

Minutes of 35th meeting of the Technical Review Committee (TRC) under the Hazardous Waste (Management, Handling and Trans-boundary Movement) Rules, 2008 held on 20th February, 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: Import of waste/used rubber tyres for production of Tyre Pyrolysis Oil (TPO)(12-40/2013-HSMD):

The matter pertains to import of waste/used rubber tyres for production of Tyre Pyrolysis Oil (TPO). In the Hazardous Wastes Rules, 2008, 'waste pneumatic tyres' (Basel No. B 3110) form part of Part B, Schedule III. Accordingly, it is permitted to be imported into the country only with the permission of MoEF. However, due to long pending issue with DGFT and M/o Petroleum and Natural Gas the applications were not being considered in the Ministry. Now DGFT has informed that certain safeguards are being developed by MoPNG. Ministry decided to formulate the safeguard in the meantime.

The committee deliberated in detail and made following recommendations.

Decision: *The committee observed that most of these pyrolysis plants are in the small and medium sector and many of them are based on Chinese technology. To the committee's knowledge there is no established technology.*

The committee was of the view that a few plants operating presently should be visited to evaluate their environmental consequences and the requisite preventive and mitigative measures and their effectiveness.

AGENDA ITEM NO 02: Exemption of fiber sheet (Head Roof Linear)/ PU foam waste as a solid waste based upon the test report of waste material -M/s Krishna Group Antolin Pvt. Ltd.- (F. No.(23-18/2015-HSMD):

The matter pertains to Disposal of Poly urethane (PU) (B3010) foam waste at Common Hazardous Waste Treatment Storage and Disposal Facility (TSDF), Haryana. The fiber sheet as head roof linear is used as the roof interior of the car. The fiber sheet as head roof linear is used as the roof interior of the car. Depending upon the size and shape of car a piece of it is used and the rest is leftover and is considered a waste. Haryana PCB calling them as hazardous waste has asked for its disposal in TSDF. The applicant has contended that the material is re-usable and may not be disposed off in a TSDF. They have got the material tested with respect to the parameters of Schedule II of Hazardous Waste (Management, Handling and Trans-boundary Movement) Rules, 2008 in the fiber sheet through MoEF&CC's approved laboratory i.e. M/s Eko Engineers Pvt. Ltd & M/s Rajasthan Waste Management Project (NABL Approved lab).

The committee deliberated on the provision in the HW rules wrt disposal of the specific material and recommended as follows.

Decision: *The committee observed that as per Schedule-I item 21 of HW Rules, 2008 'process waste from plastic production /industrial use' is hazardous waste. As such the waste from Polyurethane sheet comes in the category of Hazardous Waste. However, it is environmentally and economically desirable that it is utilized rather than disposing it off in TSDF. The committee suggested that the applicant may be asked to seek permission under rule 11 from CPCB.*

The committee also noted that the last meeting of the Expert Committee for Rule 11 was held in the month of August, 2014 in CPCB. It was also noted that while constituting the above stated Rule 11, the Expert Committee through the CPCB Office Order clearly states that meeting of this committee should be held every 2 months or earlier if there are 5 or more cases. This committee therefore recommends that CPCB may be advised to hold meetings regularly as per the spirit of CPCB's Office Order.

AGENDA ITEM NO. 03: Request from M/s Rubamin Limited, Vadodara with regard to Clarification on Zn Skimming and Zn Ash (23-9/2010-HSMD).

The applicant has sought for clarification confirming that the terms zinc Ash/ Zinc Skimming represent the material generated by the operation of skimming in galvanizing plant and hence must not be distinguished.

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

Decision: *As per H.W. Rules, Schedule-III-B, Zinc Skimming with more than 90% Zn come under item B-1100 which are freely importable. However, Zinc Ash and other residues including skimming containing lower Zinc contained comes under category B-1080 and require registration. In the Rules, note (2) makes no distinction between Zinc Ash and Skimming as long as the zinc content is more than 65% and lead and cadmium less than 1.25% and 0.1%, respectively. This could be clarified to the concerned Authority.*

AGENDA ITEM NO.04: 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&CC 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 in 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 32nd and 34th TRC meeting held on 24th September, 2014, 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 deliberated on with regard to submissions made by the applicant.

Decision: *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.*

AGENDA ITEM NO. 5: Clarification sought with regard to import of Zinc Dross and Hard Zinc Spelter of Schedule III B (B-1100) under HW Rules, 2008 from Krishan Kumar Rathi (23-265/2014-HSMD):

The applicant has informed that the items namely Zn Dross and hard Zn spelter in the parent notification dated 24.09.2008 were under Schedule- III, Part B, under Basel No. B 1100 under **Category. For **Category items import permitted in the Country without license or restriction. In the subsequent Notification dated 30.03.2010 under S.O. 710 (E) the aforesaid items were brought in schedule III under Part D and the Category remained the same under ** Category. The said notification also introduced Form 16 for Registration of Traders for Schedule-III, Part D to be submitted to SPCB by trader. Further, he has referred to Ministry's letters calls for a requirement of SPCB Pass Book for the purpose of maintaining a record of procurement of the waste by the recyclers irrespective of the import is by recycler or by the Trader on behalf of recycler, being Schedule IV item.

In this reference the applicant has contended that there are number of items in Part-D in which Hard Zinc Spelters and Zinc Dross are also covered. As such the conditions of import as applicable to other items i.e. Ferrous and Non-Ferrous Scrap should equally be applicable to Hard zinc Spelters and Zinc Dross. There can be no separate or special requirement or conditions

should be applicable for Zn Dross or Hard Zinc spelters. Further, the applicant has submitted that there should be no need for Pass-Book from SPCB for Import of Zn Dross. Hence the requirement of Pass-Book from SPCB should be withdrawn by the Ministry.

Decision: *After the presentation made by the applicant, it was clarified to him that the processing of Zn Dross, Ash, Skimming etc. needs registration from the SPCB as per Schedule –IV of the H.W. Rules. The import of Zn Dross and Hard Zinc Spelters is governed by Schedule-III Part-D which is importable freely. However, even traders are required to obtain one time registration from SPCB.*

Agenda Item No.06: Export of LD Sludge by M/s Orind Steels Limited, Lathikata, Orissa (23-15/2015-HSMD):

The applicant has sought clarification with respect to export of LD sludge- which is pure iron (Fe), Aluminium oxide (Al_2O_3), and silica (SiO_2). LD sludge is lying in Rourkela steel Plant, as a pure waste, occupying unnecessary space; it is only vapors of iron coming out of LD convertor of the steel plant, which has been collected by RSP. The applicant also mentions that if a company has been able to get foreign customers to purchase it, it should be facilitated.

The committee deliberated on the provision in the HW Rules wrt export of the specific material.

Decision: *The committee noted that in Schedule-I of the H.W. Rules under item no.13 (Iron and Steel industries), LD sludge is not mentioned as one of the hazardous waste. However, before the sludge can be classified as a non-hazardous waste the composition w.r.t. heavy metals, if any, has to be known. Since the applicant could not provide the composition he has been asked to determine the composition and also carry out the TCLP test as prescribed in H.W. Rules Schedule –II.*

AGENDA ITEM NO.07: Authorization for setting up of BMW facility within the TSDF which is having Environmental clearance- 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.

Decision: *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.*

AGENDA ITEM NO 08: M/s Shiva Petro – Synth Specialties Ltd, Mumbai.- Clarification for inter-state movement of used/ Waste oil as per the rules 20(3) of Gazettes Notification of Hazardous Waste Rules, 2008 (23-213/2014-HSMD)

Representation had been received from M/s Shiva Petro – Synth Specialties Ltd, Mumbai with respect to directions of Goa Pollution Control Board to Commissioner of Customs, Goa to allow disposal of waste oil only to Goa State Registered Recyclers in accordance with their circular issued under the Rule 20(3) of HW Rules, 2008. They have referred to Ministry's letter dated 13.11.2009 in the related matter M/s Attero Recycling Pvt. Ltd Noida(U.P) which clarifies that Rule 20 (3) is applicable only to inter-state movement of hazardous waste for disposal purpose and the rule is not applicable to Recyclable Hazardous waste. Accordingly, the applicant who apparently are recyclers have requested Ministry to direct the Goa SPCB to allow the generators of waste oil in the state to transport it to other states for recycling purpose.

The matter was considered in the 33rd Meeting of the TRC held on 28th October 2014. The Committee recommended obtaining the comments /views of GSPCB on the representation of M/s Shiva Petro – Synth Specialties Ltd, Mumbai. Goa PCB has not responded in the matter inspite of two reminders.

The committee deliberated in detail and recommended as follows.

Decision: *the committee noted that the reason why Goa PCB was not allowing inter-state movement of Hazardous Waste (used oil/waste oil) since, the recyclers outside Goa were not filling returns on Form 4 as well as Form 6 as required under the H.W. Rule,2008. The applicant is therefore advised to make sure that the recyclers outside the State of Goa also file the returns to the respective SPCB (including Goa) from whose jurisdiction the Hazardous waste were obtained for recycling. The committee noted that there is lack of clarity on sending the returns of waste disposed or recycled from one state to another. Since, the GOA PCB seems to have insisted on getting returns from recyclers in the other state of waste generated in their state (Goa), the recyclers may be advised to send returns to both the State Boards. Applicant is advised to act as per the recommendation.*

AGENDA ITEM NO 09: Immobilizing of Jarosite waste generated by non-ferrous metal industries, HZL in India (23-17/2015-HSMD)

Mr Harish Kandhari, Kandhari Rubbers Ltd. has informed that immobilizing of Jarosite waste generated by non-ferrous metal industries, mainly HZL in India, is presently being done by Solidification / Stabilization method through treatment with admixture of lime and cement powder, the hazardous character having transformed into non-hazardous and converted into a chemically inert, physically stable mass called Jarofix that eliminates all short and long term environmental risks during and after its landfilling. CRRRI & NEERI, Nagpur analysis of Jarofix waste in accordance with HW Rules, 2008 classifies Jarofix as Non-Hazardous waste and allows its use in road construction.

Applicant has endeavor to convert them into mass consumable product e.g. chemical gypsum for cement industry and thus requested to endorse and notify the *Jarofix* as non-hazardous waste enabling commencement of its mass consumption, along with substantial marble dust and other compatible waste quantities generated in abundance in Rajasthan and other states of the country, providing true Clean India impetus for surroundings and the environment.

Decision: *The applicant is advised to seek permission to use Jarofix and jarosite for manufacturing chemical gypsum under Rule-11 of H.W.Rules, 2008 from CPCB.*

AGENDA ITEM NO 10: Submission made by Oil Industry Safety Directorate (OISD) with regard to Carbon black Oil (Carbon Black feed Stocks) (F. No.12-90/2014-HSMD):

With reference to the decision taken in 34th TRC held on 10th December 2014 on Carbon black Oil/Feedstock, Oil Industry Safety Directorate (OISD) has stated that it is produced in Refineries and its sulphur content is crude

specific. As the Refineries are processing wide range of Crude from low sulphur to high sulphur depending upon the availability, it will be worth to finalize the specification of the Carbon Black feed Stock without sulphur content limit. Accordingly, Ministry has been requested to consider the same while finalizing the specification of the Carbon Black feed Stock.

The committee deliberated on the issue with regard to submissions made by OISD.

Decision: *The committee noted the comments of OISD in respect of sulphur content in the crude oils. The committee is also aware that mostly refineries use a blend of crude oils from the various sources with low and high sulphur contents. From environmental consideration, in respect of carbon black oils/CBFS, the committee feels that there has to be a limit on the sulphur content in CBFS, as long as the carbon black plants do not have the desulphurising systems. The committee therefore, feels the earlier recommendation limiting sulphur content to 3% in carbon black oils should be suggested to BIS. While preparing the specification of Carbon black oils/CBFS.*

AGENDA ITEM NO 11: Representation by M/s Shivalik Reclamation Pvt. Ltd, Ranchi regarding the need of valid CTO for consideration of applications for import/export of tyre scrap under HW Rules, 2008 (23-60/2009):

M/s Shivalik Reclamations Pvt. Ltd. has stated wrt to their application for import of 5000 MT tyre scrap, that Ministry has approved their import subject to submission of valid CTO by JSPCB. Their present CTO was valid till 31.03.2014; therefore they have applied for renewal of CTO for FY 2014-2015 . They also have drawn attention towards section 26 clause (7) page 24 under the Water Pollution Act 1974 in which it is categorically mentioned that “the consent referred to in sub-section (1) shall, unless given or refused earlier, be deemed to have been given unconditionally on the expiry of a period of four months of the making of an application in this behalf complete in all respects to the state board.”

The matter was considered in the 35th Meeting of the Technical Review Committee. The Committee recommended that a letter may be send to the SPCB to obtain their comments w.r.t. renewal of CTO.

The applicant through their letter dated 3.02.2015 has submitted that they have also applied for the CTO for the financial year 2015-2016 and enclosed the copy of application to Jharkhand State Pollution control Board with their communication. The applicant has requested to issue them the permission of import of 5000 MT tyre scrap. They have also mentioned that if the unit is running without CTO as prescribed under law, then it requires regular raw material also and in case the approval is not provided in time

and raw material is not arranged and they will have no other option but to shut down.

The committee deliberated on the issue on the issue wrt the provision in the HW Rules 2008.

Decision: *The applicant had applied for import of tyre scrap for making crumb rubber and rubber products. However, he had not received the renewal of his CTO from the SPCB till then. Based on discussion in the 34th Meeting of TRC, a letter had been sent from the Ministry to the SPCB on 16th Dec., 2014 to inform the Ministry about the status of renewal of pending CTO of the applicant. A reminder was also sent on 19th Jan., 2015. However, no reply has been received from the SPCB. Under Air and Water Acts, if after 4 months of receipt of application by the SPCB for renewal, no communication is received, then the Consents sought under these acts are deemed. In view of this, the committee recommended that the case may be considered for import.*

AGENDA ITEM NO 12: Ministry of Commerce and Industry forwarding the representation of M/s KP&S Associates, New Delhi with regard to Classification of solid fuel recovered from shredded rugs and carpets-a product of natural and man-made fibers with jute/foam/rubber packing(shredded to under 40mm size):

M/s KP&S Associates in their communication has mentioned that the subject item is fast to burn and delivers a very high calorific value (above 5000 Kcal/kg) and results in either zero pollution or pollution much less than the biomass. The subject item when shredded to under 40 mm size, becomes useless for any other application except incineration. It may therefore be allowed to be imported as a solid recovered fuel (electricity from biomass power plant) and be classified under the HS Code 4707 that applies to recovered waste of paper and other fibrous materials

The committee deliberated on the issue on the issue wrt the provision in the HW Rules 2008.

Decision: *The committee is of the view that the detail information about the waste to be imported and methodology to ensure that the material when burned in normal boiler/furnaces will not cause environmental issues has to be examined. The committee therefore suggests the applicant may be asked to furnish detailed information and should also be invited to make a presentation.*

AGENDA ITEM NO 13: Writ Petition (Civil 32389 of 2011) K.N. Unnkrishnan vs. Cochin Port Trust in the Kerala High court: to take immediate steps to stop/prevent dumping of sewage /toilet

waste/garbage waste discharged from the vessels calling at Cochin Port/ Outer anchorage/ Vallarpadam International Trans-shipment Container Terminal/ Port Waters/ single Point mooring.

As mentioned by the applicant in the writ petition, toilet wastes comes under the definition of Eco-toxic which comes under H12 in Schedule III Part C of the Hazardous Waste (Management, Handling and Trans-boundary Movement) Rules, 2008. As per Section Rule 14 (iii) of the rules, the import and export of hazardous wastes shall require the prior written permission of the Central government. Rule 17 (i) of the said rules states export/import of hazardous wastes shall be deemed to be illegal if it is without the permission of the Central Government.

The matter deliberated as per the HW Rules, 2008.

Decision: *The committee is of the view the sewage and the garbage from the ships could be infectious and should not be disposed off in public place. As far as the H.W. Rules are concerned, disposal of such wastes at the port amounts to import of such infectious waste therefore is regulated. However, the Ministry may make sure that above position is not violation of the Marpol convention.*

AGENDA ITEM NO 14: Matter pertaining to export of tungsten carbide from M/s High Tech Engineering Works, Howrah (West Bengal)

This is regarding email dated 17-02-2015 from M/s High Tech Engineering Works, WB, seeking Ministry's view on the subject matter.

The companies have been exporting various types of remainders/left outs of various type of Tungsten Carbide/ Inserts /Tips/Buttons etc. in solid form to USA for the last three years. They collect it from various industries in India, repackage it and export. Sometimes if required, they do some processing on it at their end like grinding and washing.

They have sent a sealed consignment of 1500 KGs of the above mentioned commodity with the name "Processed Tungsten Carbide Remainder" to the docks. The Safety Officer did not allow the shipment to enter. As per him carbide is a hazardous chemical. Finally they approached to the Ministry for seeking clarification that the subject commodity falls under Hazardous Waste Rules, 2008 or not.

The matter was deliberated as per the HW Rules, 2008.

Decision: *The tungsten bearing waste and scrap is in the part D of Schedule -III and therefore, freely importable or exportable. And therefore does not require permission of this Ministry. Moreover, there is no hazard in its handling.*

AGENDA ITEM NO 15: DGFT communication regarding import policy in respect of import of used rubber tyres and used rubber (23-208/2014-HSMD)

Ministry received DGFT communication dated 18th February, 2015 forwarding minutes of meeting regarding import policy in respect of import of used rubber tyres and used rubber under EXIM Code 40040000 under ITCF HS, 2012 Schedule-I (import Policy.). Ministry's comments were sought on the subject matter.

The matter deliberated as per the HW Rules, 2008.

Decision: The committee recommends that Ministry may agree with the proposed policy conditions w.r.t. import of waste tyres under ITCHS Code:40040000 wherein import of used rubber tyres/tubes cut into two separate pcs. have been proposed to be made free. However, for clarity purpose it may be referred as two or more separate pieces.

AGENDA ITEM NO 16: Discussion on requirement of 'Pre-shipment certification' in the NOC of used rubber/ waste- M/s Markap Resources Pvt. Ltd. (23-259/2014-HSMD)

M/s Markup Resources P. Ltd Delhi has requested the Ministry vide letter dated 17-01-2015 to delete the word 'Pre-shipment certificate' from their NOC which has been granted to them for import of 6000 MT of Old /used rubber tyres vide letter dated 17th December, 2014.

The matter deliberated as per the HW Rules, 2008.

Decision: *In relation to import of used rubber/waste tyres scrap/tubes scrap pre-shipment certification does not serve any environmental purpose. However, if the consignment contain anything other than what is declared to be imported and can be verified physically at the port of import, such import under the H.W. Rules would be illegal. The committee therefore recommends the pre-shipment certification is not required.*
