

AGENDA ITEMS FOR 39th MEETING OF TECHNICAL REVIEW COMMITTEE (TRC) UNDER HAZARDOUS WASTE RULES, 2008

Dated: 16th September, 2015 at 10:00 AM

Venue:- Indus 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: Categorizing spent alumina generated by Panipat Naphtha Cracker complex of Indian Oil Corporation Limited as non-hazardous waste (F.No. 23-191/2013-HSMD).

The matter pertains to review of the issue related to categorizing spent alumina generated by Panipat Naphtha Cracker complex of Indian oil Corporation Limited as non-hazardous waste.

The matter was considered in the 34th Meeting of Technical Review Committee held on 10th December 2014. The Committee recommended that Central Pollution Control Board(CPCB) may be requested to draw samples (one sample of material lying accumulated and another sample of freshly removed spent catalyst) and analyze for Cyanide, PAH and heavy metals. Thereafter the matter will be reconsidered. The Analysis Report of Spent alumina samples' collected from Naphtha Cracker Unit, Panipat Refinery of Indian Oil Corporation has been submitted by Central Pollution Control Board.

The matter was considered in the 38th Meeting of the TRC wherein the decision on the matter has been deferred by the Ministry due to a pending matter i.e. O.A. no. 284 of 2015 in the matter of Jugal Kishore vs Union of India filed in the NGT pertaining to the issue of Spent Alumina being generated by Panipat Refinery referring it as hazardous in nature.

The Committee will review the matter with regard to the pending court matter and Hazardous Waste (Management, Handling & Trans-boundary Movement) Rules, 2008.

AGENDA ITEM NO 02: Draft e-waste (Management & Handling) Rules, 2015

The Committee will deliberate on the provisions of the draft e-waste rules as available on the website..

AGENDA ITEM NO 03: Representation from West Bengal Pollution Control Board (WBPCB) with regard to Standard Operating Procedure for production of Tyre Pyrolysis Oil (F.No. 23-147/2015-HSMD)

WBPCB has mentioned that several issues mentioned in the SOP are beyond the scope and purview of the WBPCB. Hence appropriate certifying authorities/departments other than state Pollution control boards may be fixed up and necessary order may be issued for implementation. Further, the Department of Industrial Policy and Promotion, Ministry of Commerce and Industries, government of India has laid emphasis on “Ease of doing business” and the WBPCB under the Department of Environment, government of West Bengal has implemented the same. Under the “Ease of Doing business” self-declaration and self-certification by the industry is being strictly encouraged and implemented. Hence, physical verification of the issues mentioned in the SOP may contradict the spirit and purpose highlighted under the “Ease of doing business”.

Ministry has been requested to advice the WBPCB for further course of action at their end.

AGENDA ITEM NO 04: Representation from M/s UOP India Pvt. Ltd., Gurgaon with regard to import of Vaccum Gas Oil (f.No. 23-146/2015-HSMD)

The applicant has sought permission with regard to import of 850 Kgs of Vaccum gas oil (left over from petroleum distillation) from United States. The applicant has enclosed complete product safety information and the copy of certificate of Import-Export Code (IEC) along with the application.

The Committee will deliberate on the issue with regard to Hazardous Waste (Management, Handling & Trans-boundary Movement) Rules, 2008.

AGENDA ITEM NO 05: Representation of M/s Sea Packers and Decorates, Noida with regard to exporting saw dust of imported woods (23-148/2015-HSMD):

Directorate General of Foreign Trade, Ministry of Commerce and Industry has forwarded a representation of M/s Sea Packers and Decorates seeking permission for exporting of saw dust from imported woods. The applicant has submitted the following documents like profile of exporter and importer, application form for export licence for restricted items, registration cum membership certificate, Form XVIII, application for recognition certificate under sub-section (2) of Section 4-b of the U.P. Trade Tax Act, 1948, Directorate of Industries registration as a small scale industrial unit.

The Committee will deliberate on the issue with regard to Hazardous Waste (Management, Handling & Trans-boundary Movement) Rules, 2008.

AGENDA ITEM NO 06: permission for operating BMW facility in TSDF and incinerating in hazardous waste incinerator- M/s Ramky Enviro Engineers Ltd., Delhi (23-16/2015-HSMD):

The applicant has drawn attention towards the decisions taken during the Conference of Chairman and MS, SPCBs held during 21st and 22nd February, 2014 under the chairmanship of then Hon'ble Environment Minister Shri Veerappa Moily at Bangalore. Several decisions were taken with respect to waste management including hazardous and e-waste management. Promoting Common Integrated Waste Management Facility was one such decision.

The applicant has contended that the decisions on trans-boundary movement of hazardous waste, incinerating and setting up of BMW facility with TSDFs etc. has lot of relevance in today's context. As on date due to NGT order in appeal 63 of 2012 dated 28th November 2013, has asked for the Environmental clearance (EC) of Bio Medical Waste Facility. Most of the applicants' facilities are under consent renewal stage and the SPCBs are denying the approval for the want of EC. The notification for EC based on NGT of BMW is still under finalization at MoEF.

The applicant has desired that the decision of the Chairman and MS Conference asking each SPCBs to authorize and implement authorization for setting up of BMW facility within the hazardous waste TSDF which is having EC may be issued as circular.

The matter was considered in the 35th Meeting of the TRC held on 20th February 2015. In the Committee's view the existing facility in TSDF (having incineration and landfill or incineration alone) is designed for handling Industrial Hazardous Wastes and not for infectious waste. However, if there is space available in TSDF premises the Bio-medical waste facility can also be accommodated. This would require

environment clearance from MOEF&CC for expanding or adding any newer systems as it would be treated as expansion or additional activities over and above the activities for which prior EC was obtained earlier.

The same was informed to the applicant vide this Ministry's letter 23-16/2015-HSMD dated 30th March 2015.

The applicant has requested to refer to Ministry's letter dated 30th March 2015, amendment to EC notification of 2006 dated 27th April 2015 and their letter dated 15th June 2015 (which has not been received in the ministry). the applicant has requested attention on :

Directions to SPCB vide the Conference of chairman and MS SPCB held during 21st – 22nd February 2014, which stated that that BMW waste can be incinerated within Haz waste incinerator, refer point in the attached minutes. This was done after several deliberations as haz waste incinerator are having stringent air Pollution control divisions and specifications are of higher standards than that incinerator of BMW. Order of the NGT mentions that BMW wastes are infectious waste and are to be treated as hazardous waste for handling and disposal.

The Committee will re-review the decision of the 35th TRC in context to Hazardous Waste (Management, Handling & Trans-boundary Movement) Rules, 2008.

AGENDA ITEM NO 07: Representation from Maharashtra Pollution Control Board with regard to destruction of custom confiscated agricultural products/food products (F.No. 23-149/2015-HSMD)

MPCB is in receipt of applications from importers/ shipping agents/ Dept. of Customs seeking permission for destruction of confiscated agricultural products/ food products by way of incineration at common Hazardous Waste Treatment Storage Disposal Facility i.e. CHWTSDF. Department of Customs is insisting to issue NOC for destruction of said confiscated goods/ materials by quoting reference of Office Memorandum issued by Ministry of Agriculture dated 11.12.2009 wherein it is noted that, agricultural commodities (Plants and Plant materials) listed in the Schedule V, VI and VII of Plant Quarantine (Regulation of import into India) Order, 2003 are allowed to import in India with additional declarations and subject to special conditions. In case of consignments of such plants and plant materials abandoned by actual importer, required documents are lacking and absence of authenticity of material there are chances of hidden pests, there is high risk to bio-security of the country if such material is released. Hence, such plants and plant material has to be destroyed by way of incineration in presence of competent authorities. Board has communicated to the Commissioner of

Customs that, the non-hazardous wastes like agricultural products and food stuffs are not categorized under Hazardous Waste rules, 2008 and the applicants seeking permission for destruction of such non-hazardous wastes shall approach to concerned state/ central government authorities. It was also communicated to the commissioner of the Custom that, CHWTSDF's are only authorizes for collection, storage, treatment & disposal of H.W. generated from industries under Hazardous Waste (MH & TM) Rules, 2008.

Ministry's guidance is sought with regard to disposal pathway of such custom confiscated non-hazardous wastes like agricultural products and food stuffs.

AGENDA ITEM NO 08: 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

The matter has been previously considered in the 32nd and 34th Meetings of the Technical review Committee.

In the 32nd Meeting the Committee was of the view 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.

In the 34th Meeting, the Committee was of the view that as per HW Rules, 2008 both hard zinc spelter as well as zinc containing drosses come in the same category Schedule III B (B1100) of the HW Rules and do not require permission of MoEF&CC or DGFT license as long as zinc content is greater than 85% or as specified in B1100 of the Rules.

The applicant has stated that based on the clarifications of the MoEf it is evident and crystal clear that the Zn dross and hard zinc spelter come in the same category Schedule III B (B1100) of the HW Rules and do not require permission of MoEF&CC or DGFT License.

DGFT has been requested to specify the kind of restrictions applying to import of Hard Zn Spelter EXIM code 26201100 when listing the same as restricted in the EXIM Policy 2009-2014. The contradiction in the EXIM policy 2009-2014, the importers and Customs Brokers face innumerable hardship, hassels at the hands of the Customs Department while clearing the goods.

The Committee will deliberate the issue in context to Hazardous Waste (Management, Handling & Trans-boundary Movement) Rules, 2008.

AGENDA ITEM NO 09: Representation from the Regional Office, Bhubaneswar of this Ministry with regard to use of wastes generated by this Industry (F.No. 23-152/2015).

R.O. has enclosed the conceptual report on pilot project burning of Spent Pot lining Waste along with coal in Circulating Fluidised Bed Combustion Boilers.

Various aluminium smelter projects have been accorded environmental clearance/TOR in Odisha by the Ministry with a total production capacity of 1.7 MTPA. The hazardous waste in the form of Spent Pot Liner(SP) is generated during smelting of alumina powder for producing aluminium metal. This waste is hazardous containing Fluoride and cyanide but also has high carbon and energy in it. Power Plants and Cement kilns can utilize this high energy material, therefore, helping to avoid long term storage. At present, Spent Pot Line is either stored above ground in shades or in a secured landfill inside the industry. With this current practice, the energy value of the material remains unutilized and the site is a permanent source of leaching of cyanide and fluoride if not managed properly. While according environmental clearance, the Ministry has stipulated for projects to set up spent Pot Line generated and then disposed off in a secured landfill. This condition for removal of fluoride and cyanide has remained non-complied in all the plants. Recommendation of Corporate Responsibility on environment Protection (CREP) for setting up a centralized SPL treatment and disposal facility with aluminium fluoride recovery and utilization of SPL in steel/cement industries has also remained non-complied. Generation rate of SPL is around 22kg / MT of primary aluminium manufactured as per the international standard. Therefore, 37510 ton of SPL will be generated every year by the above facilities in Odisha alone at their full capacity. The Cyanide and Fluoride in SPL gives off noxious and flammable gases and reaction with moisture creates significant water pollution as these contaminants readily “leach” into the surrounding soils and ground water. Therefore, storage for longer periods may leads to potential contamination of both surface and ground water resources.

RO Office has requested to develop guidelines for utilization of these materials by power plants and cement kilns instead of allowing long term storage under/above the land.

The Committee will deliberate the issue in context to Hazardous Waste (Management, Handling & Trans-boundary Movement) Rules, 2008.

AGENDA ITEM NO 10: 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.

The application was considered in 32nd, 34th and 35th TRC meeting held on 24th September, 2014, 10th December 2014 and 20th February 2015 respectively. The committee has recommended for inviting the applicant for technical presentation in the next meeting. The committee could not comprehend as to how solid fuel from iron oxide or phosphor-gypsum could burn vigorously. Accordingly, the matter was deferred by the Ministry. The committee noted that the information provided by the applicant is not clearer than before, and the committee is not able to make any sense out of it. The matter may therefore be considered as closed unless the applicant is able to make a presentation.

The applicant has re-represented vide his representation forwarded from the Prime Minister's Office. The applicant has accordingly been informed about the 39th TRC scheduled to be held on 16th September 2015.

The Committee will deliberate the issue in context to Hazardous Waste (Management, Handling & Trans-boundary Movement) Rules, 2008.

AGENDA ITEM NO 11: 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) .

Photo voltaic power generation employs solar panels composed of a number of solar cells containing a photovoltaic material. At the end-of-life stage these Cd Te PV solar modules are classified as non-hazardous wastes in major jurisdictions such as the U.S. and EU.

The applicant has submitted legal and technical waste characterization:

➤ **Legal waste Characterization- Basel Convention logical tree analysis:**

On behalf of their client, the applicant has submitted that the EOL Cd Te PV solar modules which it seeks to export for further recycling are not 'hazardous wastes' and that once these EOL CdTe PV solar modules cease to generate power, these will need to be classified as 'scrap assemblies from electrical power generation' (B1040) as listed in Part D of Schedule III of the HW Rules, 2008

➤ **Technical waste characterization of end of life (EOL) modules**

The photo voltaic modules have been tested in accordance with applicable waste characteriastion protocols in Europe and the U.S. and at EOI, they are classified as non-hazardous waste in Europe and as a federal non-hazardous waste in the U.S.

➤ **Hazardous substances concentration in these EOL PV Modules**

These PV Modules are a composite of materials and form a monolithic structure. EU waste legislation specifies that the concentration of substances in a given waste item should be calculated in percentage by weight of such waste item of the European waste list. It is well established that any possibly hazardous substances contained in the waste and the hazardous characteristics must be determined by means of an analysis of the waste. If the hazardous substances do not exceed the threshold concentrations for the hazardous characteristics, the waste will be classed as non-hazardous and as belonging to the non-hazardous waste category of the mirror entry. Under the HW rules, 2008, these hazardous characteristics are enumerated in Schedule III- Part C.

CdTe modules to be exported have been tested and found to be below the threshold leachate concentration limit of Cadmiumof 1 mg/L.

The Committee will deliberate the issue in context to Hazardous Waste (Management, Handling & Trans-boundary Movement) Rules, 2008.
