

Decision of Ministry of Environment, Forest and Climate Change with respect to discussion on issues pertaining to clarifications sought on Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016, as approved by the Competent Authority on the basis of recommendation of the 71st Meeting of the Technical Review Committee (TRC) held on 4th February, 2022-reg.

Agenda 1: Clarification with respect to Hazardous and other Wastes (Management & Trans-boundary Movement) Rules, 2016

Agenda 1.1: Representation from Material Recycling Association of India (MRAI)

MRAI has raised following issues related to import of Lead Scrap

(i) Permission for import of Lead Scrap to be granted on IEC basis (Import-Export Code basis)

MRAI has stated that many industry members have multiple manufacturing units at different locations across the country. Their export/sales commitments are also entity based and not location based. Whilst MoEF&CC grants import permission of raw material on location/plant basis and these permissions are not inter-changeable. Hence, they have requested to make the permissions inter-changeable within an IEC code/same entity.

The matter was discussed in the 70th Meeting of TRC held on 17th November, 2021 and the committee recommended that the representation may be sent to CPCB for their views/comments w.r.t. compliance of consent under the Air and Water Act and authorization under HOWM Rules, 2016 by SPCB. Accordingly, the representation was forwarded to CPCB.

Recommendation: The committee deliberated upon the issue and recommended that the applicant with one IEC code having multiple units at different location may be permitted to inter change the imported permissions granted to these units within consented capacity (as mentioned in the CTO/Authorization, whichever is less). However, the applicant has to take permission of MoEF&CC while transferring the imported quantity from their one unit to other unit. Further, the applicant has to follow (i) Rule 18. Transportation of hazardous and other wastes and (ii) Rule 19. Manifest System (Movement Document) for hazardous and other waste to be used within the country only of the Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016 as amended from time to time and SOP. (iii) the quantity so interchanged will not be more than 30% of permitted import quantity of the unit from where the quantity is provided. Individual unit will seek permission for import based on their production in the previous year as at present.

Agenda 1.2 Incorrect Classification of Cosmetic Products under category 28.4 & 28.5 of Schedule I of the Hazardous Waste (Management and Transboundary Movement) Rules, 2016 - representation from M/s Procter & Gamble Home Products Private Limited (P&G), Baddi, Solan, HP.

M/s P&G has stated that they manufacture cosmetic products and detergents at Baddi plant and if any products are found to contain packaging defects or grammage issues (“End of

Line Rejects” or “EOL Rejects”), such secondary cosmetics products are segregated separately and are not sold to end consumers.

In March, 2018, the applicant received a notice from HPSPCB stating that EOL rejects falls under Hazardous Waste Category. Also, the CPCB vide its letter dated 10th October, 2019 had clarified that these off specification & date expired products generated from production/formulation of drugs/pharmaceutical and health care product respectively comes under Schedule I of HW Rules, 2016.

However, the applicant again approached CPCB vide its letter dated 23rd September, 2020 claiming incorrect Classification of Cosmetic Products under category 28.4 & 28.5 of Schedule I of the Hazardous Waste (Management and Transboundary Movement) Rules, 2016. Then the CPCB vide its letter dated 12th October, 2020 informed applicant to approach TRC constituted by MoEF&CC for identification of off specification & date expired products as non-hazardous. Accordingly, the applicant requested the Ministry to consider these EOL rejects as non-hazardous.

The matter was discussed in the 70th Meeting of TRC held on 17th November, 2021 and as no representative of the company joined the meeting, the committee therefore deferred the case for next meeting for better understanding of the case. In view, the matter has been re-considered by TRC in its 71st meeting.

Recommendation: The committee noted that although the off-specification & date-expired products (shampoo, conditioner, gels, etc.) generated from production/formulation of drugs/pharmaceutical and health care product falls under category 28.4 & 28.5 of Schedule I of the Hazardous Waste (Management and Transboundary Movement) Rules, 2016. But, during presentation the representative of P&G stated that during production, if any products are found to contain packaging defects, weight variations or grammage issues (“End of Line Rejects” or “EOL Rejects”), such Secondary Cosmetics Products are segregated separately and are not sold to end consumers. These EOL rejects are sold separately to vendors who used these EOL rejects for use in Car Wash/ floor wash but other than human use and it is non-hazardous in nature. The committee was of the opinion that these EOL rejects are waste but it may not be hazardous in nature as per Hazardous Waste (Management and Transboundary Movement) Rules, 2016. After deliberation the committee recommended to refer the matter to CPCB to confirm the same. Till then, the matter is deferred.

Agenda 1.3 Regarding amendment in condition for import of Scrap Tyre - representation from (1) All India Rubber & Tyre Recyclers Association (AIRTRA) and (2) Recycling & Environment Industry Association of India (REIAI)

1. AIRTRA in its representation has requested to change in current rules of issuance of NOC for import of Used/waste tyre scrap. They have suggested the following amendments to the current rules in respect of import of used rubber tyres scrap in order to promote trade and ensure that the Indian recycling industry is kept alive and ensure environmental compliance at the same time:

I. As per the recommendation made by the EWG of 2019, the import of scrap tyre pressed in bales is not allowed. However, import of scrap tyres cut in 3 pieces was permitted. Accordingly, the NOC from MOEF was issued to import 3pc cut and shredded tyres in the last 2 years. As a result of this the following problems were realized and therefore the request is to continue to allow import of scrap or waste tyres in pressed baled form:

a. Non availability of Raw Material: As per the current NOC that is granted by MOEF, applicants are allowed to import only 3 piece cut or multiple cut tyres. This type of material is not available to Import. The supply of this type of material is very limited in the world. 90% of the international trade of used tyres takes place only in pressed bales. Therefore, the industry is suffering due to non-availability of this type of raw material.

b. Higher Cost of Raw material: Because Cut /Multicut tyres require to be cut either manually or in large expensive shredders the little material which is available is costing 3 times of simply pressed bales scrap. Pressed bales are available @ Rs 30 dollars a ton whereas 3pc cut and multi cut tyres are available at 90USD a ton. This is making the raw material for the recycling companies unnecessarily expensive.

c. Handling issues: Pressed bale tyres are handled using a moving crane whereas multicut tyres require to be unloaded manually causing chances of injury to the workers.

d. Environmental impact is the same: There is no change in the environmental impact whether you import used tyres in multicut form of pressed bales form. In fact, we have learnt in the last 2 years that multicut tyres are more likely to be contaminated with external waste than bale tyres.

e. Usage of Tyres in Pyrolysis: One of the main reasons given to disallow the import of full bales and allow multi cut was to prevent usage in batch plants. However, Here they have point out two main points.

- i. That waste tyres of any form whether multicut or pressed bales can be used in a batch pyrolysis and therefore it does not make sense to restrict any particular type of material import.
- ii. Pyrolysis in the last two years have become the need of the hour. Every single western country, USA, Europe, UK are all running pyrolysis plants and are doubling their pyrolysis capacities every year. Pyrolysis produces zero waste and 100% usable products like low sulphur Fuel oil and recycled carbon black. Both these products are currently being imported into the country causing India a foreign exchange loss. Therefore, it is the recycling method of the future. However, that being said we must ensure that the pyrolysis plants are up to standard and are following the environmental discharge Norms set in the Consent issued to them. This compliance is now implemented as all the polluting plants (400 nos.) are already closed by NGT. Therefore, only compliant pyrolysis plants now exist.

In order to ensure all of the above, initially units that have a track record of more than 5 years of operations may be allowed import of Scrap Tyre in non-cut and pressed baled form. This will ease the situation of overall demand for multi-cuts and make ample raw material available.

II. Import and export of Crumb/Granules less than 12 mm size should not require NOC from MoEF as it is a finished product manufactured from waste and not a waste and hence does not fall under the HW Rules, 2016.

2. REIAI has requested to further amend the condition regarding import of tyre as approved in 106th Meeting of expert committee to "**Either multiple cut (3 or more cut) or pressed and baled tyres (TBR or other radial tyres) only shall be allowed.**" and given the following reasons for the same:
- a. Scrap/waste tyres which are available in the international market are a mixture of TBR and other (including car) tyres. Restricting import to only TBR tyres severely constrains the availability of scrap tyres for the recyclers and also leads to difficulties during Customs clearance.
 - b. For the purpose of preventing the imported tyres from being used as new tyres, its adequate to have the tyres either with multiple cuts or pressed and baled. Insisting on both again restricts the availability of tyres.

Recommendation:

- (i) **The committee deliberated upon the issue and based on the discussion with the representative of association, the committee recommended that the condition “Only Multiple Cut (3 or more cut) Truck and Bus Radial (TBR) tyres in pressed and Baled form shall be allowed”, which is stipulated in the permission letter being issued by the Ministry at present may be amended as,**

“Truck, Bus and other Radial tyres either in Multiple Cut or in Pressed & baled form shall be allowed”. This liberalized policy would be available only for units having track record of at least 3 years and would be as earlier for other units. This decision would also be applicable to un-utilized permissions.
- (ii) **The committee did not agree to the proposal of non-requirement of NOC for the import and export of Crumb/Granules less than 12 mm size. The committee further reiterated the earlier decision taken in 69th Meeting of TRC held on 19th February, 2020 that “the rubber crumb/ granules having mesh size finer than 10 mesh and devoid of iron/steel & most of the fibers, are product and does not require permission from this ministry.”**

Agenda 1.4 Regarding Classification of Unvulcanised materials during tire manufacturing process as waste or by-product - Representation from M/s Bharti Rubber Overseas

M/s Bharti Rubber Overseas (BRO) has sought clarification whether Rubberized Nylon Friction, Rubber Compound, Rubberized steel friction, Fabric Carcass and Green Tires, which are unvulcanised in nature are waste or by-product and require permission for import by MoEF&CC or not.

Similar representation from DGFT regarding import of Moulded Rubber Articles Scrap/ Conveyor Belt scrap/Rubber Article scraps/ Pairings/ Rubberised Nylon Friction Cord/ Rubberized steel friction cord/Rubber Compound /Lumps (Cut/Shredded/Press/Baled/Sheets/ Chips/Rolls) for manufacture of Crumb rubber/rubber products were discussed in 69th Meeting of TRC held on 19th February, 2020 and the **committee noted that waste and scrap of hard rubber, other rubber wastes and waste pairings and scrap of rubber falls under B3040 and B3080 of Part B, Schedule III of HW Rules, 2016. As such all these items need permission from this Ministry.**

Recommendation: The committee heard the presentation made by the representative of the company and recommended that these goods fall under HOWM Rules, 2016 and requires permission from this ministry as per the earlier decision taken in 69th meeting of TRC held on 19th February, 2020. Further, the committee also recommended that representative of Automotive Tyre Manufactures Association (ATMA) and /or other similar organization may be invited in the next meeting of TRC to understand how Tyre Manufacturers classify these items being generated indigenously for further deliberation/decision in the matter.

Agenda 1.5 Regarding Categorization of ETP Sludge as non-hazardous waste - Representation from M/s NTPC Limited

M/s NTPC Limited (NTPC) has mentioned in their representation that they are operating a number of thermal power plants across the country which have water treatment plants and effluent treatment plants. It is further mentioned that the sludge from these plants are non-hazardous in nature as none of the parameters in the sludge exceed the Hazardous Waste limits as mentioned in Schedule-II of Hazardous and other Wastes (Management & Trans-boundary Movement) Rules, 2016.

However, MP Pollution Control Board (MPPCB) while renewing the Hazardous Waste Authorization granted vide consent no. H-54101 dated 02/09/21 for Vindhyachal STPS of NTPC against application no. 1069219 dated 20/04/21 has included 'Chemical sludge from wastewater treatment (Cat 35.3)' in the list of Hazardous substances with authorization for disposal through Co-processing or TSDF.

Further, NTPC requested MPPCB for exclusion of ETP sludge from the hazardous waste authorization on the basis of the exemption granted in the footnote of Schedule-I in the Hazardous Waste Rules which mentions that "The inclusion of wastes contained in this Schedule does not preclude the use of Schedule-II to demonstrate that the waste is not hazardous" but MPPCB, in its letter dated 14/10/21 has informed that the matter needs to be taken up with the Technical Review Committee of MoEF&CC for resolution.

The ETP sludges of NTPC Power Plants were tested through MoEF&CC accredited third party laboratories for all the heavy metals, Nitrate, Sulphide, Fluoride and Total Petroleum Hydroxide (TPH). As per the test report, none of the parameters in the sludge exceeds the Hazardous Waste limits as mentioned in Schedule-II of Hazardous and other Wastes (Management & Trans-boundary Movement) Rules, 2016.

In view of the above, NTPC has requested that the ETP Sludge from Thermal Power Plants may be considered as non-hazardous waste and an advisory in this regard may kindly be issued to SPCBs.

Recommendation: The committee deliberated upon the issue and heard the presentation made by representative of the company. The committee recommended that in first instance requisite number of samples may be drawn by CPCB and analyzed for parameters given in schedule II of HOWM Rules, 2016. On receipt of the analysis result from CPCB, the matter will be reconsidered. Till then, the matter is deferred.

Agenda 1.6 Regarding import of PVC industrial rejects and regrinds by actual users - Representation from The Plastics Export Promotion Council, Mumbai

The Plastics Export Promotion Council (PLEXCONCIL), Mumbai has mentioned in their representation that Poly Vinyl Chloride or PVC is a thermoplastic polymer that finds use in production of plumbing and agricultural pipes, cable and wire insulation, doors and window frames, artificial leather, coated fabrics, vinyl flooring, PVC geo membranes, shoes etc. They have mentioned that PVC industrial rejects and regrinds is Pre-Consumer and not a 'waste' of PVC. Waste is normally referred to post consumer material which has already been used. Since it is generated at a factory and is unused, it is a raw material and not a waste scrap. They have further mentioned that the import may be allowed with following conditions:

- i. Only industrial trimmings and rejects of PVC flooring scrap shall be allowed in the imported.
- ii. Post-consumer PVC flooring scrap and waste shall not be allowed to be imported.
- iii. Imports shall only be allowed to actual users. In case the actual users hire export/import houses they could do so on receipt of specific request from actual users for specific quantities based on the installed capacity of the plant only.
- iv. The concerned Pollution Control Board / Pollution Control Committee shall monitor the use of PVC scrap imported by the units.
- v. The unit/ PVC scrap users shall file a return of imports made during a calendar year to the concerned PCB/PCCs and
- vi. The product of manufactured should meet the BIS specifications IS 3462 1986 for unbacked flexible PVC floorings.

The matter was also discussed in a meeting held on 29.12.2021 at 3 pm under the chair of Shri Amitabh Kumar, Joint Secretary, Department of Commerce and it was decided that the matter will be discussed in TRC meeting where DoC along with industry will be informed and invited to give clarifications/justification in this regard.

Recommendation: The committee deliberated upon the issue and heard the views of representative of the Department of Commerce and the presentation made by PLEXCONCIL. The committee after detailed deliberation recommended that the import of PVC industrial rejects and regrinds (pre-consumer) may be allowed for import by actual users only. The committee also recommended that the units have to take prior permission of MoEF&CC before import and the waste allowed to be imported may be restricted to 25% of the production of the unit in last Financial year. Since, the PVC is not specified in either Schedule III or Schedule VI in HOWM Rules, 2016 and does not have any Basel number, the import permission may be taken under Rule 12(8) of the HOWM Rules, 2016.
