

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE BENCH AT CHENNAI**

Appeal No. 79 of 2021

Between:

M/s. Safe Environ Technologies
Represented by Sri V. Venkateswara Rao
S/o Sri Nageswara Rao, aged 63 years
R/o: D. No. 29-3-14, Venkateswara Rao Street,
Governorpetta, Vijayawada
Andhra Pradesh 520 002
Safenvironpl@gmail.com

.... Appellant

VS

The Union of India,
Rep. by its Secretary, Ministry of Environment, Forest, and
Climate change,
Indira Paryavaran Bhavan,
Jor Bagh, Lodhi Colony,
New Delhi-110001.
Email id: Secy-moef@nic.in
Contact No: 011-23392047, 24695262 and 5 others .. Respondents

REPORT FILED BY THE 2ND RESPONDENT APPCB

03-02-2023



**M/S MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH
A.P. POLLUTION CONTROL BOARD
T.T.D. SUPREME COURT OF INDIA**

#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.
Mobile: 98407 98460 / 63831 21322, Email: redymadhuri09@gmail.com

COUNSEL FOR 2nd Respondent

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
BENCH AT CHENNAI**

APPEAL NO. 79 OF 2021

M/s. Safe Environ TechnologiesAppellants

Versus

Union of India & Ors.Respondents

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Date: 31.01.2023
Place: Vijayawada

Katrusline
Senior Environmental Engineer,
A.P. Pollution Control Board,
Head Office, Vijayawada.

A.P. POLLUTION CONTROL BOARD
D.No. 33-26-14 D/2, Near Sunrise Hospital,
Chalamalavari Street, Kasturibaipet,
VIJAYAWADA - 520 010.

File No.APPCB-11022/43/2019-TEC-CFO-APPCB



ANDHRA PRADESH POLLUTION CONTROL BOARD
D.No.33-26-14D/2, Near Sunrise Hospital, Pushpa Hotel Centre,
Chalamalavari Street, Kasturibaipet, Vijayawada – 520 010
Phone. No.0866-2463200, Website : www.pcb.ap.gov.in

Lr No: APPCB-11022/43/2019-TEC-CFO-APPCB

31/01/2023

To
 The Registrar,
 The Hon'ble National Green Tribunal,
 South Zone,
 Chennai.

Sir,

Sub: APPCB – HO – VJA - Appeal No. 79 of 2021 - Gap Analysis study for Bio-Medical Waste Management in the state of Andhra Pradesh –Compliance to the Hon'ble NGT order dated 03.01.2023 - Status report - Submitted- Reg.

Ref:-

1. APPCB Work order No. APPCB/BMW/GAP ANALYSIS/HCF/CBWTF /2021, dt: 06.07.2021 to M/s. APEMCL.
2. Procd. No.1/APPCB/BMW/GAPANALYSIS/2021- dt: 07.08.2021 of APPCB.
3. APPCB letters dated 31.03.2022, 10.10.2022 & 21.10.2022 to M/s. APEMCL.
4. Hon'ble NGT (SZ) order dated 11.11.2022 in Appeal No. 79 of 2021.
5. APPCB letter dated 22.11.2022.
6. Minutes of the meeting held 29.11.2022.
7. APPCB Lr No: APPCB-11022/43/2019-TEC-CFO-APPCB 30.11.2022.
8. Hon'ble NGT (SZ) order dated 03.01.2023 in Appeal No. 79 of 2021.
9. Gap Analysis report submitted by M/s. APEMCL on 10.01.2023.
10. Letter to APEMCL regarding certain clarification sought dated 31.01.2023.

The Board vide reference 1st cited issued work order to Andhra Pradesh Environment Management Corporation Limited (M/s. APEMCL) to carryout Gap Analysis study for Bio-Medical Waste Management in the state. Project duration is 6 months from the date of acceptance of the work order. M/s. APEMCL vide Lr dt: 20.07.2021 accepted the work order and further M/s APEMCL issued work order to M/s Bharath Institute of Higher Education & Research (BIHER) and M/s Unwind Labs to conduct the gap analysis study.

The Board vide reference 2nd cited above, released an amount of Rs. 47,49,500/- to APEMCL towards 50% fee as advance along with the work order for conduct of the Gap Analysis study.

The Board vide reference 3rd cited requested the APEMCL to take immediate necessary action for earlier submission of the gap analysis report in view of the orders delivered by Hon'ble NGT (SZ) in Appeal No 79 of 2021 & Hon'ble High Court

File No.APPCB-11022/43/2019-TEC-CFO-APPCB

of AP.

The case is heard on 03.01.2023 and the Hon'ble NGT directed as follows:

“The Learned Counsel appearing for the Pollution Control Board is directed to get the gap analysis report and file the same on the next hearing date as the matter is almost heard and no further time will be granted”.

The Hon'ble NGT posted the matter on 03.02.2023.

M/s. APEMCL vide Lr. dated 10.01.2023 communicated the Gap Analysis report. The report is scrutinized with respect to the terms and conditions and functional scope of work stipulated in the work order.

Certain short falls were observed in the gap analysis report which are necessary for analyzing the gaps in the Bio Medical Waste handling. Accordingly, M/s APEMCL is addressed to furnish the revised reports duly furnishing the additional information urgently so as to submit the gap analysis report to NGT (Letter Enclosed).

PRAVIN

KUMAR IAS, MS(PK), O/o MEMBER SECRETARY-APPCB

Encl:

1. **NGT order dated: 03.01.2023.**
2. **Letter addressed by Member Secretary to M/s APEMCL regarding revised report to be submitted duly furnishing the additional information.**
3. Letters addressed to APEMCL 03.03.2022, 10.10.2022, 22.11.2022 & 29.12.2022.

Signed by Pravin Kumar

ias

Date: 31-01-2023 14:05:48

Reason: Approved

Item No. 10:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Appeal No. 79 of 2021 (SZ)
(Through Video Conference)

IN THE MATTER OF

M/s. Safe Environ Technologies

...Appellant(s)

Versus

Union of India & Ors.

...Respondent(s)

Date of hearing: 03.01.2023.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

Mr. P. Venkaiah Naidu

For Respondent(s):

Ms. Madhuri Donti Reddy for R 2 to R5

Mr. V. B. Subrahmanyam for R6

ORDER

1. Heard the Learned Counsels in part.
2. Learned Counsel appearing for the project proponent wants to produce the copy of the EIA report and other material papers.
3. Learned Counsel appearing for the Pollution Control Board is directed to get the gap analysis report and file the same on the next hearing date as the matter is almost heard and no further time will be granted.

4. Post the matter on 03.02.2023.

.....J.M.
(Smt. Justice Pushpa Sathyanarayana)

.....E.M.
(Dr. Satyagopal Korlapati)

Appeal No.79/2021 (SZ)
3rd January, 2023. (AM)



File No.APPCB-11022/43/2019-TEC-CFO-APPCB



ANDHRA PRADESH POLLUTION CONTROL BOARD
D.No.33-26-14D/2, Near Sunrise Hospital, Pushpa Hotel Centre,
Chalamalavari Street, Kasturibaipet, Vijayawada – 520 010
Phone. No.0866-2463200, Website : <https://pcb.ap.gov.in/>

Lr.No: APPCB-11022/43/2019-TEC-CFO-APPCB

31/01/2023

To
 The Managing Director,
 M/s. APEMCL,
 EFS&T Department, Govt. of AP
 #56-2-11, 2nd floor, A.P. Markfed Office Building,
 Autonagar, Vijayawada -520007.

Sir,

Sub: APPCB – Head Office, Vijayawada – Gap Analysis report submitted by M/s
 APEMCL – Certain clarifications sought and information to be furnished – Reg.

Ref: 1. Lr. No. APPCB/BMW/GAPANALYSIS/HCF/CBWTF/2021, dt.06.07.2021.
 2. Gap analysis Report submitted vide Lr.No:09/APEMCL/Tech/BMW/2020-50, dt. 10.01.2023.

* * * *

The Board issued work order to M/s APEMCL to conduct Gap Analysis study for Bio Medical Waste management in the state of Andhra Pradesh with certain objectives, functional scope of work and terms & conditions vide order dt.06.07.2021. M/s APEMCL has issued work order to M/s Bharat Institute of Higher Education and Research (BIHER) and Unwind Learning labs Pvt. Ltd, Chennai to conduct gap analysis study for Bio medical waste management in the state of Andhra Pradesh.

The APEMCL has communicated the Gap Analysis study report vide its letter dt.10.01.2023 and requested APPCB to release the remaining balance amount of Rs.47,49,500/.

Upon studying the Gap Analysis report, the following shortfalls are observed which were not covered by outsourcing agency engaged by M/s APEMCL.

1. As per the revised CPCB guidelines 8(a), A CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 KM, existing CBWTF in the locality (located within the respective State/UT) may be allowed to cater the healthcare units situated upto 150 KM radius with respect to its location provided the bio-medical waste generated is collected, treated and disposed of

File No.APPCB-11022/43/2019-TEC-CFO-APPCB

within 48 hours as stipulated under the BMWM Rules. **But, there is no mention of number of beds existing within 75 Kms and beyond 75 Kms in the coverage area of CBWTF. The breakup of total number of beds shall be furnished.**

2. As per the functional scope of the work II (2), M/s APEMCL engaged agency is supposed to compare the number of HCFs authorized and actual number operating, bed strength authorized to operate and actual existing with the records of the Medical and health department(DM & HO). There is no mention of health department data in the report where the number of HCFs and beds are registered.
3. The HCF-wise Bio medical waste generation by bedded, non-bedded (clinics/dispensaries) is not furnished and the waste generation by non-bedded (clinics/dispensaries) veterinary, Ayush is not covered in the report. The Bio medical waste generated per bed per day for non –bedded hospitals is not captured.
4. The outsourcing agency has not furnished the information in Annexure –I i.e., coverage area-wise gap analysis for assessing additional BMW treatment capacity requirement.
5. The real time field data on aqueous waste generation from HCFs is not computed, analyzed and has not offered remedial solutions.The field survey reports of the HCFs and Geo coordinates of the HCFs are not furnished.
6. The outsourcing agency engaged by APEMCL has not furnished the supporting documents for assuming Bio medical waste generation of 100 gms per bed per day (as per CPCB) and the Bio medical waste of 200 gms per bed per day as per WHO norms.
7. The Bio medical waste generated from veterinary hospitals and RMP facilities are not covered in the gap analysis study.

M/s APEMCL has not submitted 3 sets of hard copies of reports on inventory of HCFs and CBWTFs as per the terms and conditions stipulated in the work order. M/s APEMCL shall make handover the copy rights to APPCB of the gap analysis document which was not yet completed.

In view of the above, it is requested that M/s. APEMCL may furnish the revised reports urgently so as to submit the same to honourable NGT in Appeal No. 79 of 2021.

Yours faithfully,

**PRAVIN KUMAR IAS, MS(PK),
O/o MEMBER SECRETARY-
APPCB**

File No.APPCB-11022/43/2019-TEC-CFO-APPCB

Signed by Pravin Kumar
las
Date: 31-01-2023 11:03:40
Reason: Approved

Annexure - III(i)



ANDHRA PRADESH POLLUTION CONTROL BOARD
D.No.33-26-14D/2, Near Sunrise Hospital, Pushpa Hotel
Centre,
Chalamalavari Street, Kasturibaipet, Vijayawada - 520 010
Phone. No.0866-2463200, Website : <https://pcb.ap.gov.in/>

Lr.No: APPCB/BMW/GAPANALYSIS/HCF/CBWTF/2021

03/03/2022

To

Andhra Pradesh Environment Management Corporation Limited
(APEMCL),
D. No. 33-26-14 D/2, Near Sunrise Hospital,
Pushpa Hotel Centre, Chalamalavari Street,
Kasturibaipet, Vijayawada - 520 010.

Sir,

Sub: APPCB - UH-IV - Gap Analysis study for Bio-Medical Waste Management in
 - the state of Andhra Pradesh - Work Order Issued to M/s. APEMC - Early
 completion of study and submission of report - Reg.

Ref:- 1. APPCB Work order Lr.No:APPCB/BMW/GAPANALYSIS/HCF/CBWTF/2021
 dated 06.07.2021.
 2. CFE Committee meeting held on 18.02.2022.

The Board vide reference cited issued work order to Andhra Pradesh Environment Management Corporation Limited (M/s. APEMCL) to carry out gap analysis study for Bio-Medical Waste Management in the state. Project duration is 6 months from date of acceptance of the work order.

The Hon'ble High Court in its order dated 01.10.2019 in W.P.No.14181 of 2019 and the Hon'ble NGT order dated 29.10.2021 in Appeal No.131 of 2016 directed the APPCB to conduct gap analysis studies for implementation of revised guidelines, 2016 of CPCB before allowing new CBWTF.

The status of CBWTFs in the state was reviewed by the CFE Committee of the Board on 18.02.2022. The APPCB is to decide requirement of additional CBWTFs, their location, coverage area and additional bed strength to be allocated to new CBWTFs based on the study report to be submitted by APEMCL.

Hence, the CFE Committee recommended to take up the matter with APEMCL for early conduct of gap analysis study as per the work order already issued.

In view of the above, you are requested to take immediate necessary action for early conduct of the study and furnish reply informing progress in the matter.

Yours faithfully

KANDAVALLI VENKATESWARA RAO, CEE(KVR), O/o CHIEF ENVIRONMENTAL ENGINEER-

APPCB

Member Secretary

Signed by KANDAVALLI
VENKATESWARA RAO
Date: 03-03-2022 11:56:49
Reason: Approved



ANDHRA PRADESH POLLUTION CONTROL BOARD
D.No.33-26-14D/2, Near Sunrise Hospital, Pushpa Hotel Centre,
Chalamavari Street, Kasturibaipet, Vijayawada – 520 010
Phone. No.0866-2436200, Website: www.pcb.ap.gov.in

Order No: APPCB-11022/43/2019-TEC-CFO-APPCB

10/10/2022

To

The Managing Director,
Andhra Pradesh Environment Management Corporation Limited
(APEMCL),
56-2-11, 2nd Floor,
AP. Markfed Building, APIIC Colony,
Jawahar Auto Nagar, Vijayawada-520007.

Sir,

Sub: APPCB – HO - Gap Analysis study for Bio-Medical Waste Management in the state of Andhra Pradesh - Work Order Issued to M/s. APEMC – Completion of study and submission of report expeditiously – Requested - Reg.,

- Ref:
1. Work order No. APPCB/BMW/GAP ANALYSIS/HCF/CBWTF /2021, dt: 06.07.2021.
 2. Procd. No.1/APPCB/BMW/GAPANALYSIS/2021- dt: 07.08.2021 of APPCB.
 3. Lr. No: APPCB/BMW/GAPANALYSIS/HCF/CBWTF/2021 dt: 03.03.2022 of APPCB.
 4. Hon'ble NGT order dt : 20.09.2022 in Appeal No. 79 of 2021 (SZ).

The Board vide reference 1st cited issued work order to Andhra Pradesh Environment Management Corporation Limited (M/s. APEMCL) to carry out gap analysis study for Bio-Medical Waste Management in the state. Project duration is 6 months from date of acceptance of the work order.

The Board vide reference 2nd cited above released an amount of Rs. 47.49 lakhs to APEMCL towards 50% fee as advance along with the work order for conduct of the gap analysis study. The Board vide reference 3rd cited requested to take immediate necessary action for early conduct of the study and submit the report. In spite of the above communication, the report is not furnished till date.

The Hon'ble NGT (SZ) vide order dt: 20.09.2022 in Appeal No. 79 of 2021 directed the APPCB to expedite the process and get the gap analysis study report from the APEMCL. Copy of the order enclosed.

In view of the above, it is requested to take immediate necessary action for completion of the gap analysis study and furnish the report to the Board as early as possible not exceeding one month time in view of the cases filed in the Hon'ble NGT & Hon'ble High Court of AP.

An early action would be highly appreciated.

VIJAY KUMAR
GSRKR IAS, MEMBER SECY(GSRKRVK), O/o MEMBER SECRETARY-APPCB



ANDHRA PRADESH POLLUTION CONTROL BOARD
D.No.33-26-14D/2, Near Sunrise Hospital, Pushpa Hotel Centre,
Chalamalavari Street, Kasturibaipet, Vijayawada – 520 010
Phone. No.0866-2463200, Website : www.pcb.ap.gov.in

Lr No: APPCB-11022/43/2019-TEC-CFO-APPCB

22/11/2022

To
 The Managing Director,
 Andhra Pradesh Environment Management Corporation Limited (APEMCL),
 # 56-2-11, 2nd Floor,
 AP. Markfed Building, APIIC Colony,
 Jawahar Auto Nagar, Vijayawada.

Sir,

Sub: APPCB – BMW - Andhra Pradesh Environment Management Corporation
 - Limited (APEMCL) - Gap Analysis study for Bio-Medical Waste Management in
 the state of Andhra Pradesh - Work Order Issued to M/s. APEMCL - Completion
 of study and submission of report expeditiously – Requested - Reg.

Ref:- 1. Work order No. APPCB/BMW/GAP ANALYSIS/HCF/CBWTF /2021, dt:
 06.07.2021.
 2. Procd. No.1/APPCB/BMW/GAPANALYSIS/2021- dt: 07.08.2021 of
 APPCB.
 3. T.O. Lr. No. APEMC /HO/BMW/2022 dated 31.03.2022.
 4. T.O. Lr No. APPCB-11022/43/2019-TEC-CFO-APPCB dated 21.10.2022.
 5. Hon'ble NGT (SZ) order dated 11.11.2022 in Appeal No. 79 of 2022.

The Board vide reference 1st cited issued work order to Andhra Pradesh Environment Management Corporation Limited (M/s. APEMCL) to carryout Gap Analysis study for Bio-Medical Waste Management in the state. Project duration is 6 months from the date of acceptance of the work order.

The Board vide reference 2nd cited above, released an amount of Rs. 47,49,500/- to APEMCL towards 50% fee as advance along with the work order for conduct of the Gap Analysis study.

The Board vide references 3rd & 4th cited requested the APEMCL to take immediate necessary action for earlier submission of the gap analysis report in view of the orders delivered by Hon'ble NGT (SZ) & Hon'ble High Court of AP. In spite of the above communication, the gap analysis report is not furnished by APEMCL till date.

In view of the above, it is once again requested to submit the Gap analysis study report within 2 days so as to file the same in compliance of the orders of Hon'ble NGT (SZ).

Please treat this as Most Urgent.

Yours Faithfully
VIJAY KUMAR GSRKR IAS, MEMBER SECY(GSRKRVK), O/o MEMBER
SECRETARY-APPCB

Encl. as above.

File No.APPCB-11022/43/2019-TEC-CFO-APPCB

	<p>ANDHRA PRADESH POLLUTION CONTROL BOARD D.No.33-26-14D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamalavari Street, Kasturibaipet, Vijayawada – 520 010 Phone. No.0866-2463200, Website : www.pcb.ap.gov.in</p>
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Lr No: APPCB-11022/43/2019-TEC-CFO-APPCB

29/12/2022

To
 The Managing Director,
 Andhra Pradesh Environment Management Corporation Limited
 (APEMCL), # 56-2-11, 2nd Floor,
 AP. Markfed Building, APIIC
 Colony, Jawahar Auto Nagar,
 Vijayawada.

Sir,

Sub: APPCB – BMW - Andhra Pradesh Environment Management Corporation-
 Limited (APEMCL) - Gap Analysis study for Bio-Medical Waste Management
 in the state of Andhra Pradesh – Updated information –Furnished –Reg.

- Ref:-**
1. Procd.No.1/APPCB/BMW/GAPANALYSIS/2021-dt:07.08.2021of
 APPCB
 2. Lr. No. APEMCL /HO/BMW/2022 dated 31.03.2022
 3. Lr No. APPCB-11022/43/2019-TEC-CFO-APPCB dated 21.10.2022.
 4. Lr No: APPCB-11022/43/2019-TEC-CFO-APPCB 22/11/2022
 5. APEMCL Lr No: APEMCL/HO/BMW/2022 Dt 23.11.2022
 6. Email addressed to the ROs dt 07.12.2022

The Board issued work order to Andhra Pradesh Environment Management Corporation Limited (M/s. APEMCL) to carryout Gap Analysis study for Bio-Medical Waste Management in the state. Project duration is 6 months from the date of acceptance of the work order.The finalized gap analysis study report not yet received from APEMCL.

The Board vide references 2nd 3rd & 4th cited requested the APEMCL to take immediate necessary action for earlier submission of the gap analysis report in view of the orders delivered by Hon'ble NGT (SZ) & Hon'ble High Court of AP.

The APEMCL requested information with respect to latest details of the HCF data vide reference 5th cited. Accordingly the following updated information (as on 28.12.2022)of HCFs district wise is furnished below:

S.No	Name of the District	Number of HCFs	Bed Strength
1.	Srikakulam	565	5477
2.	Vizianagaram	456	5422

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3.	Visakhapatnam	1672	17656
4.	East Godavari	1371	19240
5.	West Godavari	1148	10539
6.	Krishna	1449	17660
7.	Guntur	1291	23075
8.	Prakasam	610	8275
9.	SPSR Nellore	920	10183
10.	Chittoor	1074	14242
11.	YSR Kadapa	666	9963
12.	Kurnool	762	13188
13.	Ananthapuram	943	8834
Total		12927	163754

In view of the above, it is once again requested to submit the finalized Gap analysis study report at the earliest so as to file the same in compliance of the orders of Hon'ble NGT (SZ) in Appeal No :79/2021.

Yours faithfully,

**PRAVIN KUMAR IAS,
MS(PK), O/o MEMBER
SECRETARY-APPCB
Commissioner**

Signed by Pravin Kumar

ias

Date: 29-12-2022 10:22:36

Reason: Approved