

AGENDA ITEMS FOR 54th MEETING OF TECHNICAL REVIEW COMMITTEE (TRC) UNDER HAZARDOUS WASTE RULES, 2008

Dated: 17th and 18th February, 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 for the 17th February 2016

AGENDA ITEM NO 01: Clarification sought by M/s MV Kini Law Firm regarding the applicability of HW Rules, 2008 to Photo Voltaic (PV) solar modules with thin film cadmium telluride (Cd Te) semi-conductor technology and representation from M/s Indian Solar Manufacturers Association stating imported Cadmium based thin film PV solar modules used in Solar Power Plants flouting e-Waste (Management & Handling) Rules, 2011 (F. No. 23-150/2015-HSMD):

The matter was considered in the 45th Meeting of the expert committee held on 19th November 2015. *The matter was not considered since the representative of M/s MV Kini requested the matter be deferred to the next TRC meeting wherein the client of the law firm would like to make a presentation. The representative of Indian Solar Manufacturer's Association also did not turn up; therefore the matter was deferred by the Committee.*

The applicant (MV Kini) has confirmed for presentation.

AGENDA ITEM NO 02: Mercury content in CFL lamps-representation of ELCOM forwarded by bureau of Indian:

Bureau of Indian Standards has forwarded the presentation of ELCOMA with regard to very low mercury limits given in Schedule II of e-waste Rules, 2011 issued by MOEF for CFL lamps of more than 30 W.

On the basis of practical situation faced by the manufacturers and also on the basis of the scientific justification as submitted by ELCOMA, the following modifications have been suggested:

Lamp Wattage

CFL upto 26W

27 W to 44 W

45 W to 85 W

Hg Content

5mg maximum

10 mg maximum

15 mg maximum

The Committee may deliberate the aforesaid with regard to e-waste Rules, 2011.

AGENDA ITEM NO 03: Information regarding Transport of paper waste mixed with household from Ireland to India from the Inspectorate of Transport and Human Environment, Ministry of Infrastructure and Environment, Netherland (F.No. 23-279/2014-HSMD): -

This is with regard to an e-mail from Marina De working for the Inspectorate of Transport and Human Environment, Ministry of Infrastructure and Environment, Netherland. They have informed about the several transport of paper board contaminated with hospital / Municipal waste from Ireland to India, Netherlands being the country of transit. During the transit inspection the Netherland authorities have found a lot of container loaded with baled paper waste mixed hospital and municipal waste like cans PET bottles (broken) CD's piece of video tape used dipers, pill strips etc. Most of the bales are wet. Netherland authority has stopped several containers and has sent them back to Ireland. The details of involved companies have also been provided. The waste generator / exporter waste disposal company in Ireland and Importers are two companies in Gujarat. A similar matter came to light when under the disguise of paper scrap; household waste was found to be imported from Canada. The import of the waste was thus rejected during transit itself. It is to be noted that Ministry is now coming across many such cases of import, wherein municipal and biomedical waste is being imported in disguise of paper waste. As per the provision under the Hazardous Waste Rules, 2008; Paper waste /scrap (B3020) are doubled astric item** in Schedule III B of the Rules. As per the provisions under the Rules, import of such wastes is permitted in the country by actual users without any license or restriction or by importer registered with SPCB on behalf of actual user who shall furnish the details of such import and particulars of the actual user along with the quantities to the concerned SPCB on a quarterly basis. It has been observed that taking advantage of such exemption many of the countries are sending their municipal waste to India.

The Committee may deliberate with respect to amendment in the HW Rules, 2008; considering withdrawing exemption to such paper waste for import. Further, Biomedical may be included in Schedule VI of items prohibited for import.

AGENDA ITEM NO 04: Representation from M/s Raj Lakshmi Metals Jalna, Maharashtra with regard to Re-export of used battery on high sea sale basis:-

This is with regard to queries on import and export of used batteries from Thailand. The applicant intends to import used batteries from Thailand and will re-export the same to their foreign client in Europe, Asia and Africa before coming to India on high sea sale basis. Clarification is sought on the issue whether permission from this Ministry is required or not as their foreign client will supply them the batteries only on the condition that if they procure permission from this Ministry.

AGENDA ITEM NO 05: Escrow account as Corpus fund/contingency fund/insurance policy for post monitoring and remediation of contaminated site w.r.t. Treatment Storage and Disposal Facility (TSDF) for Hazardous waste.

The matter was deliberated upon in the 45th Meeting of the Expert committee held on 19th November 2015. *The Committee then observed from the earlier records that the issues, which need to be further reviewed relate to:*

- i. The amount to be collected towards the Escrow fund as a percentage of the turnover of the TSDF operator;*
- ii. The likely remediation cost in case of any contamination caused by the hazardous constituents of the landfill and the compensation to be paid to the affected parties and its impact on the insurance premium to be paid to the insurance company;*

The Committee also discussed about the rationale of a period for 30 years of monitoring and maintenance of the TSDF after the closure and of the return of the balance amount after 30 years to the operator.

The Committee therefore recommended that the matter should be discussed in the next meeting wherein the representatives of the following TSDFs and the insurance companies should be invited:

- i. Ramky*
- ii. UPL*
- iii. Saurashtra enviro*
- iv. GEPIL*
- v. General Insurance Company of India*
- vi. United Insurance Company of India*
- vii. National Insurance Company of India*

In addition the Committee also recommended adopting of an independent insurance expert Dr. A.N. Jha as co-opted member in the TRC for this purpose.

All the aforesaid experts have been invited for the deliberation on Escrow account.

Agenda for the 18th February 2016

Agenda 06: Representation from M/s Apple regarding (i) importing Certified Pre-Owned (CPO) iPhones for sale in India and (ii) manufacturing Certified Pre-Owned i-phones in India, for sale in India.

The matter was deliberated upon in the 48th meeting of the Technical Review Committee held on 5th January 2016. Based on environmental considerations, the Committee recommended the import of CPO iPhones by M/s Apple Inc. So far as the request in respect of manufacture of CPO iPhones in India by importing used phones is concerned, more deliberation is required and the Committee, therefore, is of the view that this matter may be taken up separately, later on.

As directed by the Competent Authority the manufacture aspect needs to be deliberated upon in the Technical Review Committee.

AGENDA ITEM NO 07: Representation from Society of Oil Savers, Sahibabad, Distt-Ghaziabad, U.P. regarding light cut and bottom residue obtained from used oil distillation :

As per the applicant Lubricating oils get contaminated with impurities such as carbon, metal particles, dirt, chemicals water and lighter products like, Petrol, diesel and Kerosene during its use. In the process of distillation of used oil, light distillates / cuts i.e. Class "A" and Class "B" petroleum products mixed during collection/ storage come out and therefore these petroleum products should be handled as per Petroleum Act 1934 as amended in 2005.

The applicant has the following agenda points:

#1 : Has storage license from PESO in compliance with Petroleum Act 1934 for light cuts produced during used oil refining been considered by the Registration committee while issuing licenses to used oil recyclers and also granting permission for import of used oil to various recyclers? If not, what is committee's stand on this and what it proposes to do in future?

Used oil distillation produces 4 cuts namely:- moisture, light cuts, base oil and bottom residue. Disposal of bottom residue remains as area of serious concern because incineration/burning emits PAH and other metal oxides which are highly toxic and therefore, their emission pollutes air badly. No proactive action/ research has been conducted to develop alternate safe environment friendly usage of bottom residue which is the need of hour. In the developed countries, bottom residue is being blended with bitumen in a desired ratio for road building / construction activities. The applicant offers to sponsor the field trials for establishing the ratio of mixing bottom residue with bitumen and end use of road building activity.

#2 : What is the committee stance on alternate use of bottom residue i.e. blending of bottom residue with bitumen in desired ratio for road building/construction activities? Please specify the agency and the procedure to be followed for conducting and concluding the field trials to establish the end use of bottom residue in a time bound manner.

AGENDA ITEM NO 08: Representation from Nimbua Greenfield (Punjab) Limited (NGPL) regarding extending exemption from payment of service tax to TSDFs for hazardous industrial waste:

Government of India in the last budget has granted service tax exemption to CETPs vide Notification No. 6/2015- service Tax dated 01 March, 2015 of Ministry of finance (Department of Revenue). The notification reads as under:-

G.S.R.....(E)- in exercise of the powers conferred by sub-section (1) of section 93 of the finance Act, 1994 (32 of 1994), the Central government, being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of finance (Department of Revenue) No. 25/2012- service Tax, dated the 20th June, 2012, published in the gazette of India, extraordinary, Part II, section 3, sub-section(i) vide number G.S.R 467 (E) dated the 20th June 2012”

“43. Services by operator of Common effluent treatment Plant by way of treatment of effluent”

NGPL is a Treatment, Storage and Disposal Facility (TSDF) in the state of Punjab. Industrial houses of Punjab on the initiative by the Government of Punjab and DIPP have established this facility on a Public Private partnership basis. Department of Industries, Punjab and Punjab Pollution Control Board (PPCB) supported the establishment of TSDF. On the advice of DIPP, NGPL was converted into Section 8 “no profit”

company. No dividend is payable to its shareholders. As TSDFs serve similar environmental protection purposes and perform similar tasks, in all fairness the service tax exemption granted to the CETPs should also be extended to TSDFs. This will reduce the hazardous waste handling charges and encourage the generators to disclose and deliver hazardous waste generated to the TSDFs for environmentally safe handling, management and disposal.

The applicant has requested that a recommendation be made to the CBEC to extend the said notification no. 6/2015 dated 01 March, 2015 to TSDFs as well.

The Committee may deliberate on the issue with regard to HW Rules, 2008

AGENDA ITEM NO 09: Representation from Association of Indian Dry Cell Manufacturers with regard to ceasing the use of lead acid batteries based appliances:

Uses of lead acid batteries in appliances are banned in several countries and have been replaced with new versions of batteries like Lithium –Ion, lithium Iron Phosphate (LiFe_4PO_4), Lithium polymer type of batteries which are environment friendly, safe and have better life cycle. The appliances in which lead acid batteries must not be used are :

- a. Solar Led Lights/Lanterns;
- b. Solar home lighting systems and
- c. Flash Lights (Torches)

These appliances are mainly used in areas where there is no grid power or by common households during load shedding. A general consumer of such appliances is not aware of harmful effects of lead acid batteries and its disposal methodology; he merely throws it away after its life is over without realizing the harm he is causing in the environment.

With regard to environment protection a note on harmful effects of lead acid batteries used for (a) solar LED lights/Lanterns (b) Home Lighting systems, and (c) flash lights (Torches) has been enclosed with the representation.

The applicant has requested to initiate suitable actions to stop the use of aforesaid Lead Acid batteries based appliances. State Governments must issue fresh tenders for such appliances and specifically mention the requirement with Lithium batteries and simultaneously pending supplies against old tenders with lead acid batteries should be cancelled.

The Committee may deliberate on the issue with regard to the HW Rules, 2008.

AGENDA ITEM NO 10: Representation from Mumbai Port Trust with regard to disposal of the hazardous materials/goods lying in the Port-request for conveying no objection:

After the incidence of chlorine gas leakage at Haji Bunder hazardous goods warehouse on 14.07.2010, 140 lots of hazardous cargo/ waste were identified, out of which 99 lots were removed by Mumbai waste management Ltd. for destruction, 21 lots have been sold and cleared and 20 lots are to be disposed. Out of 20 lots, 01 lot of hazardous cargo is pending disposal for want of no Objection from MoEF. In this regard, the matter has been pursued by Dy. Traffic Manager (Auction Sales) with MoEF. However, the requisite 'no- Objection' from MoEF is not received so far. Ministry of shipping has requested to furnish Action taken Report on the disposal of the hazardous materials/goods lying in the major ports.

This Ministry's intervention has been sought in the matter for conveying No Objection for the aforesaid so as to enable Mumbai Port to dispose of the consignment.

The Committee may deliberate with regard to the HW Rules, 2008.

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