BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Appeal No. 27/2024

(I.A. No. 314/2024)

INDOTECH WATER SOLUTION

APPLICANT

VERSUS

UP, SEIAA & ORS.

RESPONDENT(S)

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THROUGH

Priyanka

Date:11.01.2025
Place: New Delhi

PRIYANKA SWAMI
ADVOCATE
COUNSEL FOR SEIAA, UTTAR PRADESH
F-13, JANGPURA, NEW DELHI 110014
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Indotech Water Solution

Applicant

Versus

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Respondent(s)

AFFIDAVIT

I, **ANURAG YADAV** aged about 48 years s/o Sh.P.N. SINGH is presently posted as **DEPUTY DIRECTOR, REGIONAL OFFICE, NODIS, DIRECTORATE OF ENVIRONMENTAL,UP** having office at E-21/1,NODIA, UTTAR PRADESH. Presently at New Delhi

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit before this Tribunal.
2. That the accompanying Affidavit has been drafted by our counsel upon my instructions.on behalf of member secretary SEIAA.
3. That the contents of the accompanying affidavit are true and correct and the knowledge has been derived from official records and nothing material has been concealed therefrom.

NOTARY
RENU AGARWAL
Delhi
Regd. No. 17806
GOVT. OF INDIA

Ashkaushik
D/5332/22

I identified the deponent who has signed in my presence

DEPONENT

VERIFICATION

Verified on solemn affirmation at New Delhi on this 10 JAN 2025 day of 2025, that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

DEPONENT

ATTESTED
NOTARY PUBLIC
(INDIA)
10 JAN 2025

Minutes of the 813th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on17-05-2024

The meeting of 813th State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 17.05.2024 the Directorate of Environment. The following were present in the meeting:-

1. Smt. Mamta Sanjeev Dubey	**Chairman, SEIAA, U.P**
2. Shri Paras Nath	**Member, SEIAA, U.P**
3. Shri Sanjeev Kumar Singh	**Member Secretary, SEIAA, U.P**

Agenda-A

1. **Gap analysis report of Indo Tech received from UPPCB for Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District-Kasganj, U.P., M/s Indo Tech Waste Solution. File No. 6191/Proposal No. SIA/UP/ MIS/ 60737/2021.**

SEIAA noted that Hon'ble NGT passed an order dated 22.03.2024 in Appeal no. 13 of 2023, which states that:-

…"11. On the basis of the above submission of Learned Counsel for the SEIAA, UP, impugned orders/minutes of the meetings dated 11.05.2023, 04.04.2023 and 07.04.2023 are set aside with a direction to SEIAA, UP, to reconsider the application of the appellant and pass fresh reasoned speaking order by complying the Principles of Natural Justice."

As per Revised Guidelines for Common Bio-medical Waste Treatment Facilities, 2016:-

… "2 b) SPCB/PCC is required to conduct gap analysis w.r.to coverage area of the bio-medical waste generation and also projected over a period of next ten years, adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 KM."

Hence, SEIAA in its 808th meeting dated 08.04.2024opined that a letter be sent to MS, UPPCB for submission of Gap analysis report and accordingly letter no. 58/parya/Shamanya/2023 dated 24.04.2024 was sent to UPPCB. Gap analysis report was received vide letter no. H10643/C4/NoC-104/2024 dated 10.05.2024 which states that:-

जनपद–कासगंज में प्रस्तावित बायो मेडिकल वेस्ट ट्रीटमेंट फेसिलिटी (मै0 इन्डोटेक वेस्ट साल्यूशन) के संबंध में गैप एनालिसिस

उत्तर प्रदेश में जनपद कासगंज काली नदी के तट पर स्थित है तथा उक्त जनपद की सीमा में 03 तहसील क्रमशः कासगंज, पटियाली एवं सहावर स्थित हैं। जनपद कासगंज का कुल क्षेत्रफल 1993 वर्ग किमी. एव कुल जनसंख्या 14,36,719 (वर्ष 2011 के अनुसार) है तथा कासगंज अलीगढ़ मण्डल के अधिकार क्षेत्र में आता है। उक्त जनपद कासगज के निकटवर्ती जिले अलीगढ, हाथरस एवं एटा हैं।

केन्द्रीय प्रदूषण नियंत्रण बोर्ड के द्वारा वर्ष 2016 में प्रख्यापित **Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities** (URL- https://cpcb.nic.in/uploads/Projects/Bio-Medical-Waste/Common Bio Medical Waste treatment facilities.pdf) में Common Bio Medical Waste Facilities (CBWTF) की स्थापना के संबंध में निम्नवत् प्राविधान निर्धारित किये गये हैं–

6) Location criteria-

In the context of these guidelines, buffer zone represents a separation distance between the source of pollution in CBWTF and the receptor - following the principle that the degree of impact reduces with increased distance. The following parameters may be considered for ascertaining buffer distance on case-to-case basis:

(i) potential for spread of infection from wastes stored in the premises.

(ii) applicable standards for pollution control and the relative efficiency of the existing incinerators and emission control systems.

iii) potential of fugitive dust emission from incinerators,

(iv) potential for discharge of wastewater

(v) the potential for odor production,

(vi) the potential for noise pollution,

(vii) the risk posed to human health and safety due to exposure to emissions from incinerator,

(viii) the risk of fire and

(ix) Significance of the residual impacts such as bottom ash and fly ash.

As far as possible, the CBWTF shall be located near to its area of operation in order to minimize the transportation distance in waste collection, thus enhancing its operational flexibility as well as for ensuring compliance to the time limit for treatment and disposal of bio-medical waste as stipulated under the BMWM Rules (i.e., within 48 hours). Also, the location of the CBWTF should be in conformity to the CRZ Norms and other provisions notified under the Environment (Protection) Act, 1986. The location shall be decided in consultation with the State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC).

The location criteria for development of a CBWTF are as follows:

(a) A CBWTF shall preferably be developed in a notified industrial area without any requirement of buffer zone (or)

(b) A CBWTF can be located at a place reasonably far away from notified residential and sensitive areas and should have a buffer distance of preferably 500 m so that it shall have minimal impact on these areas. In case of non-availability of such a land, the buffer zone distance from the notified residential area may be reduced to less than 500 m by SPCB/PCC without referring the matter to CPCB by prescribing additional control measures such as

(i) adoption of best available technologies (BAT) by the proponent of CBWTF;

(ii) prescribing stringent standards for operation of the CBWTF by the SPCB/PCC;
(iii) adoption of zero liquid discharge by the CBWTF and
(iv) in case of any complaints from the public, then CBWTF should prove that the facility is not causing any adverse impact on environment and habitation in the vicinity. If SPCB/PCC is not in a position to resolve the issue relating to buffer zone while selecting the site for CBWTFs, in such a case, SPCBs/PCCs may refer the matter to CPCB.

(c) The CBWTF can also be developed as an integral part of the Hazardous Waste Treatment Storage and Disposal Facility (TSDF) subject to obtaining of necessary approvals from the authorities concerned including 'environmental clearance' as per Environmental Impact Assessment 2006 and further amendments notified under the Environment (Protection) Act, 1986, provided there is no CBWTF exist within 150 KM distance from the existing TSDF.

7) Land requirement

Sufficient land shall be allocated to the CBWTF to provide all requisite systems which include dedicated space for storage of waste (both treated and untreated), waste treatment equipment, vehicle washing bay, vehicle parking space, ETP, incineration ash storage provision, administrative room, space for DG Set etc.,.

(a) Preferably, a CBWTF shall be set up on a plot size of not less than one acre in all the areas. However, a CBWTF can be developed in adjacent plots but cannot be set up in two or more different plots located in different areas. Separate plots can be permitted only for vehicle parking if located in the close vicinity of the proposed CBWTFs or the existing CBWTFs.

(b) In case of upcoming or new CBWTFs (both in municipal limits with population more than 25 lakhs or in rural areas), the land area requirement may be relaxed (but in any case not less than 0.5 acre) by the SPCB/PCC, with additional control measures such as zero liquid discharge, increase in stack height, stringent emission norms, odour control measures or any other measures felt necessary by the prescribed authority on case-to-case basis, only in consultation with CPCB.

8) Coverage area of CBWTF

Suggested coverage area for development of a CBWTF is as follows:

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 up to 150 KM radius** w.r.to its location provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules.

b) In case, number of beds is exceeding >10,000 beds in a locality (i.e. coverage area of the CBWTF under reference) and the existing treatment capacity is not adequate, in such a case, a new CBWTF may be allowed in such a locality in compliance to various provisions notified under the Environment (Protection) Act, 1986, to cater services only to such additional bed strength of the HCFs located.

क्षेत्रीय कार्यालय, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, अलीगढ द्वारा उक्त क्षेत्र में स्थापित विभिन्न हास्पिटल, हेल्थ केयर फैसिलिटी से जनित बायो मेडिकल वेस्ट के संबंध में संबंधित जनपदों की सूचना एकत्र की गयी है।

केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पत्र सं0 B-31011- BMW(3398)-2023-WM-I दिनाक 10.10.2023 के द्वारा निर्धारित Methodology to Conduct gap analysis with respect to generation and

treatment of biomedical waste में वेस्ट जनरेशन की मात्रा के आधार पर गणना करने पर जनपदवार जनित बायो मेडिकल वेस्ट की आकलित मात्रा निम्नवत् है–

क्र0स0	जनपद का नाम	कुल HCF की संख्या	HCF के कुल बेडों की सं0	नान बेडेड HCF की संख्या	कुल बेडों की संख्या	कुल जनित जैव चिकित्सा अपशिष्ट का विवरण (274 ग्राम प्रति बेड)
1.	अलीगढ़	1160	10983	519	11502	3152
2.	हाथरस	452	2160	261	2421	664
3.	एटा	333	2031	161	2192	601
4.	कासगंज	254	1542	128	1670	458
	कुल	**2199**	**16716**	**1069**	**17785**	**4875**

जनपद कासगंज में एक नया उद्योग मेसर्स इन्डोटेक वेस्ट साल्यूशन द्वारा खसरा सं0–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज में Common Bio Medical Waste Treatment Facilities (CBWTF) स्थापित किया जाना प्रस्तावित है। परियोजना में Static Dry Incinerator-200 Kg/hour, Autoclave- 2500 ltr/hour & Shredder-150 Kg/hour की स्थापना प्रस्तावित है। उक्त CBWTF की कुल दैनिक क्षमता 4000 Kg/day प्रस्तावित है।

उक्त प्रस्तावित परियोजना के 75 किमी. त्रिज्या क्षेत्र में आने वाले 04 जनपदों से जनित Bio Medical Waste के एकत्रीकरण एवं निस्तारण हेतु क्रमशः मथुरा, सम्भल, आगरा एवं मैनपुरी में स्थापित 04 Common Bio Medical Waste Treatment Facilities द्वारा बायो मेडिकल वेस्ट ट्रीटमेन्ट किया जा रहा है, जिसका तुलनात्मक विवरण निम्नवत् है–

S.No.	Name & Address of CBWTF	Installed capacity (Kg/day)	Present Disposal Quantity (Kg/day) as per annual return	Present Disposal Quantity (Kg/day) within 75 km from IndoTech	Unutilized capacity (Kg/day)
1.	मेसर्स बायो मेडिकल वेस्ट डिस्पोजल एजेन्सी, नॉन गांव रोड, ग्राम पाडवा, मथुरा	2500	2500	1748	0
2.	मेसर्स पुनः चक्रण प्रा0लि0, औद्योगिक क्षेत्र बबरौला जनपद–सम्भल	5000	80	18	4920
3.	मेसर्स जे0आर0आर0 वेस्ट मैनेजमेन्ट प्रा0लि0, सजय पैलेस, आगरा	4800	1800	189	3000
4.	मेसर्स ग्रीन हाउस वेस्ट मैनेजमेन्ट, मैनपुरी	4800	315	175	4485
		17100	**4695**	**2130**	**12405**

पूर्व में केन्द्रीय प्रदूषण नियंत्रण बोर्ड को प्रेषित बायो मेडिकल वेस्ट जनरेशन एवं ट्रीटमेन्ट की वार्षिक रिपोर्ट के आधार पर WMD cell के पत्र दिनांक 14.07.2023 के द्वारा 2015 से 2021 के मध्य की अवधि में प्रदेश स्तर पर जनित बायो मेडिकल वेस्ट आंकड़े उपलब्ध कराये गये है, जिसके आधार पर वार्षिक वृद्धि निम्नवत् है–

Year	BMW Generated (Kg/day)	Percentage increase
2016	37655	-
2017	**43554**	**15.67**

2018	46401	6.5
2019	52500	13.15
2020	64038	21.98
2021	71264	11.28

वर्तमान में मेसर्स इन्डोटेक वेस्ट साल्यूशन की स्थापना स्थल से 75 किमी0 की त्रिज्या में स्थित HCF से जनित Bio Medical Waste कुल जनित मात्रा 4875 Kg/day में आगामी 10 वर्षों हेतु औसत 10 प्रतिशत की वृद्धि को आंकलित कर उक्त जनपदों में भविष्य में कुल संकलित बायो मेडिकल वेस्ट जनरेशन 12626 Kg/day वेस्ट जनित होना सम्भावित है।

निष्कर्ष–

उपरोक्त गणना से स्पष्ट है कि केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पत्र सं0 B-31011- BMW(3398)-2023-WM-I दिनांक 10.10.2023 के द्वारा निर्धारित **Methodology to Conduct gap analysis with respect to generation and treatment of biomedical waste** एवं केन्द्रीय प्रदूषण नियंत्रण बोर्ड के द्वारा वर्ष 2016 में प्रख्यापित **Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities** में निहित प्राविधानों के दृष्टिगत मेसर्स इन्डोटेक वेस्ट साल्यूशन के प्रस्तावित स्थल से 90 किमी0 की त्रिज्या में स्थापित 04 कामन बायो मेडिकल वेस्ट ट्रीटमेन्ट फैसिलिटी के ओवर लैपिंग एरिया को आंकलित करने के उपरान्त भी वर्तमान में कुल शुद्धिकरण की क्षमता के सापेक्ष कुल 12405 Kg/day की क्षमता Unutilized आंकलित है, जो कि आगामी 10 वर्षों में जनित बायो मेडिकल वेस्ट की आंकलित मात्रा के सापेक्ष पर्याप्त है।

अतः वर्तमान में उपरोक्त गणना के अनुसार उक्त संदर्भित क्षेत्र में एक अतिरिक्त Common Bio-medical Waste Treatment and Disposal Facility (CBWTF) की आवश्यकता प्रतीत नहीं होती है। साख्या आपके अवलोकनार्थ सादर प्रस्तुत है।

(जितेन्द्र कुमार शर्मा)
प्रयोगशाला सहायक

(जितेन्द्र कुमार)
अनुश्रवण सहायक

(उपेन्द्र प्रसाद)
सहायक पर्यावरण अभियन्ता

क्षेत्रीय अधिकारी महोदय,

07/5/24

In light of the above SEIAA opined that EC cannot be granted for Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District-Kasganj, U.P., M/s Indo Tech Waste Solution.

Nodal Officer
SEIAA, UP
MoM prepared by Secretariat in consultation with Chairman & Members on the basis of decisions taken by SEIAA during the meeting.

(Smt. Mamta Sanjeev Dubey)	**(Sanjeev Kumar Singh)**	**(Paras Nath)**
Chairman	**Member-Secretary**	**Member**
SEIAA	**SEIAA**	**SEIAA**

Annexure-5

Minutes of the 813th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on17-05-2024

The meeting of 813th State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 17.05.2024 the Directorate of Environment. The following were present in the meeting:-

1. Smt. Mamta Sanjeev Dubey — Chairman, SEIAA, U.P
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3. Shri Sanjeev Kumar Singh — Member Secretary, SEIAA, U.P

Agenda-A

1. **Gap analysis report of Indo Tech received from UPPCB for Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District-Kasganj, U.P., M/s Indo Tech Waste Solution. File No. 6191/Proposal No. SIA/UP/ MIS/ 60737/2021.**

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tuin&dklxat esa çLrkfor ck;ks esfMdy osLV VªhVesaV QsflfyVh ¼eSå bUMksVsd osLV lkYYR;w'ku½ ds laca/k esa xSi ,ukfyfll

mÙkj çns'k esa tuin dklxat dkyh unh ds rV ij fLFkr gS rFkk mä tuin dh lhek esa 03 rglhy Øe'k% dklxat] ifV;kyh ,oa lgkoj fLFkr gSA tuin dklxat dk dqy {ks=Qy 1993 oxZ fdeh- ,o dqy tul[;k 14]36]719 ¼o"kZ 2011 ds vuqlkj½ gS rFkk dklxat vyhx< e.My ds vf/kdkj {ks= esa vkrk gSA mä tuin dklxat ds fudVorhZ ftys vyhx<+- gkFkjl ,oa ,Vk gSA

dsUæh; çnw"k.k fu;a=.k cksMZ ds }kjk o"kZ 2016 esa ç[;kfir Revised Guidelines for Common Bio- medical Waste

Treatment and Disposal Facilities (URL-
https://cpcb.nic.in/uploads/Projects/Bio- Medical-
Waste/Common Bio Medical Waste treatment facilities.pdf)
esa Common Bio Medical Waste Facilities (CBWTF) dh
LFkkiuk ds laca/k esa fuEuor çkfo/kku fu/kkZfjr fd;s x;s gSa&

6) Location criteria-

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(1) Adoption of best available technologies (BAT) by the proponent of CBWTF:

(il) prescribing stringent standards for operation of the CBWTF by the SPCB/PCC;

(iii) adoption of zero liquid discharge by the CBWTF and

(iv) in case of any complaints from the public, then CBWTF should prove that the facility is not causing any adverse impact on environment and habitation in the vicinity. If SPCB/PCC is not in a position to resolve the issue relating to buffer zone while selecting the site for CBWTFs, in such a case, SPCBs/PCCs may refer the matter to CPCB.

(c) The CBWTF can also be developed as an integral part of the Hazardous Waste Treatment Storage and Disposal Facility (TSDF) subject to obtaining of necessary approvals from the authorities concerned including 'environmental clearance as per Environmental Impact Assessment 2006 and further amendments notified under the Environment (Protection) Act, 1986, provided there is no CBWTF exist within 150 KM distance from the existing TSDF.

7) Land requirement

Sufficient land shall be allocated to the CBWTF to provide all requisite systems which include dedicated space for storage of waste (both treated and untreated), waste treatment equipment, vehicle washing bay, vehicle parking space, ETP, incineration ash storage provision, administrative room, space for DG Set etc...

(a) Preferably, a CBWTF shall be set up on a plot size of not less than one acre in all the areas. However, a CBWTF can be developed in adjacent plots but cannot be set up in two or more different plots located in different areas. Separate plots can be permitted only for vehicle parking if located in the close vicinity of the proposed CBWTFs or the existing CBWTFS.

(b) In case of upcoming or new CBWTFs (both in municipal limits with population more than 25 lakhs or in rural areas), the land area requirement may be relaxed (but in any case not less than 0.5 acre) by the SPCB/PCC, with additional control measures such as zero liquid discharge, increase in stack height, stringent emission norms, odour control measures or any other measures felt nec[illegible]460[illegible] rescribed authority on case-to-case basis, only in consultation with CPCB.

8) Coverage area of CBWTF

Suggested coverage area for development of a CBWTF is as follows:

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 up to 150 KM radius w.r.to its location provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules.

b) in case, number of beds is exceeding >10,000 beds in a locality (i.e. coverage area of the CBWTF under reference) and the existing treatment capacity is not adequate, in such a case, a new CBWTF may be allowed in such a locality in compliance to various provisions notified under the Environment (Protection) Act, 1986, to cater services only to such additional bed strength of the HCFS located.

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S-No-	Name & Address of CBWTF	Installed capacity ¼Kg/day½	Present Disposal Quantity ¼Kg/day½ as per annual return	Present Disposal Quantity ¼Kg/day½ within 75 km from IndoTech	Unutilized capacity ¼Kg/day½

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Year	BMW Generated ¼Kg/day½	Percentage increase
2016	37655	-&
2017	43554	1567
2018	46401	6-5
2019	52500	13-15
2020	64038	21-98
2021	71264	11-28

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In light of the above SEIAA opined that EC cannot be granted for Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District- Kasganj, U.P., M/s Indo Tech Waste Solution.

Nodal Officer
SEIAA, UP
MoM prepared by Secretariat in consultation with Chairman & Members on the basis of decisions taken by SEIAA during the meeting.

(Smt. Mamta Sanjeev Dubey)	**(Sanjeev Kumar Singh)**	**(Paras Nath)**
Chairman	**Member-Secretary**	**Member**
SEIAA	**SEIAA**	**SEIAA**