waste to TSDFs for disposal. The Committee also noted that Spent Pot Lining from Aluminium smelters has good calorific value and their disposal to TSDF also ought to conform to the CPCB's guidelines for landfilling of any waste. The Committee therefore considers that there is a merit in the proposal of RO Bhubaneshwar. The Committee was of the view that CPCB may be requested to consider this proposal of RO Bhubaneshwar.

AGENDA ITEM NO 9: Representation from Shri. P.P. Vasudevan with regard to use of indigenous patented technology for solid fuel from waste phosphor gypsum, iron oxide and dry plant leaves.

Decision: The Committee observed that the applicant is proposing to use phospho-gypsum (from Phosphoric acid plants) and iron

oxide (from Kerala Minerals and Metals) for some product which the applicant is calling as solid fuel. Phospho-gypsum is among the high volume low effect waste as per Hazardous Waste (Management, Handling & Trans-boundary Movement) Rules, 2008, and its handling and use are governed by guidelines prepared by CPCB. So far as, iron oxide is concerned it is a process waste from chemical beneficiation of ilmenite and its use is permitted under Rule 11 of HW Rules, 2008 with the approval of CPCB. The committee recommended advising the applicant, accordingly.

AGENDA ITEM NO 10: Representation from M/s MVKini Law Firm with regard to Export of Photo Voltaic solar modules with thin film cadmium telluride (Cd Te) semi-conductor technology-clarification for export and onward recycling (F.No. 23-150/2015-HSMD) .

Decision: The Committee took note of the contention of the applicant in respect of classification of waste PV cells/modules that they are non-hazardous in view of their listing in Part D of Schedule III of HW Rules, 2008 (1040-Scrap assemblies from electrical power generation) as well as their classification as non-hazardous by US and EU. However the Committee also considered the presence of hazardous constituents namely Cadmium and tellurium in them which are hazardous in nature and categorized under Schedule III A (1020). In view of this the Committee recommended that the applicant may be asked to provide details like total concentration of Cadmium and Tellurium in the material exported as well as the TCLP values. The Committee also recommended that the applicant may be asked to make a presentation.

AGENDA ITEM NO 11: Draft e-waste (Management & Handling) Rules, 2015

Decision:

Rule 4 (3)- Framework for 'Deposit Refund Scheme' (DRS)

To complement implementation of e-waste rules, a Deposit Refund Scheme (DRS) would be devised for all the items listed in Schedule I. The salient features of this DRS would be as follows:

- i. Any dealer or any producer while selling the items will keep 5% of the sales price as the deposit which shall be refunded back when the item at the end-of-life or earlier, is brought back to the dealer.
- ii. All the amount collected as deposit from the consumers will be sent to the concerned producers who in turn will every month in a consolidated fashion deposit that amount in National e-waste Management Fund (EWM fund) which will be reflected in the EPR Authorisation. This EWM fund would be managed by a separate agency decided by MoEF&CC. This fund management agency would be chosen on the basis of tender

process and the cost of managing this fund would come out of the interest earned by this fund annually.

- iii. The consumer would deposit the money when they come for the refund while tendering the item that they purchased and will get 5% interest annually on their deposit and 4% for the bulk consumers.
- iv. The adequacy of the deposit amount would be reviewed from the point of view of e-waste going into informal sector for recycling every two years.
- v. Likewise, the interest payable on the deposit from the consumers shall also be reviewed every five years.
- vi. The amount earned in the interest over and above the interest payable to the depositors and the cost of EWM fund agency would be utilized for creating awareness about this scheme as well as to create awareness on the e-waste coming into the formal recycling system.
- vii. In case of change of ownership of EEE, the DRS would remain applicable on the basis of receipt.

Rule 9- Responsibilities of Bulk Consumer

- i. Responsibilities of consumer and bulk consumer may be different. They may not be treated at par;
- ii. Annual return filing responsibility is for bulk consumer.

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