

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION No. 190 OF 2021 (SZ)

IN THE MATTER OF:

S.Sakthivel
Salem

....

Applicant

Versus

Union of India,
rep. by its Secretary, MoEF,
New Delhi & Ors.

....

Respondent(s)

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Place: Hyderabad

Date: 23-09-2021.

Report on OA No: 190 of 2021 filed in the Hon'ble NGT, Chennai by Sri S. Sakthivel, Environmental Protection & Anti-Pollution Group, Alagu Vinayakar Kovil Street, Fairlands, Salem, Tamilnadu w.r.t. for not obtaining Environmental Clearances to the Hospitals attached to Medical Universities / Institutes.

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In this regard the following is submitted:

Earlier, the MoE&F, GoI issued EIA Notification vide S.O.60(E) dt.27.01.1994 and it was in force upto issue of EIA Notification vide S.O.1533 (E) dt.14.09.2006. It can be noted that Building Construction Projects such as Medical Colleges, Hospitals were not listed in the schedule of EIA Notification, 1994 and does not require prior EC.

Subsequently the MoEF&CC, GoI issued Environment Impact Assessment Notification (EIA) Notification and its subsequent amendments. As per the provisions laid under para 2 of EIA Notification, 2006 & its subsequent amendments, the activities listed in the Schedule of the EIA Notification require prior Environmental Clearance. As per EIA Notification, 2006, the activity "Building or Construction projects or Area Development projects & Township" with built up area more than 20,000 Sq.m. require prior Environmental Clearance (EC) under 8(a) or 8 (b) of schedule.

The criteria mentioned for Construction projects in the EIA Notification which require prior EC from the SEIAA is as follows:

Project or Activity	Category with threshold limit	Conditions if any
8	Building or Construction projects or Area Development projects and Townships	
8(a)	Building and Construction projects >20,000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area	The term "built up area" for the purpose of this Notification is the built up or covered area on all the floors put together, including its basement and other service areas, which are proposed in the buildings and construction projects. Note 1.- The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environment, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks. Note 2. - "General Conditions" shall not apply.
8(b)	Townships and Area Development projects. Covering an area of > 50 ha and or built up area > 1,50,000 sq.mtrs	A project of Township and Area Development Projects covered under this item shall require an Environment Assessment Report and be appraised as Category 'B1' Project. Note: General condition shall not apply.

(2)

In this regard, it is informed that the MoEF&CC, GoI issued amendment to the EIA Notification vide S.O.3252 (E) dt. 22.12.2014 exempting Industrial Shed, School, Colleges, Hostel for educational Institution mentioned under 8(a) of Building Construction Projects. The Ministry subsequently issued clarification on exemption of educational institutions vide O.M. dt.05.03.2015 and clarified that Industrial Shed, School, Colleges, Hostel for educational Institution mentioned under 8(a) of Building Construction Projects are exempted, but in case of medical universities/institutes the component of Hospitals will continue to require prior Environment Clearance.

Further, it is to submit that as per the records, the respondent No. 25 i.e., M/s. Kamineni Hospital Pvt. Ltd, Sy. No. 68 (P), Mansoorabad (V), Saroornagar (M), Rangareddy District has obtained prior EC from the SEIAA, AP (Combined state) vide order dated 25.10.2013, for establishment of Medical College & Hospital. (ANNEXURE-I)

However, any Health Care Establishment / Hospital falls under the Bio- Medical Waste (Management & Handling) Rules,1998 & its Amendments. The Telangana State Pollution Control Board is enforcing authority for implementation of Bio-Medical Waste (Management & Handling) Rules.


Member Secretary, 20.09.2014
State Level Environment Impact Assessment Authority
Telangana 5/5



BY REGD. POST WITH ACK DUE (3)

ANNEXURE - I

Order No. SEIAA/AP/RRD-377/2013- 5427

Dt:25.10.2013.

Sub: SEIAA, AP – M/s. Kamineni Hospital Pvt. Ltd, Sy. No. 67 (P), 68 (P), 69 (P), Mansoorabad (V), Saroornagar (M), Rangareddy District - Environmental Clearance – Issued – Reg.

- I. This has reference to your application submitted vide lr. dt. 03.10.2013 & 17.10.2013 seeking Environmental Clearance for the proposed Construction Project with Buildings for Hospital, Quarters & Multipurpose Hall titled M/s. Kamineni Hospital Pvt. Ltd, 67 (P), 68 (P), 69 (P), Mansoorabad (V), Saroornagar (M), Rangareddy District. The capital cost of the project is Rs. 40.0 Crores.
- II. It is noted that the proposal is for Construction Project in a total site area of about 37,012.79 Sq.m. The total Built-up area of the existing Hospital building is 26,554.90 Sq.m, The total Built-up area of the proposed project is 21,639.30 Sq.m. Green area is 3858.10 Sq.m. The project consists of Buildings for Quarters (Ground floor + 2 upper floors); Girls Hostel (Cellar + Ground floor + 5 upper floors); Boys Hostel (Cellar + Ground floor + 5 upper floors); & Multipurpose Hall with an area of 1596.0 Sq.m. (extension to main existing Hospital campus). Parking is to be provided in an area of 4465.2 Sq.m., to park adequate no. of two wheelers and about 160 four wheelers. The amenities to be provided includes Sewage Treatment Plant (STP), Tot lots/ open spaces, MSW Segregation point, D.G. Sets for emergency supply – 1 x 1000 kVA etc.,
- III. The source of fresh water is HMWS&SB/Ground water. The total water requirement after expansion during occupational stage is 308.0 KLD. Out of that, fresh water requirement is 209.0 KLD & treated waste water recycled is 99.0 KLD. Quantity of sewage generated is 240.0 KLD. It is proposed to treat the sewage in an STP of capacity 500 KLD. The treated waste water is to be used for flushing the toilets; HVAC, if any and development of greenery. The excess treated waste water shall be discharged into the public sewer lines. The Garbage (1796 kg/day) generated after expansion is to be sent to Municipal Solid Waste disposal site; STP sludge (24 kg/day) is to be used as manure; used oil and used batteries are to be sent to Authorized Recyclers. Bio-medical waste (144 kg/day) shall be disposed to common biomedical waste treatment disposal facility authorized by APPCB. E-waste (0.4 TPA) shall be disposed to the recyclers authorized by the APPCB.
- IV. The proposal has been examined and processed in accordance with EIA Notification, 2006 & its amendments thereof. The State Level Expert Appraisal Committee (SEAC) examined the proposal in its meeting held on 17.10.2013. The project is exempted from Public Hearing as it is a Construction Project. Based on the information furnished, presentation made by the proponent and the consultant M/s. Pioneer Enviro Laboratories & Consultants Pvt. Ltd., Hyderabad; the Committee considered the project proposal and recommended for issue of Environmental Clearance. The State Level Environment Impact Assessment Authority (SEIAA), in its meeting held on 24.10.2013 examined the proposal and the recommendations of SEAC, and decided to issue Environmental Clearance. The SEIAA, A.P hereby accords prior Environmental Clearance to the project as mentioned at Para no. I under the provisions of the EIA Notification 2006 and its subsequent amendments issued under Environment (Protection) Act, 1986 subject to implementation of the following specific and general conditions:

PART – A: SPECIFIC CONDITIONS

I. Construction Phase:

- i. Provision shall be made for the housing of the construction labour within the site with all necessary infrastructure and facilities such as safe drinking water, fuel for cooking, mobile toilets, mobile STP, medical health care, crèche etc., The housing may be in the form of temporary structures to be removed after the completion of the project. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.

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- ii. A First Aid Room shall be provided in the project both during construction and operation of the project.
- iii. All the topsoil excavated during construction activities should be stored for use in horticulture/landscape development within the project site.
- iv. Disposal of muck during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- v. Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
- vi. Construction spoils, including bituminous material and other hazardous materials, must not be allowed to contaminate watercourses and the dump sites for such material must be secured so that they should not leach into the ground water.
- vii. Any hazardous waste including biomedical waste, if any, should be disposed of as per applicable Rules & norms with necessary approvals of the Andhra Pradesh Pollution Control Board.
- viii. The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to E (P) Rules prescribed for air and noise emission standards.
- ix. Vehicles hired for bringing construction material to the site should be in good condition and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- x. Ambient noise levels should conform to the residential standards both during day and night as notified by the MoE&F, GOI from time to time. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by the CPCB.
- xi. As per the provisions of Fly Ash Notification No: S.O. 2804 (E), dt. 03.11.2009, every construction agency engaged in the construction of buildings within a radius of hundred kilometers from a coal or lignite based thermal power plant shall use only fly ash based products for construction, such as: cement or concrete, fly ash bricks or blocks or tiles or clay fly ash bricks, blocks or tiles or cement fly ash bricks or bricks or blocks or similar products or a combination or aggregate of them in every construction project.
- xii. Ready mixed concrete must be used in building construction.
- xiii. Storm water control and its re-use shall be as per CGWB and BIS standards for various applications.
- xiv. Permission to draw ground water shall be obtained from the competent Authority prior to construction/operation of the project.
- xv. Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
- xvi. Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water.
- xvii. Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices of sensor based control.
- xviii. Use of glass may be reduced by upto 40% to reduce the electricity consumption and load on air-conditioning. If necessary, high quality double glass with special reflective coating in window is to be used.

- xix. Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement. (5)
- xx. Adequate measures to reduce air and noise pollution during construction keeping in mind CPCB norms on noise limits.
- xxi. Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code which is proposed to be mandatory for all air-conditioned spaces while it is aspirational for non-air conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.
- xxii. The approval of the competent authority shall be obtained for structural safety of the buildings due to earthquake, adequacy of fire fighting equipments, etc. as per National Building Code including protection measures from lightening etc.
- xxiii. Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings.

II. Occupational Phase:

- i The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Discharge of treated sewage shall conform to the norms & standards of the Andhra Pradesh Pollution Control Board. Sewage Treatment Plant should be monitored on a regular basis. No waste water shall be discharged outside the premises until outlet is connected to public sewer line. Till such time, the excess treated sewage, if any, is to be discharged into an artificial pond within the premises and can be utilized for recreational purpose.
- ii Rain water harvesting for roof run-off and surface run-off, as plan submitted should be implemented. Before recharging the surface run off, pre-treatment must be done to remove suspended matter, oil and grease.
- iii The solid waste generated should be properly collected & segregated before disposal to the City Municipal Facility. The organic waste shall be composted.
- iv The D.G. Sets shall be provided with acoustic enclosures and adequate stack height as per CPCB norms. The fuel used for the diesel generator sets should be low sulphur diesel and should conform to E (P) Rules prescribed for air and noise emission standards.
- v Any hazardous waste including biomedical waste should be disposed of as per applicable Rules & norms with necessary approvals of the Andhra Pradesh Pollution Control Board.
- vi The green belt design along the periphery of the plot shall achieve attenuation factor conforming to the day and night noise standards prescribed for residential land use by the MoE&F, GOI/CPCB. The open spaces inside the plot should be suitably landscaped and covered with vegetation of indigenous variety. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.
- vii Incremental pollution loads on the ambient air quality, noise and water quality should be periodically monitored after commissioning of the project.
- viii Application of solar energy should be incorporated for illumination of common areas, lighting for gardens and street lighting in addition to provision for solar water heating. A hybrid systems or fully solar system for a portion of the apartments should be provided.
- ix Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.

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- x Adequate number of parking spaces shall be provided for visitor vehicles. Rest room facilities should be provided for service population. The proponent shall provide public convenience facilities such as toilets, bathrooms, waiting rooms etc. for the drivers, workers etc. so as to maintain cleanness/hygienic conditions in the surroundings of the project.
- xi The proponent shall comply with Energy Conservation Practices, Energy efficient practices and energy audit practices. Wherever feasible, green building concepts shall be adopted. Use of solar panels may be done to the extent possible.
- xii Adequate measures should be taken to prevent odour problem from solid waste processing plant and STP.

Part – B. General Conditions:

- i. This order is valid for a period of 5 years.
- ii. "Consent for Establishment" shall be obtained from Andhra Pradesh Pollution Control Board under Air and Water Act before the start of any construction work at site.
- iii. The proponent shall submit half-yearly compliance reports in respect of the terms and conditions stipulated in this order & monitoring reports in hard and soft copies to the SEIAA and Ministry's Regional office, Bangalore on 1st June and 1st December of each calendar year.
- iv. Officials from the Regional Office of MoE&F, Bangalore who would be monitoring the implementation of environmental safeguards should be given full co-operation, facilities and documents/data by the project proponents during their inspection. A complete set of all the documents shall be submitted to the CCF, Regional Office, MoE&F, Bangalore.
- v. In the case of any change (s) in the scope of the project, the project would require a fresh appraisal by this SEIAA. No further expansion or modifications in the project shall be carried out without prior approval of the SEIAA, AP.
- vi. The project proponent shall submit the copies of the environmental clearance to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
- vii. The proponent shall obtain clearance from Fire Department. All other statutory clearances shall be obtained, as applicable by project proponents from the competent authorities.
- viii. The project proponent should advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded environmental clearance and copies of clearance letters are available with the Andhra Pradesh Pollution Control Board. The advertisement should be made within 7 days from the day of issue of the clearance letter and a copy of the same should be forwarded to the Regional Office of this Ministry at Bangalore.
- ix. The funds earmarked for environmental protection measures (Capital cost Rs. 10.0 Lakhs and Recurring cost Rs. 0.5 lakhs per annum) should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the SEIAA and Ministry's Regional Office located at Bangalore.
- x. Any appeal against this Environmental Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
- xi. The SEIAA may revoke or suspend the order, if implementation of any of the above conditions is not satisfactory. The SEIAA reserves the right to alter/modify the above conditions or stipulate any further condition in the interest of environment protection.

- xii. Concealing the factual data or failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986 without any prior notice. (7)
- xiii. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006.

Sd/-
MEMBER SECRETARY,
SEIAA, A.P.

Sd/-
MEMBER,
SEIAA, A.P.

Sd/-
CHAIRMAN,
SEIAA, A.P.

To

Sri K. Shashidhar, MD.,
M/s. Kamineni Hospital Pvt. Ltd.,
Sy.No.68, Mansoorabad (V),
L.B.Nagar, Hyderabad- 500 068
Ph: 040 - 3987 9999
E-mail: kamineni@kamineni.org

Copy to:

1. Prof. M. Anji Reddy, Chairman, SEAC, A.P. for kind information.
2. The Member Secretary, APPCB for kind information.
3. The EE, RO-I, Rangareddy Dist., APPCB for information.
4. The Regional Officer, MoE&F, GOI Bangalore for kind information.
5. The Secretary, MoE&F, GOI New Delhi for kind information.

//T.C.F.B.O.//



RS
SENIOR ENVIRONMENTAL ENGINEER
(UNIT-I)

