

**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 70<sup>th</sup> Meeting of the Technical Review Committee (TRC) held on 17<sup>th</sup> November, 2021**

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

**Recommendation: The committee deliberated upon the issue and heard the views of MRAI representative. After detailed deliberation on the issue 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.**

- (ii) To allow import of additional quantities of Lead Scrap against Export Volumes without affecting existing policy of total production quantities.**

MRAI has stated that MoEF&CC in 107<sup>th</sup> meeting of EC proposed to give weightage of 80% to exports but same time the total production weightage is reduced. Hence, they have requested to either allow 100% weightage for export volume in the policy suggested by Expert Working Group (EWG) or total recommended quantity for import as sum of 40% production and 80% of export volumes with recovery factors as applicable.

**Recommendation: The committee deliberated the issue and heard the views of MRAI representative. The committee then recommended that for lead waste import equivalent to 100% in place of 80% of the export quantity with recovery factor, which was decided in the 107<sup>th</sup> meeting of EC, may be taken for calculating the quantity. However, the total quantity will be sum of the quantity calculated for export and 40% of domestic sale. The Committee also discussed the issue of release of lead into the environment during processing of lead waste by exporting units where import of lead waste is permitted by the Ministry, in order to assess the need to restrict import of lead waste from environmental consideration. For this purpose, the Committee recommended conducting a study in a few such units through CPCB.**

- (iii) Change in document format of permission for import of Lead Scrap**

MRAI has stated that the import permission is a public document and is shared with various Government departments as well as on Ministry's website. The industry feels that there are lot of private information mentioned in the permission letter which are to be kept confidential from the intra members of industry. Hence, they have requested to issue the permission letters in the old format only.

**Recommendation: The committee deliberated upon the issue and heard the views of MRAI representative. After detailed deliberation on the issue the committee recommended that as requested by the representative of MRAI details of product wise breakup and employee may not be mentioned in the permission letter being issued.**

**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 10<sup>th</sup> 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 23<sup>rd</sup> 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 12<sup>th</sup> 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 has now requested the Ministry to consider these EOL rejects as non-hazardous.

**Recommendation: As no representative of the company joined the meeting, the committee therefore deferred the case for next meeting for better understanding of the case.**

**Agenda 1.3 Clarification on import of SBR GRANULES 1-4mm and SBR GRANULES 0.8-2.5mm**

Import cell, Directorate General of Foreign Trade, Department of Commerce, Ministry of Commerce & Industry has forwarded an application received from M/s JL Global Ventures, Gurgaon requesting for import license for import of 700 Tons of SBR GRANULES 1-4mm and SBR GRANULES 0.8-2.5 mm and requested for provide comments/NOC.

M/s JL Global Ventures, Gurgaon has also informed that these material will be imported as a finished goods and there will no further reworking on the product (except repacking). These SBR granules will be issued to infill in the artificial turfs in the soccer/football ground.

**Recommendation: The committee noted that the SBR Granules of size 0.8-4 mm are product and does not require permission from this ministry.**

**Agenda 1.4 Clarification on import of Wheel Chairs, Pediatric Wheel Chairs for invalid, Walkers, Canes, Pair of crutches (old and used)**

Import cell, Directorate General of Foreign Trade, Department of Commerce, Ministry of Commerce & Industry has forwarded an application received from M/s. Emmanuel Hospital Association, New Delhi for import of 315 nos. of Wheel Chairs, Pediatric Wheel Chairs for invalid, Walkers, Canes, Pair of crutches (old and used) and requested for provide comments/NOC.

M/s Emmanuel Hospital Association, New Delhi has also informed that these goods do not have any electrical or electronic assemblies. There are no hazardous substances in any of the goods/equipment. Also, they have informed that there is no any Basel No. available as per the HW Rules, 2016.

**Recommendation: The representative of the company informed that these goods do not have any electrical or motorized components. The committee therefore recommended that these goods does not fall under HW Rules, 2016 and does not require permission from this ministry.**

**Agenda 1.5 Clarification sought with respect to Carbon Slurry lying in the Ponds is a by-product and not a waste - Representation from M/s National Fertilizers Limited**

M/s National Fertilizers Limited, a Public Sector Undertaking under Ministry of Chemicals & Fertilizers is engaged in production and marketing of Urea and other chemicals from its plants located at Nangal, Bathinda (Punjab) and Panipat (Haryana). Both these units were using Fuel Oil (FO), Low Sulphur Heavy Stock (LSHS) as feed stock in the ammonia plant.

During the course of use of FO/LSHS as feedstock, Carbon Slurry is generated during the process of partial oxidation. About 80% of the generated carbon was re-cycled back to the process in the form of carbon oil while the balance quantity was sent as Carbon Slurry to Carbon Slurry pond. This Carbon Slurry is a by-product and was stored in lined ponds within the factory limit. Further, Carbon Slurry was earlier sold as Industrial Product. As on date the old stocks of Carbon Slurry are still lying in ponds at Nangal, Bathinda and Panipat plants. It is further informed that there is no generation of Carbon Slurry from Nangal, Bathinda and Panipat plants currently as the Company has started using clean feed (NG).

Ministry has been requested for not considering the Carbon Slurry (Carbonaceous material) lying at NFL as hazardous waste and accordingly NFL may be allowed to dispose-off the same without considering the same in Hazardous waste as a onetime relaxation.

The matter was discussed in 65<sup>th</sup> and 66<sup>th</sup> Meeting of TRC held on 10<sup>th</sup> July, 2018 & 23<sup>rd</sup> July, 2018 and the recommendation of the committee is as follows:

**“During presentation the representative of NFL stated that carbon slurry has been generated in the production of ammonia when the feedstock was fuel oil or LSHS. The carbon slurry was then discharged into the pond containing ash from the coal fired boiler. Their submission that it should be considered as by-product is not sustainable since no by-product can be mixed with a known waste. So far, as its hazardous nature is concerned they have submitted an analysis with respect to heavy metals for which certain values appear to be higher than the limits in Schedule II of HW Rules, 2016. The limits in SCH II with respect to heavy metals are based on TCLP test. From the analysis it is not clear how the analysis has been done. Moreover, it is not clear whether the sample taken for analysis is a representative sample. Further, it could not be explained as to how this material would be utilized or disposed of if taken out of the hazardous category. The Committee suggested the following:**

- i. Take representative samples and get it analyzed for its hazardous nature as per Schedule II of the HW Rules, 2016.**
- ii. They should come out with a proposal for its utilization or disposal in an environmentally sound manner.**
- iii. They should submit quantities of the total material lying in the three ponds of the respective plants.”**

Now, M/s Shubham Sales Co., which has been allotted the Carbon Slurry lying at Bathinda and Panipat by Auction, has submitted the analysis report and other documents and requested to consider this waste as by-product and non-hazardous.

**Recommendation: During the meeting the representative of CPCB informed that as per the analysis carried out by the CPCB, the Carbon Slurry lying at NFL Bathinda and Panipat are hazardous in nature. The committee therefore recommended that applicant may approach to CPCB for utilization of Hazardous waste under Rule 9 of HoWM Rules, 2016.**

**Agenda 1.6 To consider steamed out Spent Clay in Petrochemicals as non-hazardous-Representation from M/s ONGC Mangalore Petrochemicals Ltd. (OMPL), MSEZ, Permude, Mangaluru**

M/s ONGC Mangalore Petrochemicals Ltd. (OMPL), MSEZ, Permude, Mangaluru has requested to consider Spent Clay steamed out in petrochemical process as non-hazardous. They have stated that spent clay generated from Petroleum refining process is categorized as Hazardous waste at Sl. No. 4, Schedule-I of HW Rules, 2016. However, OMPL is a Petrochemical complex producing Paraxylene as the main product, for the Petrochemical process and Spent clay generated from Petrochemical process is not listed as Hazardous Waste.

In order to ascertain the hazardous nature of spent clay generated from petrochemical process, OMPL has carried out analysis of their spent clay from NABL approved laboratory for the parameters listed in Class A & B of Schedule II of HW Rules, 2016. In addition, OMPL has carried out lab scale tests for usage of spent clay in making of tiles, inter locks and bricks etc.

On the basis of analysis report, OMPL has requested to consider 'Spent Clay' generated at OMPL as non-hazardous to utilize as a substitute for Natural resources in the manufacturing of Building material such as tiles, bricks and inter locks.

The matter was discussed in 69<sup>th</sup> Meeting of TRC held on 19<sup>th</sup> February, 2020 and the recommendation of the committee is as follows:

**“The committee noted that Spent Clay is generated in the OMPL complex and as per schedule I Spent Clay is not listed as a Hazardous waste. The applicant has also provided analysis for the waste for parameters in schedule II by two NABL laboratory and claim that all hazardous constituents are within the limits given in the schedule II. However, one of the labs has given the parameters in terms of mg/kg whereas as per the schedule II the values have to be reported in mg/litre. The other lab has given the values in mg/litre but the test method is given as something of their own and not the method prescribed in the HW Rules, 2016. The committee therefore recommends in first instance that requisite number of samples may be drawn by CPCB and analyzed for parameters given in schedule II. On receipt of the result of analysis by CPCB, the matter will be reconsidered.”**

Now, OMPL vide email informed that the CPCB has visited the plant and collected the sample as recommended by TRC and requested to consider 'Spent Clay' generated at OMPL as non-hazardous to utilize as a substitute for Natural resources in the manufacturing of Building material such as tiles, bricks and inter locks.

**Recommendation: The representative of the CPCB informed that they have done the analysis of the Spent clay and found that it is hazardous in nature. The committee therefore recommended that applicant may approach to CPCB for utilization of Hazardous waste under Rule 9 of HoWM Rules, 2016.**

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