

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 80th Meeting of the Technical Review Committee (TRC) held on 11th September, 2023

Agenda 1. Representation from Gujarat Chambers of Commerce and Industry (GCCI) regarding issues related to Rule 9 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016

- i. GCCI has mentioned that Gujarat Pollution Control Board (GPCB) has withdrawn all the permissions given under interim policy for utilization of Hazardous waste under Rule 9 of HOWM Rules, 2016 on 20.04.2022. Thereafter, on requested of different industry association, GPCB vide letter dated 25.04.2022 extended the interim policy for one year i.e. up to 25.04.2023. However, SOPs for large number of wastes are still pending either for trial run or for further one year. It is unlikely to be completed by April, 2023. Further, they have requested to extend time limit by further one year.
- ii. GCCI has also raised their concern on the following Points:
 - a. GCCI has mentioned that the cost of SOP for MSME to submit Rule 9 approval for a particular waste cost nearly Rs.15-20 lakhs and also takes minimum 10-12 months for approval by CPCB, so they recommended CPCB to incur this cost to get approval under Rule 9 for any Hazardous Waste. Also, the applications under rule 9, which directly submitted to CPCB, should be made available to GPCB.
 - b. GPCB has already set up/implemented robust monitoring of transfer/sale of Hazardous Waste, use of Hazardous Waste and any transportation is subject to legal Manifest and has also Online Tracking System of each such vehicle transporting the waste. Unfortunately, no other state has implemented such a fool-proof system. Due to this, industries of Gujarat are not having level-playingfield at par with other States. GCCI has requested that all States must involve such stringent policy in the transportation of Hazardous Waste as regulated by GPCB.
 - c. In February 2021, the CPCB established the Standard Operating Procedure (SOP) for the utilization and recovery of spent solvents. The SOP listed a total of 18 solvents; however, some solvents, such as acetic acid and formic acid, are categorized as class 3 solvents. GCCI has requested that CPCB should include the SOPs for these class 3 solvents (acetic acid and formic acid) as well. This request is based on the fact that the distillation process for all solvents and acids is the same, with boiling points ranging from 100 to 150°C, below 150°C. They further requested to include distillation process for propionic acid, acetic acid, and formic acid to be added to spent recovery solvent list. Adoption of distillation process for all solvents and acids like propionic acid acetic acid & Formic acid etc. with boiling point ranging from 100 to 150oC
 - d. GCCI has mentioned that it has been learnt that CPCB is going to stop use of spent acids. So, GCCI has requested to hold the decision of restricting the usage of spent acid in the manufacture of Pharmaceuticals, fertilizers etc. till necessary

research and development in consultation with other institutes like IIT, NEERI, State Pollution Control Boards is not done to confirm the adverse effect, if any.

The matter was discussed in 79th meeting committee deliberated upon the issue. However, the representative of GCCI did not join the meeting. The committee felt that more discussion is required on the subject. The committee also recommended that views/comments from CPCB may be obtained for further discussion/deliberation. Till then, the matter is deferred

Accordingly, the matter is re-considered by TRC in its 80th meeting.

Deliberation: The committee deliberated upon the issue and heard the views of Gujarat Chambers of Commerce and Industry (GCCCI) representative who raised the issues related to extension of interim policy for utilization of hazardous waste under Rule 9 of HOWM Rules, 2016, cost of preparation of SOPs to be incurred by CPCB, requirement of online vehicle tracking system for movement of hazardous waste transportation in other states as used in Gujarat state, inclusion of Class 3 solvent for preparation of SOPs and restricting the use of spent acid only after necessary R&D in consultation with institutes like NEERI, IITs etc.

Recommendation: After detailed deliberation on the issue the committee recommended that GCCCI may submit separate representation for specific waste to be considered as product or by product so that committee can take a considered view. Till then the matter is deferred.

Agenda 2. Review of export obligation for Special Economic Zones (SEZ) and Export Oriented Units (EOU) units engaged in import of ‘post-industrial or pre-consumer polyethylene wastes’ and ‘Polymethyl Methacrylate’ as per the Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2021

Ministry has amended the HOWM Rules, 2016, *vide* G.S.R. 47(E) dated 27th January, 2021. As per the amended notification:

- (i) The import of ‘post-industrial or pre-consumer polyethylene wastes’ and ‘Polymethyl Methacrylate’ is permitted to units in Special Economic Zones (SEZ) and Export Oriented Units (EOU) notified by the Central Government.
- (ii) The import of ‘post-industrial or pre-consumer polyethylene wastes’ shall be permitted with a requirement of at least 50% exports in terms of tonnage for 18 months from the date of the notification or till a decision is taken on the basis of review or audit undertaken to ascertain the effect of such import, whichever is later.

However, no review/audit undertaken to ascertain the effect of such import and to further decide the export obligation. Therefore, it has been decided in the Ministry that the matter may be referred to TRC for review. Accordingly, the matter was placed before the TRC in its 80th Meeting of the Technical Review Committee

79th meeting. TRC after deliberation on the matter recommended the following:

"Import data of last 3 years may be obtained from Kandla Special Economic Zone Industries Association (KASEZ) and KASEZ may also be invited in the next meeting for detailed deliberation on the matter. Till then, the matter is deferred."

Accordingly, the matter is re-considered by TRC in its 80th meeting.

Deliberation: The committee deliberated upon the issue and heard the views of representative of SEZ who raised the issues to meet the requirement of at least 50% export criteria.

Recommendation: After detailed deliberation upon the issue the committee recommended that KASEZ may submit the following details for further deliberation/discussion:

- (i) The Process and document used to verify that post-consumer waste is not mixed with the imported material.**
- (ii) Difference between your product and product from domestic recycling post-consumer waste and how that can be differentiate.**
- (iii) Copy of notification regarding export obligation of SEZ/EOU units.**

Till then, the matter is deferred.

Agenda 3. Matter related to implementation of Hazardous and other waste (Management and Transboundary Movement) Rules, 2016 - representation by Central Pollution Control Board (CPCB)

CPCB informed that a meeting with operators of Common Hazardous Waste Treatment, Storage and Disposal Facilities (TSDF) was held on 23rd August, 2022 to discuss issues related to effective operation and maintenance of TSDFs. Thereafter, a meeting with SPCBs/PCCs was held on 1st November, 2022 to discuss the suggestions and comments received during the meetings with operators of TSDFs. The key issues are as follows:

- a) One time registration to the units exempted from authorization, so as to track hazardous waste even in small quantities [Rule 6 (1A)]
- b) Extension in time period for storage of hazardous waste by small generators (beyond 90 days). [Rule 8(1)]
- c) Provision for the generation and reporting of incidental hazardous waste not specified in authorization. [Rule 6 and Form 2]
- d) Provision for the registration of Collection Centres which receives domestic hazardous waste in ULBs [New provision at Rule 6]
- e) Inclusion of residues generated from concentration or evaporation of industrial

wastewater in Schedule I [at Sl. No. 35] of the Rules.

- f) Inclusion of Escrow account (as per the MoEF&CC O.M. dated 16/04/2009) for the post closure monitoring of the CHWTSDFs and occupiers of captive SLFs [Rule 16(4) and Rule 21 – Schedule VII- (4)]

CPCB requested that these issues may be referred to TRC for inputs/comments.

Recommendation: Due to paucity of time, the committee decided to discuss the matter in the next meeting.

Agenda 4. Representation on Ministry's Office Memorandum (O.M.) vides F.No. 23/107/2022-HSMD dated 10.01.2023 regarding prescribed limits in waste paper imports

- (i) From NCR Paper Mill Association with request to delete/ withdraw condition of submitting quarterly certificate to the Customs Authority at the time of clearance of Import Consignment after obtaining from SPCB regarding disposal of waste Plastic to Waste to Energy Plant or cement Kilns.**

NCR Paper Mill Association has mentioned that Paper Mills importing Waste paper are facing difficulties in clearance of their import consignments of Waste Paper as the Paper units are not getting certificates issued by SPCBs and Custom Authorities are holding the clearance which is resulting in heavy detention charges at ports & shortage of raw material in Paper mill.

They have further mentioned that SPCBs are already monitoring the proper disposal of waste plastics arising from the paper units falling in their Jurisdiction in scientifically proper manner and taking proper action against the defaulters and the condition of submitting quarterly certificates by SPCB should not be imposed as this condition is creating unnecessary compliance burden.

- (ii) From Gujarat Paper Mill Association with request to delete/ withdraw condition of submitting SPCB certificate confirming scientific disposal of non-paper received in imports of waste paper for the preceding quarter.**

Gujarat Paper Mill Association (GPMA) has mentioned that following issues are being faced by paper mills during waste paper import:-

- i. It is not possible that all waste paper imported would be consumed within a quarter. Depending on various factors, there would be some material in stock.
- ii. GPCB has informed that they do not have enough manpower to manage this activity on quarterly basis.
- iii. If there are procedural delays, consignments get stuck at port creating issues for both the port & importer.
- iv. State Pollution Control Board's are already monitoring the proper disposal of waste.

Presently, importers are uploading the acknowledged copy of annual return filed with concerned SPCB on ICE Gate website (Indian Customs EDI Gateway) on a yearly basis. GPMA has further requested to continue the present condition and delete the condition mentioned in the OM dated 80th Meeting of the Technical Review Committee

10th January, 2023.

Deliberation: The committee deliberated upon the issue and heard the views of Gujarat Paper Mill Association and NCR Paper Mill Association regarding the issue faced w.r.t the issuance of quarterly certificates by SPCB.

Recommendation: The committee recommended that NCR Paper Mill Association/ Gujarat Paper Mill Association may submit the details of industries/units where the quarterly certificate is not being issued/delayed by respective SPCBs in respect of compliance of para vi of Ministry's O.M. dated 10.01.2023 for further necessary action. The Committee also recommended that the concerned State Pollution Control Boards (SPCBs) may be invited in the next meeting to understand the issue in details.

Agenda 5. Representation by M/s Aarti Industries Limited, Mumbai regarding adverse effects on business operations caused by HOWM Rules, 2016

M/s Aarti Industries Limited, Mumbai (AIL) specializes in specialty chemical and pharmaceutical intermediates. AIL has mentioned that they are facing following challenges on business operations which are caused by HOWM Rules, 2016:

i. Interstate Movement of Hazardous Waste (HW) to Neighboring States:

AIL has mentioned that presently interstate movement of HW requires specific documentation such as Rule 9 passbook and authorization amendment copy along with SOPs at end user. Since, SOPs are in process of being issued, so they are not able to transport spent HCL and spent H₂SO₄ and requested to allow movement of HW till the SOPs are issued by CPCB.

ii. Transforming byproducts/ waste into opportunities for a sustainable future: AIL has mentioned that CPCB in its 33rd Technical Evaluation Committee (TEC) recommended that HW used for manufacturing products related to land applications, human consumption, animal feed and similar end use should obtain approval from such relevant authorities i.e. Department of Fertilizers, FSSAI, Pharmacopoeia Commission etc., which leads to following challenges:

- a) **Blanket Restriction:** SPCB using the recommendation of TEC as blanket restrictions in Environmental Permissions and this restriction disallow sales without considering due process.
- b) **Disallowing judicious use of by-products /waste:** The manufacturing of products like SSP, DCP and Magnesium Sulphate produced from spent sulphuric acid, DCP and Gelatine produced from HCL etc. from HW generated during operation are restricted unless SOPs are established.

AIL has requested to maintain the status quo by allowing the use of these materials as earlier.

iii. Reclassification of waste/spent into products:

AIL has mentioned that recently MoEF&CC has granted permission for spent HCL generated from chlor-alkali plants and production of chlorinated paraffin wax with purity 32% and above as byproduct based on its adherence to the prescribed norms set by BIS. AIL has requested that their spent HCL and Sulphuric acid which meet BIS norms may be reclassified as products.

Recommendation: Due to paucity of time, the committee decided to discuss the matter in the next meeting.

Agenda 6. Representation from Tyre and Rubber Recyclers Association of India (TRRAI) for amendment in grant of permission of import of 50,000 Mt/Annum of used tyre scrap for M/s Finster Black Private for manufacturing of recovered carbon black.

In 76th Meeting of TRC, the committee after detailed deliberation upon the issue recommended that the permission for import of 50000 MT of Used tyre scrap in baled/multicut form for production of Recovered Carbon Black (RCB) which will replace the virgin Carbon Black in manufacturing Industry, may be granted initially for a period of 3 years on pilot basis with following conditions to be levied while granting permission:

- i) The process should result in a yield of RCB comparable to the yields being obtained in other well established plants for manufacture of RCB. 100% of the RCB produced by the units should be sold to manufacturer for replacing the virgin carbon black. The recovered other byproducts during the process should conform to relevant specifications and no part of the recovered carbon should go for energy recovery or any other use or to landfill.
- ii) The units should have commensurate electricity consumption.
- iii) The sale to the manufacturing units shall be verified through GST paid and other supporting evidence.
- iv) The permission will be issued only after verification from CPCB which will be carried out annually.
- v) Fresh Investment of minimum Rs. 25 crore from 1.4.2022 onwards.
- vi) Minimum land area of 5 acres of the unit.
- vii) The process should be completely automated and environment friendly with zero emission of carbon black particle in environment.
- viii) The RCB end product should be in the form of granule to check the dispersion in the environment.
- ix) Whole process of production of RCB from waste/scrap tyre should be completed in the same premises.

The above recommendation of TRC was approved by the competent authority in the Ministry. Subsequent to the above decision, TRRAI vide letter dated 6th April, 2023 has raised their concerns on the recommendations of TRC and requested Ministry to revisit the decision of TRC w.r.t. to the following points: -

- (i) Fresh Investment of minimum Rs. 25 crores from 1.4.2022 onwards.
- (ii) Minimum land area of 5 acres of the unit.

- (iii) Whole process of production of RCB from waste/scrap tyre should be completed in the same premises.

TRRAI has further requested that no permission for import of waste tyre for production of Recovered Carbon Black (RCB) should be granted till the decision on the above points.

The committee in its 78th Meeting, after detailed deliberation on the issue recommended that TRRAI may submit the basis for their representation to revisit the above policy, especially regarding requirement of fresh investment of minimum Rs. 25 crores, minimum land of 5 acres and the whole process of production of RCBs from waste/scrap tyre should be completed in the same premises for further deliberation on the matter. The Committee also recommended that regarding the presence of Silica content in the Indian tyres, Automotive Tyre Manufacturers Association (ATMA) may be asked to provide the details. Till then, the matter is deferred. Certain other issues raised by the TRRAI do not pertain to policy and may be referred to the appropriate authorities.

TRRAI has submitted the details. Accordingly, the matter is placed before the TRC for deliberation/decision.

Recommendation: Due to paucity of time, the committee decided to discuss the matter in the next meeting.
