

Minutes of 45th meeting of the Technical Review Committee (TRC) under the Hazardous Waste (Management, Handling and Trans-boundary Movement) Rules, 2008 held on 19th November 2015 under the chairmanship of Shri R.K.Garg The decisions of the Ministry as per the agenda are as follows:

Agenda-wise details of the deliberations are as given below:

AGENDA ITEM NO 01: Exporting of material bearing precious metals that can be processed in India should be stopped and discussion with regard to shortlisting of certain technologies for processing of e-waste - M/s Hindustan Platinum Pvt. Ltd.

***Decision:** The Committee observed that the applicant has set up facilities for recovery of precious metals (Pd, Pt, Ag, Au, etc) from waste including spent catalyst. He has already obtained permission from Central Pollution Control Board under Hazardous Waste (Management, Handling & Trans-boundary Movement) Rules, 2008 for processing such wastes. He has stated that although he has got state-of-the-art facilities for processing and has got enough capacity but is not able to procure the waste particularly spent catalyst since the catalyst users are exporting the spent catalyst for recovery of precious metals. According to him the reasons why the Indian companies are exporting this material and not selling to the local processors like him is due to “inefficient tax structures, logistical ease of transporting material and aggressive pricing by international competitor”. Thus, no reasons have been given which have environmental implications. The Committee does not see any reason for intervention by MoEF&CC in this matter.*

AGENDA ITEM NO 02: 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)

***Decision:** 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.

AGENDA ITEM NO 03: Requirement for deletion of Polychlorinated Biphenyls (PCBs) in Schedule V of Draft Hazardous Waste Management Rules, 2015 and Sl. No. 9 of Draft Order on Regulation of PCBs Order, 2015 or review of these provisions thereof – reg.

Decision: *The Committee observed that the note before the committee is with respect to elimination of PCBs in oils used in transformers, capacitors, etc. The draft regulation of PCBs Order 2015 prescribes that the oil used in any power equipment like transformers, capacitors, etc. should not contain more than 2 PPM PCBs if such oil is reprocessed, recycled and reused. The Committee also noted that the limit of PCBs concentration in used oil for recycling is less than 2 PPM in the HW Rules, 2008 as well as in the Draft HW Rules, 2015. The Committee observed that the limit of 2 PPM of PCBs is already in line with the Draft Regulation of PCBs Order 2015. Therefore there is no need of any amendment in the draft Hazardous Waste (Management, Handling and Trans-boundary Movement) Rules, 2015.*

AGENDA ITEM NO 04: Illegal import of Rubber Process Oil (RPO) by (1) M/s Apar Industries Ltd. (2) M/s Gandhar Oil Refinery (I) Ltd. & (3) M/s Sah Petroleum Ltd. containing aromatic constituent more than non-aromatic constituent to be classifiable under CTH-2707 and found hazardous under Hazardous Waste (Management, Handling & Trans-boundary Movement) Rules, 2008. (F. No.11-10/2013-HSMD)- Office of Commissioner of Customs Mumbai:

Decision: *While going through the analysis report of the RPO imported by the three companies namely (1) M/s Apar industries Ltd. (2) M/s Gandhar Oil Refinery (I) Ltd. & (3) M/s Sah Petroleum Ltd by Skylab Analytical Laboratories, the Committee went through the whole case afresh. In the first instance the Central Revenues Control Laboratory (CRCL) had analysed three samples of the imported oil. Subsequently, the applicant got one sample analysed by another Lab namely Ashwamedh Engineers and Consultants, C.S.L. Recently, Sky lab, analytical lab approved and recognized by MoEF&CC has analysed one sample. From the results of the analysis carried out by the three laboratories, the Committee has the following observations:*

- i. All the three analysis reports have shown higher density and kinematic viscosity of the oil as compared to the BIS specifications for RPO prescribed (in IS:15078) as given in the attached table (Annexure I). From this it is clear that the oil is of off-specification and is therefore considered as waste.*
- ii. To determine whether the material is hazardous or not, some of the hazardous constituents listed in Schedule II namely PAH and Total Halogens were analysed by all the three labs. And their results are found to be varying in respect of PAH, as can be seen from the table. The results of analysis of all the three samples analysed by CRCL shows values, which are higher than the limits given in schedule II of the HW Rules, 2008. Therefore, as per these results the material will be categorized as hazardous whereas going by the results of the other two laboratories which are indicating below detection limit values, the material will not be hazardous;*
- iii. In view of the above the Committee recommended that a referral laboratory (NEERI/ R&D laboratory of IOC Faridabad) should be assigned the task of drawing minimum fresh three samples and analyzing them for the relevant hazardous constituents as per Schedule II before a conclusion can be drawn whether the material is to be categorized as hazardous or not.*

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.

Decision: *The Committee 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.

AGENDA ITEM NO 06: Clarification sought with regard to clause 4 of NOC issued by the Ministry - M/s Mumbai Fabrics Private Limited- (F. No. 23-73/2013-HSMD):

Decision: *The Committee observed that as per HW Rules, 2008, Schedule VII, the authorities and their responsibilities have been prescribed. At point no. 6 of the same schedule the duties of the Port and Customs have already been listed.*

If there is a provision in the Customs Act 1962 to verify physically that the imported material is used only for the intended purpose of recovery, reuse, recycling and manufacturing etc., the Customs Dept. will be well within their rights to physically verify this aspect.

However, at Point no. 4 of the aforesaid schedule, the duty of monitoring of compliance with the conditions of permissions issued by MOEFCC for import and export is assigned to the concerned State Pollution control Board.