

**IN THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
M.A. IN DISPOSED OF CASES NO. 90/2023 & 94/2023
IN O.A. NO.774 OF 2022**

IN THE MATTER OF:

Gaurav Garg

... APPLICANT

VERSUS

Union of India & Ors.

... RESPONDENTS

**OBJECTION TO SEIAA, UP 846TH MOM DATED: 18/10/2024 ALONG
WITH SUBMISSION OF ADDITIONAL DOCUMENTS AND FACTS AND
FIGURES IN M.A. IN DISPOSED OF CASES NO. 90/2023 & 94/2023 IN
O.A. NO.774 OF 2022**

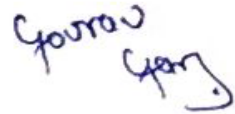
ADDITIONAL AFFIDAIT ON BEHALF OF APPLICANT

I, Gaurav Garg, S/o Jaipal Garg residing at Thakur Dwara, Baghpat, Ward 13, Baghpat, Meerut Uttar Pradesh-250609 do hereby and solemnly declares as under:

1. That I am the applicant in the present Original Application and as such is well conversant with the facts and circumstances of the present Original Application.
2. That vide its Order dated 23/09/2024, Hon'ble NGT in M.A. in Disposed of Case No. 90/2023 and 94/2023 in Original Application No. 774/2022 directed to SEIAA , UP to submit compliance report by 25-10-2023.

3. That I am in process of appointing new Counsel for further proceeding before Hon'ble NGT, New Delhi. However, I am submitting objection to SEIAA ,UP MOM along with additional documents and facts and latest finding about the case along with supporting documents/ facts and information before Hon'ble NGT for kind consideration and action.

Filed by Applicant



Gaurav Garg

Thakur Dwara, Ward-13,
Baghpat, Meerut, Uttar Pradesh -250609

Contact No. : 9557154480

Email id: gauravgarg2022@gmail.com

Place : Baghpat , Uttar Pradesh

Dated: 22.10.2024

**IN THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
M.A. IN DISPOSED OF CASES NO. 90/2023 & 94/2023
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MOST RESPECTFULLY SHOWETH:

That 846th MOM issued by SEIAA, U.P. on dated: 18/10/2024 is trying to mislead Hon'ble NGT by mis-representing the facts as done before in multiple cases where Hon'ble NGT has set aside the Environmental Clearance issued by them. Hence, Applicant is submitting the objection to above said MOM issued by SEIAA, U.P. along with additional documents and information/ facts in this case before Hon'ble NGT.

That It is clearly stated by Hon'ble NGT in order dt: 23/07/2024 that **“Project Proponent i.e. Synergy Waste Management Pvt. Ltd., Meerut is able to function its facility without any EC and in utter violation of EIA notification dt: 14.09.2006 and amendment time to time and Proponent is functioning its facility in a wholly illegal manner “.....Annexure-1**

ACTION TAKEN BY SEIAA , UP :

A) That SEIAA, U.P. vide 846th MOM on dated: 18/10/2024 has taken up the case of the Project proponent and taken decision as:

“.....Although this facility was established before issuance of above guidelines but because appraisal is taking place today so SEIAA has to place reliance on these guidelines. **As per the guidelines minimum area requirement is one acre but the project proponent has only 1242 m2 area so while presenting EIA/EMP the project proponent shall give clear information on certain issues regarding availability of adequate area for various operations and storage. In light of the recommendation of SEAC to grant the ToR for common Bio-medical Waste Treatment Facility. TOR are being granted with all the conditions stipulated by SEAC and adding the following conditions:**

1.

The EIA report prepared by the consultant should be vetted by the environment department of any IIT/NIT or NEERI so that there is no adverse environmental impact on surrounding areas due to the technology of this plant.

2.

(a) Details of availability of land 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. If this land is in the ownership of project proponent, then copy of ownership documents should be submitted and if it is taken on lease then copy of lease deed should be submitted. A map showing these facilities as well as their distance from each other should also be submitted.

(b) Project proponent shall submit an affidavit stating that this project will not indulge in any hazardous activity and no pollution will be caused while transportation or storage of Bio-Medical Waste from different hospitals and different districts **“ (Copy of SEIAA,UP MOM dated; 18/10/2024 is attached)..... Annexure-2**

GROUND OF OBJECTIONS :

1. In light of Hon'ble NGT vide Judgment dated: 05/07/2024 in APPEAL NO. 04/2024 (IA NO. 97/2024 and IA NO. 44/2024 that CPCB Guidelines for CBWTFs dated: 21/12/2024 **have been framed in exercise of statutory power and statutory in nature. CPCB Guideline: " Clause no. 4) Applicability of these guidelines under CPCB Guidelines for CBWTFs Dated: 21/12/2016 : These guidelines are applicable to all the upcoming or new CBWTFs. In case of the existing CBWTFs, these guidelines shall be applicable in case**
 - a. the existing CBWTFs desires to expand or enhance the existing treatment capacity (or)
 - b. the existing CBWTFs desires to modernize the existing treatment equipment with the new equipment with enhancement in the existing treatment capacity."

2. Additionally. HSM Division , Ministry of Environment, Forest and Climate Change(MOEF&CC), New Delhi vide letter dt: 13/03/2024 addressed to SEIAA, UP and UPPCB has clearly stated that the project should be considered in view of CPCB Guidelines and BMW Rules, 2016 in respect of representation submitted against the illegal functioning and operation of CBWTF by Synergy Waste Management Pvt. Ltd., Meerut. (**Copy of CPCB Guidelines dt: 21/12/2016 and MOEF&CC letter dt:13/03/2024).**Annexure-3

3. That Clause 7) of CPCB Guideline for CBWTF in land requirement clearly stated that Minimum 01 acre of land is required The said land use which is taken on rent by proponent is of Institution type for the purpose of establishment of Medical College only and may be used only for Captive Treatment Facility by Institution only by obtaining due clearance from respective authorities. Land is of size 1250 Sq Meter against the minimum criteria of land requirement. i.e Project Proponent has not developed any Green Belt and parked all infected carrying transporting vehicles outside of its facility inside hospital campus spreading disease full environment.

Earlier, SEIAA, UP has rightly granted TOR for Captive Treatment Facility to the Project Proponent. **(Copy of CPCB Guidelines dt: 21/12/2016 for Clause 7) Land requirement and Clause 6) location criteria is attached)**

.....Annexure-4

4. That Hon'ble NGT has previously set aside the Environmental Clearance of multiple Project proponents involving CBWTFs which was granted by SEIAA, Uttar Pradesh in violation of CPCB Guidelines for CBWTF dt: 21/12/2016 & BMW Rules,2016. Following are the Order passed by Hon'ble NGT as:
 - a. Hon'ble NGT Judgment dated: 31/07/2023 in O.A. No. 622/2022.
 - b. Hon'ble NGT Judgment dated: 05/07/2024 in APPEAL NO. 04/2024 (IA NO. 97/2024 and IA NO. 44/2024).
 - c. Hon'ble NGT Judgement dated: 05/08/2024 in Appeal No. 06/2022 (I.A No. 236/2022, I.A. No.29/2022 and I.A. No. 320/2024)

In light of Ground of Objections from Point No. 1 to 4 as mentioned above. On part of action taken by SEIAA, UP , it is clear that SEIAA, UP is very well aware of CPCB Revised Guidelines dated: 21/12/2016 and deliberately overlooked and ignore the CPCB Guidelines dt: 21/12/2016 and MOEF&CC letter dt: 13/03/2024 and acted beyond its jurisdiction without application of mind and allowing the project proponent's application contradictory to guidelines and BMW Rules. Despite that neither SEIAA,UP nor UPPCB have initiating action as per law to impose Environmental Compensation charge(ECC) on PP and submit the details of ECC along with assessment for past violations before Hon'ble NGT. Therefore, both UPPCB and SEIAA, UP has failed to do so, even though Hon'ble NGT took the cognizance of the same.

Question arise that should such facility / company be allowed to operate even though Proponent has only 1242 Sq Mtr of Institutional land adjacent to residential areas on rent basis inside Medical College instead of 01 acre land which is not practically possible to make infrastructure as per CPCB Revised Guidelines, not even in simple basic CBWTF based on old guideline such as..Green belt Development, vehicles Parking, Incinerator

VIOLATIONS BY PROJECT PROPONENT:

1. That Project proponent has himself submitted in its reply that PP is using un-approved Fuel in Incinerator and DG Set in violation of CAQM direction despite Meerut is in NCR and have remain at high AQI index. Further, in this, UPPCB has not imposed any ECC for the same, which is very serious, and indicating integrity of UPPCB as compromised. **(Copy of Notice issued by RO, UPPCB, Meerut, CAQM Directions and No ECC imposed is attached) ... Annexure-5**

2. That Non-Compliance of CTO (Air/Water) by project Proponent not to develop Green Belt as per Condition of Consent to Operate (Air/Water) on Point No.39: Minimum 33% of the land on which industry is established will be covered by the plantation of tall trees of suitable species as per the guidelines set up by the Board vide its Office Order no.H16405/220/2018/02 dt. 16/02/2018. The copy of this guideline is available at URL http://www.uppcb.com/pdf/Green-Belt-Guidle_160218.pdf. **(Copy of Condition of CTO(Air/Water) and UPPCB Office Order no.H16405/220/2018/02 dt. 16/02/2018 is attached in PDF) Annexure-6**

3. That Project Proponent does not have sufficient land and have not implemented and complied with all general and specific conditions of Consent to Operate (Air/Water) and CPCB Guidelines for CBWTFs.

4. That Project Proponent is collecting, transporting infected Bio-Medical Waste from Health care facilities situated beyond 75 -150 KM radial distance in contradiction to Hon'ble NGT O.A. No. 180/2021 in order dt: 07/10/2022 and CPCB guidelines.

RELIEF SOUGHT BY APPLICANT :

1. That MOEF&CC has prepared SOP for Ex-post Facto Environmental Clearance for Project, which falls under violation of EIA notification. SEIAA and UPPCB should be directed to follow SOP and order to Project Proponent to operate its Facility on

Original Capacity i.e. 50 Kg/Hr of Incinerator as Captive Treatment Facility after obtaining all clearance as required under law along with imposition of ECC.

Or Shift the facility on approved Industrial area on natural justice basis. Earlier, SEIAA, UP took right decision on directing Project Proponent to operate its facility as Captive Treatment Facility.

(Copy of MOEF&CC SOP for Ex-post Facto EC and TOR for Captive Treatment Facility).....

.....**Annexure -7**

2. That SEIAA, UP vide 810th MOM dt: 30/04/2024 has directed SEAC-1, UP to consider O.M. No. IA3-3/4/2024-IA.III(E230791) dated: 08/01/2024 in view of order dt: 02-01-2024 and 02-02-2024 passed by Hon'ble Supreme Court for Ex-Post facto Environmental Clearance to said Project. However, same has not been followed till date. **(Copy of SEIAA MOM and MOEF&CC Notification dt: 08/01/2024 in compliance of Hon'ble Supreme Court Order dt: 02-01-2024 is attached)....**
.....**Annexure -8**

3. That It is pertinent to mention here that it is very unfortunate and shameful that a particular official having connivance with Project Proponent is trying to manipulate the facts and favoring proponent to obtain clearance illegally. He has already been facing enquiry and call details in this regard should be obtained from respective authorities to get clear picture of corruption and high irregularity. That Hon'ble NGT should order vigilance enquiry for involvement of officer concerned and What changes occur in SEIAA , UP before and now is cause of concern too.
4. That neither SEAC-1 nor SEIAA, UP have addressed the issue raised herein by complainant. Additionally, neither SEIAA nor UPPCB have submitted the details of environmental compensation and assessment for past violation and further compliance in view of CPCB Guidelines and BMW Rules, 2016.

In the light of the submissions made above which raise substantial question about environment and violations of environmental rules in operation of Bio-medical Waste Treatment facility by Respondent No.7 and UPPCB/SEIAA, UP, it is respectfully prayed that the Hon'ble Tribunal may kindly decide the matter in accordance with the correct factual position as stated above and

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submitted in the matter and take stringent action against those who not only committed improprieties to suppress the illegalities but also tried to mislead the Hon'ble Tribunal.

Deponent

Gourav
Gang

Verification

Verified on dated 22/10/2024 that the contents of the present affidavit are true and correct and the ends of justice shall suffer if the relief as prayed is not granted.

Deponent

Gourav
Gang

Item Nos. 05&06

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

MA No. 90/2023
In
Original Application No. 774/2022

WITH

M.A. No.94/2023
In
Original Application No. 774/2022

Gaurav Garg

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 23.09.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB
Ms. Priyanka Swami, Mr. Shlok Mittal, Ms. Simran Sehgal Advocates for
SEIAA with Mr. Sanjeev K M Singh Member Secretary, SEIAA
Mr. Mohit Singhal, Advocate for CPCB (through VC)

ORDER

1. Pursuant to order dated 11.09.2024, Shri Sanjeev Kumar Singh, Member Secretary, SEIAA, UP is present. He has stated that since Proponent has not submitted any reply, therefore, no final order could have been passed.

2. We fail to understand as to why final order on the part of SEIAA is dependent upon the response of Proponent. We could not find any reason as to why SEIAA, UP could not have passed any final order, though judgment of Tribunal was delivered on 02.03.2023 and more than one and a half year has passed.

3. On account of inaction of SEIAA, UP, Proponent is able to function its facility without any EC and in utter violation of provisions of Environment Impact Assessment Notification dated 14.09.2006 as amended from time to time. This is nothing but an *ex-facie* violation of environmental laws and permitting a proponent to continue to function in a wholly illegal manner merely because of inaction on the part of SEIAA, UP in passing a final order in the matter.

4. At this stage, Learned Counsel for SEIAA, UP has requested that as a last opportunity, one month time may be granted within which SEIAA, UP may pass final order.

5. Let it be done within one month and a compliance report be submitted by 25.10.2024.

6. List on 25.10.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

September 23, 2024
MA No. 90/2023 & M.A. No.94/2023
SN

Directorate of Environment, U.P.

Vineet Khand-1, Gomti Nagar, Lucknow - 226 010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

Minutes of the 846th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 18-10-2024

The meeting of 846th State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 18.10.2024 the Directorate of Environment. The following were present in the meeting:-

1. Smt. Mamta Sanjeev Dubey
2. Shri Paras Nath
3. Shri Ajay Kumar Sharma

Chairman, SEIAA, U.P
Member, SEIAA, U.P
Member Secretary, SEIAA, U.P

Agenda-A- Minutes of 885th SEAC-1 Meeting Dated 01/10/2024

1. Existing Common Bio-Medical Waste Treatment Facility at Subharti Medical College Campus, Subharti Puram, Meerut, Uttar Pradesh, M/s Synergy Waste Management Pvt. Ltd., 7761/SIA/UP/INFRA2/459662/2024.

SEIAA noted that SEAC has recommended to grant ToR to the above project for Existing Common Bio-Medical Waste Treatment Facility. SEIAA also gone through NGT order dated 02.03.2023 in O.A. No. 774/2022 Gaurav Garg Vs. Union of India & Ors. relevant part thereof is reproduced as:-

...“57. The applicant has relied on letter dated 27.10.2017 sent by the MOEF&CC With reference to CPCB letter no F.No.B-31011/BWM(50)/ 2017WMD-I/629 dated 20.10.2017 clarifying the legal position regarding the queries mentioned therein and the relevant part thereof is reproduced as under:-

“ Subject: Amendment to the EIA notification, 2006 issues by MOEFCC vide S.O. No. 1142(E), dated 17.04.2015-regarding.

The clarification to the queries that whether EC is required in the following cases; may please be seen as below:

1. *CBMWTF desires to replaces the existing incinerator and install new incinerator of same capacity.*

Clarification: EC will be required, as there might be configuration changes that might impact the performance efficiency of the incinerator.

58. Since the Respondent No. 8 replaced its old incinerator 300 kg/hour with new and advanced incinerator of the same capacity 300 kg/hour in the year 2018, case of the Respondent No.8 seems to fall under clarification to query No.1 leading to the conclusion that the Respondent No.8 is bound to take the EC under EIA Notification 2006 as amended vide notification dated 17.04.2015....”

..... “65. We are of the considered view that the facts and circumstances of the case do not warrant issuance of any order against the respondent No.8 for closure of CBWTF on the ground of its failure to obtain EC from UPSEIAA earlier as the question of grant of EC to the Respondent No. 8 ex-post facto by UPSEIAA is required to be considered and any such closure at this stage will be against public interest....”

SEIAA noted that Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities, 2016 mandates minimum area as: -

...“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.”

Although this facility was established before issuance of above guidelines but because appraisal is taking place today so SEIAA has to place reliance on these guidelines. As per the guidelines minimum area requirement is one acre but the project proponent has only 1242 m² area so while presenting EIA/EMP the project proponent shall give clear information on certain issues regarding availability of adequate area for various operations and storage.

In light of the recommendation of SEAC to grant the ToR for common Bio-medical Waste Treatment Facility TOR are being granted with all the conditions stipulated by SEAC and adding the following conditions:-

1. At the time of EIA presentation the project proponent shall submit:-
 - (a) Details of availability of land 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. If this land is in the ownership of project proponent, then copy of ownership documents should be submitted and if it is taken on lease then copy of lease deed should be submitted. A map showing these facilities as well as their distance from each other should also be submitted.
 - (b) Project proponent shall submit an affidavit stating that this project will not indulge in any hazardous activity and no pollution will be caused while transportation or storage of Bio-Medical Waste from different hospitals and different districts.


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)
Chairman
SEIAA

(Ajay Kumar Sharma)
Member-Secretary
SEIAA

(Paras Nath)
Member
SEIAA

3) Duties of the operator of a common bio-medical waste treatment and disposal facility

The duties of the operator of a common bio-medical waste treatment and disposal facility (CBWTF) as enunciated under Rule 5 of the Bio-medical Waste Management Rules, 2016 shall be ensured and complied with. Also, all the existing CBWTFs shall also complete augmentation of the existing incineration facility so as to comply w.r.to the residence time as well as emission norms including for Dioxins and Furans prescribed under BMWM Rules, 2016 within two years from the date of notification of the BMWM Rules, 2016 (i.e., prior to 27.03.2018). In addition to the above, to ensure proper management of bio-medical waste in the respective coverage area, as a mitigation measure, especially in the event of

- (a) a temporary break down (not more than a week) of a CBWTF especially for rectification of the refractory lining of the incineration chambers or change of requisite APCD due to failure; and
- (b) Closure of a CBWTF for violation of the provisions of the BMWM Rules or any other reason.

Prior to commencement of a new CBWTF as well as all the existing CBWTF Operators are required to submit action plan, to the respective SPCB/PCC, for imposing suitable condition while granting authorisation under the BMWM Rules, 2016. The action plan should also include:

- (a) a MoU made with the nearest CBWTF located within the respective State/UT, as alternate arrangement. In case, if there is no CBWTF located nearby then such CBWTF should have to install stand by treatment equipment (equal to the existing treatment capacity as per consents granted by the SPCB/PCC), and
- (b) decontamination plan of the CBWTF for execution of such plan prior to closure of a CBWTF.

4) Applicability of these guidelines

These guidelines are applicable to all the upcoming or new CBWTFs. In case of the existing CBWTFs, these guidelines shall be applicable in case

- (a) the existing CBWTFs desires to expand or enhance the existing treatment capacity
- (or)**
- (b) the existing CBWTFs desires to modernize the existing treatment equipment with the new equipment with enhancement in the existing treatment capacity.
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5) Environmental laws applicable for commissioning or operation of a CBWTF

Operation of a CBWTF leads to air emissions as well as waste water generation as in case of an industrial operation. Most common sources of waste water generation in CBWTFs are vehicle washing, floor washing, and scrubbed liquid effluent from air pollution control systems attached with the incinerator/plasma pyrolysis. Incineration as well as DG Set is the general source of air emissions.

5.1 Any other approvals (such as Land Use /Change in Land Use as applicable) required from the concerned authorities under various laws have to be complied with by the proponent of the CBWTF prior to development of a CBWTF.

5.2 Consents under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 as well as Authorization under the BMWM Rules, 2016

The project proponent of the CBWTF is required to obtain 'Consent to Establishment' under Rule 25 of the Water (Prevention and Control of Pollution) Act, 1974 and under Rule 21 of the Air (Prevention and Control of Pollution) Act, 1981, from the respective prescribed authority i.e. SPCB/PCC. Upon installation of the requisite equipment, the CBWTF Operator is also required to obtain authorization under BMWM Rules, 2016 co-terminus with consent to operate under Water (Prevention and Control of Pollution) Act, 1976 & Air (Prevention and Control of Pollution) Act, 1981 from the respective SPCB/PCC prior to commencement of the CBWTF.

5.3 Environmental Clearance under EIA Notification 2006

Ministry of Environment, Forest & Climate Change (MoEF & CC), notified amendment to the EIA Notification 2006 and published vide MoEF & CC Notification of S.O. 1142 (E) dated April 17, 2015. According to this notification, the 'bio-medical waste treatment facility' is categorized under the Item 7 (da) in the schedule, requiring 'environmental clearance' from the State Environment Impact Assessment Authority (SEIAA). Therefore, the CBWTF operator is also required to obtain 'Environmental Clearance (EC)' from the respective SEIAA or Ministry of Environment, Forest & Climate Change (MoEF & CC), as the case may be, before any construction work, or preparation of land by the projects management, which include the following:

- a) All new projects or activities pertaining to the bio-medical waste treatment facility; and
 - b) Expansion and modernization with additional treatment capacity of existing bio-medical waste treatment facility (excluding augmentation of incineration facility)
-

for compliance to the residence time as well as Dioxins and Furans without enhancing the existing treatment capacity).

- c) Any expansion or modification in the treatment capacity or relocation of the existing CBWTF (requires compliance to the relevant provisions notified under the Environment (Protection) Act, 1986 by the MoEF & CC

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 odour 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
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F. No. 20/4/2021-HSMD
Government of India
Ministry of Environment, Forest & Climate Change
(HSM Division)

Level II, Jal Wing,
Indira Paryavaran Bhawan
New Delhi-110003

Dated: 13th March, 2024

To,

1.	The Member Secretary U.P. Pollution Control Board Building No. TC 12 V, Vibhuti Khand, Gomti Nagar, Lucknow 226010.	2.	The Member Secretary Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032
3.	The Principal Secretary, Environment, Forest and Climate Change Department, Govt. of UP, Babu Bhawan, Sachivalaya, Lucknow- 226001	4.	The Chairman State Level Environment Impact Assessment Authority, Vineet Khand-1, Gomti Nagar, Lucknow-226010, UP

Subject: Representation against illegal functioning and operation of CBWTF by M/s Synergy Waste Management Pvt. Ltd in violation of EP Act, 1986 and CPCB revised guidelines as notified under BMW Rules, 2016-reg

Sir,


Reference may kindly be made to a communication dated 03.03.2024 received from Shri Raju Singhal regarding illegal functioning of a Common Biomedical Waste Treatment and Disposal Facility (CBWTF) operated by M/s Synergy Waste Management Pvt. Ltd at Subharti Medical College, Meerut, Uttar Pradesh. A copy of the complaint received is attached herewith for reference, which is self-explanatory.

2. In this regard, it is to be mentioned that contents of the communications alleged that UPPCB has permitted M/s Synergy Waste Management Pvt. Ltd to operate as Captive Treatment Facility, and not CBWTF, however M/s Synergy Waste Management Pvt. Ltd is operating a CBWTF. Further, CBWTF is situated inside the Subharti Hospital and surrounded by College, and land use of institutional area does not qualify for operations of CBWTF as per BMW Rules, 2016. The complainant has also alleged that the minimum area requirements for a CBWTF are also not met by the facility in question.

3. This Ministry had sent communications to the concerned Central/ State Agencies (CPCB, UPPCB, SEIAA, State Health Deptt.) earlier also vide letter dated 17th September, 2021, 16th February, 2022, 6th February, 2023, 16th February, 2023 and 1st August, 2023; however, no response has been provided as yet.

3. Considering that the complainant is persistently taking up the matter with concerned agencies for a resolution and authorities are duty-bound to examine the issue and take remedial measures, it is requested to examine the matter under reference on PRIORITY in line with the provisions of Bio-medical Waste Management Rules, 2016 and CPCB guidelines framed thereunder. An ATR in the matter may be submitted to the Ministry, at the earliest and complainant may also be informed about the action initiated.

Encl: As above


(Ved Prakash Mishra)

Director (HSMD)

Copy for information to:

- Shri Raju Singhal, R.Z.L.-7A, Gali No. 3, West Sagarpur, Delhi-110046

for compliance to the residence time as well as Dioxins and Furans without enhancing the existing treatment capacity).

- c) Any expansion or modification in the treatment capacity or relocation of the existing CBWTF (requires compliance to the relevant provisions notified under the Environment (Protection) Act, 1986 by the MoEF & CC

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 odour 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.
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क्षेत्रीय कार्यालय
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड,
पाकेट -टी.सी-3/2, पल्लवपुरम फेस-2,
मोदीपुरम, मेरठ-250110 (उ०प्र०)

संदर्भ सं०: 503/C/Synergy waste Mgt/2023.

दिनांक: 11-8-23.

श्री० सिनर्जी वेस्ट मैनेजमेंट प्रा० लि०,
सुभारती मेडिकल कॉलेज,
मेरठ।

नोटिस

विषय:- Bio Medical Waste Management Rules, 2016 तथा वायु गुणता प्रबन्धन आयोग के निर्देशों का अनुपालन सुनिश्चित किये जाने के सम्बन्ध में।

उपरोक्त विषयक संदर्भ ले। इस कार्यालय स्तर से आपकी इकाई का दिनांक 08.08.2023 को निरीक्षण किया गया। निरीक्षण में पाया गया कि आप द्वारा डीजल का प्रयोग कर इन्सिनिरेटर का संचालन किया जा रहा है, जबकि आपकी इकाई को डीजल के स्थान पर पी०एन०जी०/सी०एन०जी०/वायो फ्यूल आदि के प्रयोग किये जाने की शर्त के साथ सहमति जल/वायु निर्गत की गयी है। इकाई के विरुद्ध पर्यावरणीय प्राविधानों का अनुपालन न किये जाने के सम्बन्ध में शिकायतें प्राप्त हो रही हैं।

उपरोक्त के दृष्टिगत आपको निर्देशित किया जाता है कि Bio Medical Waste Management Rules, 2016 के प्राविधानों तथा राष्ट्रीय राजधानी एवं सन्निकट क्षेत्र वायु गुणता प्रबन्धन आयोग (CAQM in NCR&AA) द्वारा ईंधन तथा उत्सर्जन के सम्बन्ध में जारी किये गये निर्देशों की समेकित अनुपालन आख्या साक्ष्य सहित इस कार्यालय को उपलब्ध कराना सुनिश्चित करें अन्यथा की दशा में संस्थान के विरुद्ध इस कार्यालय स्तर से की गयी नियमानुसार कार्यवाही हेतु संस्था का स्वयं का उत्तरदायित्व होगा।

भवदीय,

(भुवन प्रकाश यादव)
क्षेत्रीय अधिकारी

क्षेत्रीय कार्यालय :- पाकेट -टी.सी-3/2, पल्लवपुरम फेस-2, मोदीपुरम, मेरठ-250110 (उ०प्र०)
बोर्ड मुख्यालय :- पर्यावरण भवन, टी.सी.-12, वी. विभूति खण्ड, गोमती नगर, लखनऊ-226010 (उ०प्र०)

COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS
17th Floor, Jawahar Vyapar Bhawan (STC Building)
Tolstoy Marg, New Delhi-110001

F. No. A-110018/01/2021-CAQM/8218-40

Dated: 23rd June, 2022

Subject: Standard list of approved fuels for various applications across NCR.

WHEREAS, emissions due to use of polluting fuels for various industrial, vehicular, domestic and miscellaneous purposes contribute significantly to the degradation of air quality in the NCR and adjoining areas and accordingly a consistent need has been felt to switch over to lesser polluting and cleaner fuel in the NCR;

2. WHEREAS, the Central Govt., State Govts. in the NCR and the Govt. of the NCT of Delhi have been continually making efforts to move towards use of cleaner fuels across various sectors contributing to the overall air quality in the region;

3. WHEREAS, the Govt. of NCT of Delhi and the State Govts. of Haryana and Rajasthan have an approved fuel list for various applications in their respective states, including the districts in the NCR, the State of Uttar Pradesh presently does not have an approved fuel list of its own;

4. WHEREAS, a perusal of such approved fuel lists as above indicates that there are still some heavily polluting fuels featuring in the approved fuel lists like coal, HSD, Naptha, LDO etc., the lists are not comprehensive, non-uniform and vary significantly from state to state;

5. WHEREAS, the matter related to use of clean fuels for industrial applications has already been deliberated extensively in the Commission from time to time and shifting of industries to PNG / cleaner fuels has been a priority area for the Commission and to this effect, statutory directions for permissible fuels for industrial applications in the NCR have already been issued in terms of Direction Nos. 53, 62, 63 and 64 dated 04.02.2022, 17.03.2022, 18.05.2022 and 02.06.2022 respectively;

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6. WHEREAS, the concerns of air pollution are uniform across NCR and particularly from the standpoint of a common airshed approach for the entire NCR and adjoining areas, it is desirable to have a unified list of approved fuels for various applications across all sectors in the entire territorial jurisdiction of the NCR towards aiming for uniform and better emission standards and an overall improved air quality in the region;

7. WHEREAS, in pursuance of the Order of Hon'ble Supreme Court of India dated 16.12.2021 (Civil) No 1135 in the matter of Aditya Dubey (minor) and Anr v/s UOI & Ors, directed the Commission to with a view to "find permanent solution to the air pollution menace occurring every year in Delhi and NCR, suggestions may be invited from the general public as well as the experts in the field, an Expert Group was constituted by the Commission to examine and deliberate upon all such suggestions and proposals;

8. WHEREAS, the Expert Group in their report in the subject matter have also strongly recommended phasing out usage of heavily polluting fossil fuels like coal, diesel oil, light diesel oil (LDO), Pyrolysis oil, Naptha etc. across NCR and to this end, have recommended a "Common" approved fuel list for NCR, incorporating cleaner fuels, to the extent possible;

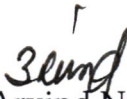
9. WHEREAS, the proposed standard / common fuel list for NCR was also deliberated upon as an agenda item in the recently held meeting of the full Commission on 25.05.2022 and considering the need to optimally balance the imperatives of sustainability of operations as also the emissions from use of various types/ categories of fuels that have a direct bearing on the air quality, the Commission approved the standard fuel list for uniform adoption of clean fuels across the entire NCR, barring some exceptions;

10. NOW, THEREFORE, in exercise of its powers under Section 12 of the Act, the Commission hereby directs for adoption of a standard list of fuels in NCR as annexed;

Handwritten signature

11. The aforesaid standard list of approved fuels shall come in force w.e.f. 01.10.2022 (for areas where PNG infrastructure and supply is already available) and w.e.f. 01.01.2023 (for other areas where the PNG supply is still not available). In effect, the approved fuel list shall be completely in force in the entire NCR w.e.f. 01.01.2023.

12. Strict compliance of the above noted directions of the Commission be ensured by all concerned.


(Arvind Nautiyal)
Member-Secretary

Tel No.: 011-23701197

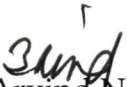
Email: arvind.nautiyal@gov.in

To,

1. The Chief Secretary, Govt. of Haryana.
2. The Chief Secretary, Govt. of Rajasthan.
3. The Chief Secretary, Govt. of Uttar Pradesh.
4. The Chief Secretary, Govt. of NCT of Delhi.
5. Member Secretary, Haryana State Pollution Control Board.
6. Member Secretary, Rajasthan State Pollution Control Board.
7. Member Secretary, Uttar Pradesh State Pollution Control Board.
8. Member Secretary, Delhi Pollution Control Committee.

Copy to:

The Chairperson and all Members, CAQM.


(Arvind Nautiyal)
Member-Secretary

Standard list of approved fuels for entire NCR

- **Petrol** (BS VI with 10 ppm Sulphur) as per Notification of Government of India as amended from time to time- **Vehicular fuel**
- **Diesel** (BS VI with 10 ppm Sulphur) as per Notification of Government of India as amended from time to time- **Vehicular fuel**
- **Hydrogen/Methane-** Vehicular and Industrial purposes.
- **Natural Gas (CNG/ PNG/ LNG) – Vehicular, Industrial and Domestic Purposes**
- **Liquified Petroleum Gas (LPG) /Propane/Butane – Vehicular, Industrial and Domestic Purposes**
- **Electricity - Vehicular, Industrial, Commercial and Domestic Purposes.**
- **Aviation turbine fuel**
- **Biofuels** (Bio-alcohols, Bio-diesel, Bio-gas, CBG, Bio-CNG)- **for industrial/vehicular/Domestic purposes as applicable.**
- **Refuse Derived Fuel (RDF)** for Power plants, Cement plants, Waste to Energy plants.
- **Firewood/ Biomass briquettes for religious purposes.**
- **Wood/Bamboo Charcoal** for Tandoors and Grills of Hotels/Restaurants/Banquet Halls (with emission channelization/control system) and Open eateries/ Dhabas.
- **Wood charcoal** for cloth ironing.
- **Electricity/ CNG/ Firewood and Biomass briquettes** for Crematoria.

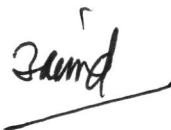
22/11/20

Annexure to Direction No. 65Fuels permissible only beyond the jurisdiction of GNCTD

- **Biomass/Agriculture refuse and Pellets/ briquettes** - for Industrial Boilers, Power plants, Biofuel projects, Cement industry, Waste to Energy plants etc.
- **Biomass Pellets/ briquettes** - for Tandoors and Grills of Hotels/ Restaurants/ Banquet Halls (along with mandatory emission channelization/ control system) and for Open eateries/ Dhabas.
- **Metallurgical coke** - For industrial purposes in standalone Cupola based Foundries.
- **“Low Sulphur Fuels” namely LSHS, Very Low Sulphur fuel oil & Ultra-Low Sulphur fuel Oil** - for industrial purposes in metal smelting/melting/ refining / heating furnaces and kilns.

NOTE:

1. Coal with low Sulphur shall be permitted as fuel only in Thermal Power Plants in the NCR.
2. Specific requirement of any other fuel(s), other than in the lists above, by a class/category of industries / other entities, owing to technical, technological and / or process requirements shall be considered by CAQM on merits.
3. Any other clean fuel notified by the Govt. of India, from time to time, shall be included in the list appropriately.
4. All other fuels will be deemed as “unapproved” in as far as the NCR is concerned.





सत्यमेव जयते

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राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्र
वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in
National Capital Region and
Adjoining Areas



F. No. A110018/01/2021/CAQM

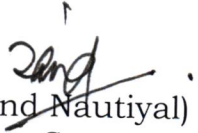
Dated: 3rd April' 2023

Addendum to Direction No: 65

Subject: Standard list of approved fuels for various applications across NCR - reg.

Pursuant to the approval of the Commission at the meeting held on 10.03.2023 and in partial modification of the Commission's Direction No. 65 dated 23.06.2022, 'Annexure to Direction No.-65' is hereby updated and may now be read as **annexed** with this addendum.

Enclosure: As above


(Arvind Nautiyal)
Member - Secretary

To

1. Member Secretary, UP State Pollution Control Board.
2. Member Secretary, Haryana State Pollution Control Board.
3. Member Secretary, Rajasthan State Pollution Control Board.
4. Member Secretary, Delhi Pollution Control Committee.

Copy to:

1. Chief Secretary, Government of Haryana, Haryana.
2. Chief Secretary, Government of Uttar Pradesh, Uttar Pradesh.
3. Chief Secretary, Government of Rajasthan, Rajasthan.
4. Chief Secretary, Government of NCT of Delhi, New Delhi.
5. Chairman, UP State Pollution Control Board.
6. Chairman, Haryana State Pollution Control Board.
7. Chairman, Rajasthan State Pollution Control Board.
8. Chairman, Delhi Pollution Control Committee.
9. Chairman, CPCB, New Delhi.
10. Addl. Secretary, Ministry of Environment, Forest and Climate Change, New Delhi.


(R.K. Agrawal)
Director

(Revisions highlighted in bold letters)

Standard list of approved fuels for entire NCR

- Petrol (BS VI with 10 ppm Sulphur) as per Notification of Government of India as amended from time to time – Vehicular fuel
- Diesel (BS VI with 10 ppm Sulphur) as per Notification of Government of India as amended from time to time – Vehicular fuel and **fuel for Power Generating Set.**
- Hydrogen/Methane – Vehicular and Industrial purposes
- Natural Gas (CNG/PNG/LNG) – Vehicular, Industrial and Domestic Purposes
- Liquefied Petroleum Gas (LPG) /Propane/Butane – Vehicular, Industrial and Domestic Purposes
- Electricity – Vehicular, Industrial, Commercial and Domestic Purposes.
- Aviation turbine fuel
- Biofuels (Bio-alcohols, Bio-diesel, Bio-gas, CBG, Bio-CNG)- for industrial/vehicular/Domestic purposes as applicable.
- Refuse Derived Fuel (RDF) for Power plants, Cement plants, Waste to Energy plants.
- Firewood / Biomass briquettes for religious purposes.
- Wood/Bamboo Charcoal for Tandoors and Grills of Hotels/Restaurants/ Banquet Halls (with emission channelization/control system) and Open eateries/Dhabas
- Wood charcoal for cloth ironing.
- Electricity/CNG/Firewood and Biomass briquettes for Crematoria.



Fuels permissible only beyond the jurisdiction of GNCTD

- **Pellets/briquettes made out of biomass/Agriculture refuse, rice-husk, waste wood, saw dust and chips generating during wood processing wastes/ saw dust** – for Industrial Boilers, Power plants, Biofuel projects, Cement industry, Waste to Energy plants etc.
- **Wood Charcoal – for lead recycling (secondary process) units**
- Biomass Pellets/briquettes – for Tandoors and Grills of Hotels/Restaurants/Banquet Halls (along with mandatory emission channelization/ control system) and for Open eateries/Dhabas.
- Metallurgical coke – For industrial purposes in standalone Cupola based Foundries.
- “Low Sulphur Fuels” namely LSHS, Very Low Sulphur fuel oil & Ultra-Low Sulphur fuel Oil – for industrial purposes in metal smelting/melting/refining/heating furnaces and **in Tunnel/ Refractory** kilns.

NOTE:

1. Coal with low Sulphur shall be permitted as fuel only in Thermal Power Plants (**TPPs**) including **Captive TPPs** in the NCR.
2. **“Wood, wood logs/ blocks etc.” shall not be permitted as approved fuels.**
3. Specific requirement of any other fuels(s), other than in the lists above, by a class/category of industries/other entities, owing to technical, technological and/or process requirement shall be considered by CAQM on merits.
4. Any other clean fuel notified by the Govt. of India, from time to time, shall be included in the list appropriately.
5. All others fuels will be deemed as “unapproved” in as far as the NCR is concerned.

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as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986 and the various orders issued by the MOEF&CC, CPCB and SPCB in time to time .

28. The use of Pet coke and Furnace oil as a fuel in the factory is restricted in compliance of the Hon'ble Supreme court order till further direction.

29. Fly ash shall be stored separately as per CPCB guidelines so that it should not adversely affect the air quality, becoming air borne by wind or water regime during rainy season by flowing along with storm water. Direct exposure of workers to fly ash & dust shall be avoided.

30. Industry shall submit Environmental Statement in prescribed form V as per rule no.14 of E.P Rules 1986.

31. The industry shall ensure provisions of Roof Top Rain Water Harvesting system and Ground Water Recharging Proposal/compliance report should be sent to the Board within One month.

32. Industry shall dispose the hazardous waste through authorized recyclers/TSDf and obtained HWA from the Board.

33. The industry shall provide adequate arrangement for fighting the accidental leakages/ discharge of any air pollutant/gas/liquid from the vessel, machinery etc. which are likely to cause fire hazard including environmental pollution.

34. This consent is valid only for products and quantity mentioned above. Industry shall obtain prior approval before making any modification in product/process /fuel/ Plant machinery failing which consent would be deemed void.

35. Industry shall abide by orders / directions issued by Hon'ble Supreme Court Hon'ble High Court, Hon'ble National Green Tribunal, Central Pollution Control Board and U.P Pollution Control Board for protection and safe guard of environment from time to time.

36. Industry shall comply with various Bio-Medical Waste Management (Amendment) Rules, 2018, Bio-Medical Waste Management Rules, 2016, Waste Management Rules as notified by MoEF&CC i.e. Plastic Waste Management Rules, 2016, Solid Waste Management Rules, 2016, Hazardous and Other Wastes (Management and Transboundary) Rules, 2016, E-waste (Management) Rules, 2016, Construction and Demolition Waste Management Rules, 2016, Battery Rules 2000 and Noise Pollution (Regulation and Control) Rule, 2000.

37. The unit shall submit the audited balance sheet for the current year.

38. The industry shall establish Miyawaki forest inside the factory in sufficient area the treated effluent from the ETP shall be used for forestation.

39. Minimum 33% of the land on which industry is established will be covered by the plantation of tall trees of suitable species as per the guidelines set up by the Board vide its Office Order no.H16405/220/2018/02 dt. 16/02/2018. The copy of this guideline is available at URL http://www.uppcb.com/pdf/Green-Belt-Guidle_160218.pdf.

Chief Environmental Officer (Circle 3)

Copy to:

Regional Officer, U.P. Pollution Control Board, Meerut to ensure the compliance of the conditions imposed in the certificate.

Chief Environmental Officer (Circle 3)

उ०प्र० प्रदूषण नियंत्रण बोर्ड

टी.सी.-12वी, विभूतिखण्ड,
गोमतीनगर, लखनऊ

पत्रांक: H16405/220/2018/02

दिनांक: 16.02.2018.

कार्यालय ज्ञापविषय-वायु प्रदूषण नियंत्रण एवं कार्बन ऑफसेटिंग हेतु ग्रीन बेल्ट का विकास।

बोर्ड मुख्यालय के कार्यालय ज्ञाप संख्या-जी26524/220/2018/1, दिनांक 12.02.2018 का संदर्भ ग्रहण करने का कष्ट करें जिसके माध्यम से वायु प्रदूषण नियंत्रण एवं कार्बन ऑफसेटिंग हेतु ग्रीन बेल्ट के विकास हेतु दिशा-निर्देश जारी किये गये थे। उक्त कार्यालय ज्ञाप को अतिक्रमित करते हुए पुनः निम्नवत् कार्बन ऑफसेटिंग हेतु ग्रीन बेल्ट के विकास हेतु दिशा-निर्देश जारी किये जा रहे हैं।

प्रदेश में वायु प्रदूषण के मुख्य कारक औद्योगिक इकाईयों, वाहनों से जनित उत्सर्जन में प्रदूषणकारी गैसों, भवन निर्माण परियोजनाएं एवं विकास सम्बन्धी निर्माण गतिविधियों से जनित धूल के कण इत्यादि हैं। मा० राष्ट्रीय हरित अभिकरण, नई दिल्ली द्वारा ओ०ए० सं०-21/2014, वर्धमान कौशिक बनाम यूनियन आफ इंडिया व अन्य में पारित आदेश दि०-04.12.2014 में "Polluter Pays" के सिद्धांत के तहत प्रदूषणकारी उद्योगों, निर्माण परियोजनाओं इत्यादि से प्रदूषण के संबंध में प्रतिकर का भुगतान अधिरोपित कराये जाने के आदेश दिये गये हैं। उक्त के अतिरिक्त औद्योगिक इकाईयों द्वारा उत्पादन की प्रक्रिया से एवं निर्माण परियोजनाओं से कार्बन अथवा ग्रीनहाउस गैसों का भी उत्सर्जन होता है, जिससे वातावरण में कार्बन डाई आक्साइड का स्तर लगातार बढ़ रहा है। उक्त के दृष्टिगत औद्योगिक इकाईयों एवं निर्माण परियोजनाओं द्वारा प्रदूषण में कमी एवं वृक्षारोपण के माध्यम से कार्बन उत्सर्जन की ऑफसेटिंग किया जाना उनका एक महत्वपूर्ण उत्तरदायित्व है।

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा विकास एवं औद्योगिक परियोजनाओं में पर्यावरण सुरक्षा सुनिश्चित किये जाने हेतु अनेक निर्णय लिये गये हैं तथा पर्यावरण संघात निर्धारण गाइडलाइन के द्वारा उद्योगों एवं निर्माण परियोजनाओं द्वारा वायु प्रदूषण नियंत्रण के दृष्टिगत वृक्षारोपण किया जाना अनिवार्य किया गया है। परन्तु प्रायः यह देखा जा रहा है कि वृक्षारोपण प्रभावी तरीके से नहीं किये जा रहे हैं। वृक्षारोपण अथवा ग्रीन बेल्ट में उचित प्रजातियों का रोपण किये जाने से एक ओर वायु प्रदूषण को नियंत्रित करने में सफलता प्राप्त होगी वहीं दूसरी ओर वायुमंडल की कार्बन-डाई-आक्साइड के अवशोषित होने से "कार्बन ऑफसेटिंग" भी प्राप्त होती है।

प्रदेश में वायु प्रदूषण के मुख्य कारक एवं मा० राष्ट्रीय हरित अभिकरण के निर्देश।

वायु प्रदूषण नियंत्रण ग्रीनहाउस गैसों के उत्सर्जन में कमी लाने हेतु वृक्षारोपण का विकल्प।

विकसित हरित पट्टिका
की देखरेख एवं सतत
अनुश्रवण के सम्बन्ध में
निर्देश।

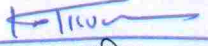
उक्त के दृष्टिगत पर्यावरण विभाग द्वारा औद्योगिक इकाईयाँ अथवा निर्माण एजेन्सियों द्वारा औद्योगिक भूखण्ड, सामुदायिक भूमि, परित्यक्त खदानों की भूमि व सेनेटरी लैंडफिल साइट्स पर किये जाने वाले ग्रीन बेल्ट वृक्षारोपण के प्रोटोकाल बनाये गये हैं जो कि संलग्न हैं। ग्रीन बेल्ट, सामुदायिक भूमि अथवा लैंडफिल साइट्स पर वृक्षारोपण संलग्न प्रोटोकॉल के आधार पर अनिवार्य रूप से किया जाय ताकि वायु प्रदूषण नियंत्रण एवं कार्बन ऑफसेटिंग प्रभावी तरीके से की जा सके। इस प्रकार विकसित हरित पट्टिका की सतत देखरेख, सुरक्षा, अनुरक्षण एवं अतिक्रमण से मुक्त रखने का दायित्व हरित पट्टिका को वित्त पोषित कर विकसित करने वाले उद्योग इकाई पर होगा। यदि औद्योगिक इकाई के विस्तार या अन्य प्रयोजन हेतु हरित पट्टिका की भूमि की आवश्यकता समझी जाती है, तब उ०प्र० प्रदूषण नियंत्रण बोर्ड की पूर्व अनुमति से उपयुक्त स्थल पर समतुल्य या अधिक क्षेत्र में हरित पट्टिका विकसित कराया जाना अनिवार्य होगा। उ०प्र० प्रदूषण नियंत्रण बोर्ड स्वयं या किसी एजेन्सी के माध्यम से समय-समय पर विकसित हरित पट्टिका का निरीक्षण करवा कर रिपोर्ट प्राप्त कर सकता है तथा आवश्यक बाध्यकारी सुझाव भी दे सकता है। उ०प्र० प्रदूषण नियंत्रण बोर्ड द्वारा उक्त प्रोटोकॉल के आधार पर ही ग्रीन बेल्ट वृक्षारोपण किये जाने की शर्त जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 एवं वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 के प्राविधानों के अन्तर्गत स्थापनार्थ सहमति प्रदान करते समय अनिवार्य रूप से लगायी जाये।

संलग्नक:-यथोपरि।


(आशीष तिवारी)
सदस्य सचिव

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. अध्यक्ष, उ०प्र० प्रदूषण नियंत्रण बोर्ड।
2. मुख्य पर्यावरण अधिकारी (प्रशासन), उ०प्र० प्रदूषण नियंत्रण बोर्ड।
3. समस्त मुख्य पर्यावरण अधिकारी/वृत्त प्रभारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड।
4. समस्त क्षेत्रीय अधिकारी/क्षेत्रीय अधिकारी(प्रभारी), उ०प्र० प्रदूषण नियंत्रण बोर्ड।
5. समस्त विधि अधिकारी-प्रथम/द्वितीय, उ०प्र० प्रदूषण नियंत्रण बोर्ड।
6. गार्ड फाइल।


सदस्य सचिव

ग्रीन बेल्ट के विकास हेतु प्रोटोकाल

(I) औद्योगिक क्षेत्र में ग्रीन बेल्ट का रोपण :-

औद्योगिक क्षेत्र में ग्रीन बेल्ट का रोपण।

- (1) परिपक्वता पर 8-10 मीटर- ऊँचे वृक्ष प्रदूषण स्रोत के चारों ओर रोपित किये जाये।
- (2) बहुपंक्ति रोपण में वृक्षों का स्टैगर्ड (Staggered) रोपण किया जाये।
- (3) पंक्तियों के बीच में छोटी झाड़ियों का रोपण किया जाये जिससे तने के बीच का अंतराल ढक सके।
- (4) खुले क्षेत्र, जहाँ रोपण संभव न हो, वहाँ ग्रास लैंड/श्रुब्स (Grass/Shrubs) का विकास किया जाये।
- (5) प्रजातियों का चयन इस प्रकार हो कि वृक्ष सदाबहार बड़े छत्र वाले तथा प्रदूषणरोधी हों।

(I-अ) उद्योगों, परियोजनाओं एवं औद्योगिक क्षेत्र में ग्रीन बेल्ट की चौड़ाई:-

उद्योगों, परियोजनाओं एवं औद्योगिक क्षेत्र में ग्रीन बेल्ट की चौड़ाई।

उद्योग का वर्ग	उद्योग की श्रेणी	न्यूनतम ग्रीन बेल्ट की चौड़ाई
लाल	वृहद	200 मीटर अथवा कुल क्षेत्रफल का 33 प्रतिशत (जो न्यूनतम हो)
	मध्यम	100 मीटर अथवा कुल क्षेत्रफल का 33 प्रतिशत (जो न्यूनतम हो)
	लघु	30 मीटर अथवा कुल क्षेत्रफल का 33 प्रतिशत (जो न्यूनतम हो)
नारंगी	वृहद	100 मीटर अथवा कुल क्षेत्रफल का 33 प्रतिशत (जो न्यूनतम हो)
	मध्यम/लघु	20 मीटर अथवा कुल क्षेत्रफल का 33 प्रतिशत (जो न्यूनतम हो)
हरा	समस्त उद्योग	10 मीटर अथवा कुल क्षेत्रफल का 33 प्रतिशत (जो न्यूनतम हो)
अन्य परियोजनाएं		
औद्योगिक क्षेत्र		500 मीटर अथवा कुल क्षेत्रफल का 33 प्रतिशत (जो न्यूनतम हो)
लैंड फिल साइट		200 मीटर अथवा कुल क्षेत्रफल का 33 प्रतिशत (जो न्यूनतम हो)
टी0एस0डी0एफ0		200 मीटर अथवा कुल क्षेत्रफल का 33 प्रतिशत (जो न्यूनतम हो)

(I-ब) औद्योगिक क्षेत्र में ग्रीन बेल्ट का मॉडल :-

औद्योगिक क्षेत्र में ग्रीन बेल्ट का मॉडल।

- वृक्षों का अंतराल - 3 मीटर x 3 मीटर
- वृक्षों का रोपण पैटर्न - स्टैगर्ड (Staggered) पंक्ति
- वृक्ष पंक्तियों के अंतराल में छोटे वृक्ष/झाड़ियों का रोपण का अंतराल - 1 मीटर x 1 मीटर

(I-स) मुख्य प्रदूषणकारक के आधार पर रोपण हेतु वृक्ष, झाड़ी, घास की प्रजातियां :-

मुख्य प्रदूषणकारक के आधार पर रोपण हेतु वृक्ष, झाड़ी, घास की प्रजातियां

मुख्य प्रदूषणकारक	वृक्ष प्रजातियाँ	झाड़ी प्रजातियाँ	घास प्रजातियाँ
पार्टिकुलेट मैटर	कैसिया सेमिया, सिरस, चितवन, कदम्ब, नीम, अमलतास, शीशम, महुआ, फाईकस	कढ़ी पत्ता, क्रोटन, टेकोमा, कैसिया ग्लूका, ढाक	बीयर्ड ग्रास, ब्लूस्टेम, बफैलो ग्रास, अंजन, बर्डवुड ग्रास, दूर्वा ग्रास (बर्मूडा ग्रास), गुरिया ग्रास
सल्फर आक्साइड्स	सिरस, अरु, चितवन, कदम्ब, नीम, बांस, महुली, सेमल, महुआ, इमली, फाईकस	आंवला, ढाक, सुबबूल, लैन्टाना	बीयर्ड ग्रास, ब्लूस्टेम, बफैलो ग्रास, अंजन, बर्डवुड ग्रास, दूर्वा ग्रास (बर्मूडा ग्रास), गुरिया ग्रास
नाइट्रोजन आक्साइड्स	चिलबिल, आम, सिरस, महुआ, जामुन, नीम, शीशम	महुली, सुबबूल, ढाक, लैन्टाना	बीयर्ड ग्रास, ब्लूस्टेम, बफैलो ग्रास, अंजन, बर्डवुड ग्रास, दूर्वा ग्रास (बर्मूडा ग्रास), गुरिया ग्रास

ग्रीन बेल्ट हेतु मानक शर्तें।

(I-द) ग्रीन बेल्ट हेतु मानक शर्तें :-

- (1) ग्रीन बेल्ट का क्षेत्र औद्योगिक परिसर के क्षेत्र (जिसमें रिहायशी क्षेत्र आदि भी सम्मिलित हैं) का कम से कम 33 प्रतिशत रखा जाना अनिवार्य है।
- (2) ग्रीन बेल्ट के वृक्षों के पालन (मृत हो जाने की स्थिति में आगामी वर्षाकाल में उचित प्रजाति के कम से कम 8 फीट ऊँचे पौधे रोपित किये जाये)।
- (3) ग्रीन बेल्ट की स्थापना हेतु कम से कम 8 फीट ऊँचे पौधों का रोपण किया जाये।
- (4) ग्रीन बेल्ट की ताड़-बाड़ इत्यादि से पर्याप्त सुरक्षा व्यवस्था सुनिश्चित की जाये।
- (5) ग्रीन बेल्ट में रोपित पौधों की सिंचाई व खाद इत्यादि किये जाने की व्यवस्था रखी जाये।

(6) उद्योग के शोधित उत्प्रवाह का उपयोग ग्रीन बेल्ट की सिंचाई हेतु किया जाये।

(II) सामुदायिक भूमि पर ग्रीन बेल्ट वृक्षारोपण

सामुदायिक भूमि पर
ग्रीन बेल्ट वृक्षारोपण।

50 एकड़/100 एकड़ क्षेत्र में वृक्षारोपण हेतु शासनादेश संख्या-752/31-2013- 20/2012 टी0सी0 दिनांक 22-04-2013 द्वारा निर्देश जारी किए गये हैं। उक्त वृक्षारोपण ग्रीन बेल्ट माडल के आधार पर किया जायेगा। उक्त में रोपित किए जाने वाले पौधों की ऊंचाई कम से कम 8 फीट होनी चाहिए। रोपण क्षेत्र में सिंचाई की सुविधा सुनिश्चित की जायेगी तथा सुरक्षा एवं सुरक्षा खर्च, पत्थर दीवाल आर0सी0सी0 खम्भे व कांटेदार ताड़-बाड़ किया जायेगा।

रोपण हेतु 60 से0मी0 X 60 से0मी0 X 60 से0मी0 गड्ढे का खुदान माह-फरवरी तक पूर्ण किया जायेगा। पौध से पौध एवं पंक्ति से पंक्ति की दूरी 4 मीटर X 4 मीटर रखी जायेगी। माह जून में गड्ढा भरान के समय उचित मात्रा में जैविक खाद मिला कर गड्ढा भरान किया जाये। उक्त वृक्षारोपण हेतु यथा सम्भव ऊसर, पथरीली, कम मृदा वाले क्षेत्रों का चयन न किया जाये, उन्हीं क्षेत्रों का चयन किया जाये जहां मृदा की गहराई कम से कम 1.5 मीटर हो तथा जड़ों का विकास सम्भव हो।

(II-अ) क्षेत्र आधारित वृक्षों की प्रजातियां:-

क्षेत्र आधारित वृक्षों की
प्रजातियां।

क्षेत्र	वृक्ष की प्रजातियाँ
ऊसर क्षेत्र	बबूल, सुबबूल, कंजी, सिरस, अर्जुन, ढाक, शीशम, आंवला, जंगल जलेबी, बेर, अकेसिया औरिकुलोफॉर्मिस, कैजूराइना, प्रोसोपिस।
बीहड़ क्षेत्र	शीशम, नीम, आंवला, सिरस, बांस, कंजी, महुआ, बेल, सहजन, पापड़ी।
खादर-खोला क्षेत्र	शीशम, अर्जुन, कठसागौन, कैजूरीना, बकैन, जामुन, खैर, विलायती बबूल, कालासिरस, सुबबूल, सहजन।
विन्ध्य क्षेत्र	महुआ, सिरस, बेल, जामुन, बहेड़ा, आंवला, इमली, पीपल, बरगद, चिलबिल, कैथा, रीठा, अकेसिया औरिकुलोफॉर्मिस, कैसिया स्यामिया, सहजन।
तराई एवं गंगा के मैदानी क्षेत्र	शीशम, सागौन, सिरस, खैर, अर्जुन, जामुन, सहजन।

(III) अबैन्दन्ड सैनितरी लैण्डफिल साइट्स (Abandoned Sanitary Landfill Sites) पर वृक्षारोपण

अबैन्दन्ड सैनितरी
लैण्डफिल साइट्स
(Abandoned
Sanitary
Landfill Sites)
पर वृक्षारोपण।

1. अन्तिम कवर 60 सेन्टीमीटर क्ले अथवा मिट्टी जिसका परमीयबिलिटी कोफिशिएंट 1×10^{-7} सेन्टीमीटर/सेकेण्ड से कम हो, द्वारा किया जाए।
2. अन्तिम कवर के ऊपर 15 सेन्टीमीटर ड्रेनेज लेयर रखी जाए।

3. ड्रेनेज लेयर के ऊपर 45 सेन्टीमीटर वेजिटेटिव लेयर रखी जाए।
4. अबैन्डन्ड साइट्स के चारो दिशाओं में न्यूनतम 200 मीटर चौड़ी ग्रीन बेल्ट का विकास किया जाए। वृक्षों का अंतराल 3 मीटर X 3 मीटर रखा जाए तथा वृक्षों का रोपड़ स्टैगर्ड पंक्ति में किया जाए।
5. वृक्ष पंक्तियों के अंतराल में छोटे वृक्ष/झाड़ियों का रोपण का अंतराल 1 मीटर X 1 मीटर रखा जाय।

(III-अ) क्षेत्र आधारित वृक्षों की प्रजातियाँ:-

क्षेत्र	वृक्ष की प्रजातियाँ
ऊसर क्षेत्र	बबूल, सुबबूल, कंजी, सिरस, अर्जुन, ढाक, शीशम, आंवला, जंगल जलेबी, बेर, अकेसिया, कैजूराइना, प्रोसोपिस
बीहड़ क्षेत्र	शीशम, नीम, आंवला, सिरस, बांस, कंजी, महुआ, बेल, सहजन, पापड़ी।
खादर-खोला क्षेत्र	शीशम, अर्जुन, कटसागौन, कैजूरीना, बकैन, जामुन, खैर, विलायती बबूल, कालासिरस, सुबबूल।
विन्ध्य क्षेत्र	महुआ, सिरस, बेल, जामुन, बहेड़ा, आंवला, इमली, पीपल, बरगद, चिलबिल, कैथा, रीठा।
तराई एवं गंगा के मैदानी क्षेत्र	शीशम, सागौन, सिरस, खैर, अर्जुन, जामुन।

(III-ब) वृक्षों की पंक्तियों के मध्य में छोटी झाड़ियों का रोपण किया जायेगा।

झाड़ी प्रजातियाँ

कढ़ी पत्ता, क्रोटन, टेकोमा, केसिया ग्लूका, ढाक, आंवला, ढाक, सुबबूल, लैन्टाना, महुली, सुबबूल, ढाक, लैन्टाना, देशी मेंहदी।

(IV) परित्यक्त खदानों का पुनरुद्धार एवं पुनर्वास कर ग्रीन बेल्ट का विकास

प्रदेश में अनेक जनपदों में विशेषकर पत्थर की खदानों के परित्यक्त क्षेत्र उपलब्ध हैं जिनका पुनरुद्धार एवं पुनर्वास किया जाना आवश्यक है। इन क्षेत्रों में खनन किये गये निचले क्षेत्र के साथ साथ अत्यधिक ढलान वाली भूमि उपलब्ध होती है जिस पर सामान्य तौर पर वृक्षारोपण किया जाना सम्भव नहीं होता है। कोल एवं लिग्नाईट आधारित तापीय विद्युत संयंत्रों में फलाई ऐश के निस्तारण हेतु भूमि की उपलब्धता की समस्या होती है। ऐसी स्थिति में परित्यक्त खदानों के पुनरुद्धार हेतु कोल एवं लिग्नाईट आधारित तापीय विद्युत संयंत्रों से जनित फलाई ऐश का भरण कर ग्रीन बेल्ट का विकास किया जा सकता है जिससे एक ओर तो परित्यक्त

खदानों का पुनरुद्धार होगा, वहीं दूसरी ओर फलाई ऐश के निस्तारण की समस्या का समाधान भी हो सकेगा। पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा दिनांक 14-09-1999 एवं 25-01-2016 को अधिसूचना निर्गत कर फलाई ऐश, बॉटम ऐश या पाण्ड ऐश के प्रयोग के संबंध में गाईडलाईन निर्धारित की गई है जिसके अंतर्गत परित्यक्त खदानों के फलाई ऐश के द्वारा पुनरुद्धार हेतु भारतीय मानक ब्यूरो एवं भारतीय खान ब्यूरो की गाईडलाईन के अनुसार कार्यवाही किये जाने का प्राविधान किया गया है। उक्त के अतिरिक्त इस गाईडलाईन में तापीय विद्युत संयंत्रों से 100 किमी० की परिधि में सड़क निर्माण की परियोजनाओं अथवा भूमि सुधार हेतु आवश्यक फलाई ऐश का परिवहन का शत-प्रतिशत व्यय तापीय विद्युत संयंत्र के द्वारा वहन किया जाना अनिवार्य किया गया है। परित्यक्त खदानों की भूमि का पुनरुद्धार एवं वृक्षारोपण वहाँ की मृदा के सुधार हेतु अत्यन्त आवश्यक है। अतः तापीय विद्युत संयंत्रों के समीप स्थित परित्यक्त खदानों का पुनरुद्धार एवं पुनर्वास किये जाने का कार्य तापीय विद्युत संयंत्रों, भूतत्व एवं खनिकर्म विभाग एवं सिविल सोसाईटी के मध्य एक त्रिपक्षीय संगम ज्ञापन के आधार पर किया जा सकता है।

(IV-अ) परित्यक्त खदानों के पुनरुद्धार की कार्य विधि

1. परित्यक्त खदानों के निचले क्षेत्रों को फलाई ऐश स्लरी से भरान किया जाये ताकि फलाई ऐश उचित प्रकार से बैठ जाये।
2. फलाई ऐश के भरान से समतलीकरण के उपरान्त लगभग 8-10 इंच मोटी मृदा की पर्त बिछाई जाये ताकि फलाई ऐश का विसरण रुक सके।
3. समतल क्षेत्र में 2मीटर X 2.5मीटर के अन्तराल में 60सेमी X 60सेमी X 60सेमी आकार के गड्ढे खोदे जायें तथा उनका जैविक खाद इत्यादि मिलाकर भरान किया जाये।
4. वर्षाकाल में इन गड्ढों में उचित प्रजातियों के पौधों का रोपण किया जाये।
5. रोपण क्षेत्र की सुरक्षा हेतु परिधि पर कम से कम 05 लड़ी की तारबाड़ लगाई जाये तथा पौधों की सिंचाई हेतु बोरिंग या टैंकर इत्यादि के माध्यम से जल की उपलब्धता सुनिश्चित की जाये।
6. पौधों की पंक्तियों के मध्य उचित प्रजातियों की घास का रोपण किया जायेगा ताकि फलाई ऐश अनावृत न हो सके।
7. वृक्षारोपण में अधिकतम 04 फिट ऊँचाई की पौध रोपित की जाये।

(IV-ब) वृक्षारोपण हेतु वृक्षों एवं घास की प्रजातियाँ

वृक्ष—बबूल, जंगल जलेबी, शीशम, सिरस, अकेसिया ऑरिक्लोफार्मिस, बेर, पेल्टोफोरम फैरोजीनियम, कन्जी, अमलताश आदि।

घास—बीयर्ड ग्रास/ब्लूस्टेम (Bothriochloa pertusa), बफैलो ग्रास (Brachiaria mutica), मोरधन (Echinochloa colona), बर्डवुड ग्रास (Cenchrus setiger), दूर्वा ग्रास/बर्मूडा ग्रास (Cynodon dactylon), गुरिया ग्रास (Chrysopogon fulvus)।

Handwritten signature

F. No. 22-21/2020-IA.III

Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

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Date: 7th July, 2021**Office Memorandum**

Subject: Standard Operating Procedure (SoP) for Identification and handling of violation cases under EIA Notification 2006 in compliance to order of Hon'ble National Green Tribunal in O.A. No.34/2020 WZ - Regarding.

The Ministry had issued a notification number S.O.804(E), dated the 14th March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.

2. This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.

3. Hon'ble NGT in Original Application No. 287 of 2020 in the matter of Dastak N.G.O. Vs Synochem Organics Pvt. Ltd. &Ors. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar Vs. Central Ground Water Authority &Ors., vide order dated 03.06.2021 held that "(...) **for past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process**".

4. Further, the Hon'ble National Green Tribunal in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors., vide order dated 24.05.2021 has directed that "**...a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country**".

5. Therefore, in compliance to the directions of the Hon'ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of 'violation' cases which have been

pending for want of an approved structural/procedural framework based on 'Polluter Pays Principle' and 'Principle of Proportionality'. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.

6. In the light of the above directions of the Hon'ble Tribunal and the issues involved, the matter has accordingly been examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations / decisions of the Hon'ble Courts wherein principles of proportionality and polluters pay have been outlined.

7. Relevant Court Cases on the issue: It is noted that while deciding issues related to violations of the Environment Protection Act, 1986 on account of running the project/activity without prior environmental clearance or in excess of capacity allowed in such clearances, **the Hon'ble courts have, *inter-alia*, deliberated on various facets involving 'violation' cases and have enunciated principles of 'Proportionality' and 'Polluter Pays' in various decisions viz. Industrial Council for Enviro-Legal Action Vs Union of India (the Bichhri village industrial pollution case) (1996 SCC [3] 212); Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. (C.A. No. 1526 of 2016, order dated 1.4.2020) and Hindustan Copper Limited Vs Union of India in (W.P. (C) No. 2364 of 2014, order dated 28.11.2014).** The salient extracts of the judgements are as under:

Issue 1: Proposal for grant of Environmental Clearance in violation cases – to be considered on merits:

i. Hon'ble High Court of Jharkhand in the matter of Hindustan Copper Limited Vs Union of India in W.P. (C) No. 2364 of 2014, vide order dated 28.11.2014

Held: "(...) action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance cannot await initiation of action against the project proponent."

*"(...) the proposal of the petitioner company for **environmental clearance must be examined on its merits, independent of any proposed action for the alleged violation of the environmental laws.**"*

ii. Hon'ble Madras High Court in the matter of Puducherry Environment Protection Association Vs The Union of India in W.P. No. 11189 of 2017, vide order dated 13.10.2017

Held "27. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down only because of failure to obtain prior environmental clearance, even though the establishment may not otherwise be violating

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*pollution laws or the pollution, if any, can conveniently and effectively be checked. **The answer necessarily has to be in the negative.***

“29. It is reiterated that protection of environment and prevention of environmental pollution and degradation are non-negotiable. At the same time, the Court cannot altogether ignore the economy of the Nation and the need to protect the livelihood of hundreds of employees employed in projects, which as stated above, otherwise comply with or can be made to comply with norms.”

Issue 2: Environmental Clearance – Prospective & not ex-post facto:

Hon’ble Supreme Court in the matter of Common Cause Vs Union of India in W.P. (C) No. 114 of 2014, vide order dated 2.8.2017

*Held: “(...) an EC will come into force **not earlier than the date of its grant.**”*

Issue 3: ‘Principles of Proportionality’ – to be applied:

Hon’ble Supreme Court in the matter of Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. in C.A. No. 1526 of 2016, vide order dated 1.4.2020

*Held: “(...) **this Court must take a balanced approach** which holds the industries to account for having operated without environmental clearances in the past without ordering a closure of operations. The directions of the NGT for the revocation of the ECs and for closure of the units do not accord **with the principle of proportionality**”*

**Issue 4: ‘Polluter pays’ principle &
&**

Issue 5: Costs for remedial measures implicit in Sections 3 & 5 of Environment (Protection) Act, 1986.

Hon’ble Supreme Court in the matter of Indian Council for Enviro- Legal Action Vs Union of India (the Bichhri village industrial pollution case) in (1996 SCC [3] 212)

Held:

*a) The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. The said powers will **include giving directions ...** and also the power to **impose the cost of remedial measures** on the offending industry and utilize the amount so recovered for carrying out remedial measures.....*

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b) **Levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5** which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry.

c) The question of liability of the respondents to defray the costs of remedial measures can also be looked into from accepted universally sound principle, viz., the "**Polluter Pays**" **Principle**. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

8. Legal provisions:

i. The Environment (Protection) Act, 1986 mandates the Central Government to take all measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution (reference sub-section (1) of Section 3 of Environment (Protection) Act, 1986). Further, clause (xiv) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 specifies that the measures stipulated under sub-section (1) of Section 3 of the Environment (Protection) Act 1986 includes 'such other matters as the Central Government deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act'.

ii. Further, notwithstanding anything contained in any other law but subject to the provisions of the Environment Protection Act, 1986, Section 5 of the Environment (Protection) Act, 1986, provides that the Central Government may, in the exercise of powers and performance of Central Government functions under the said Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

9. Definition of Violation and Non-compliance:

The Standard Operating Procedure (SoP) considers 'Violation' & 'Non-compliance' from the following perspective:

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i. "Violation" means cases where projects have either started the construction work or installation or excavation, whichever is earlier, on site or have expanded the production capacity and / or project area beyond the limit specified in the Environmental Clearance (Prior-EC) without obtaining Prior-EC or change of scope without prior approval from the Ministry.

ii. "Non-compliance" means non-compliance of terms and conditions prescribed by the Regulatory Authority in the Prior Environment Clearance accorded to the project.

10. Standard Operating Procedure – Guiding Principles:

i. Without prejudice to any other consequences, **action has to be initiated under section 15 read with section 19** of The Environment (Protection) Act, 1986 **against all violations.**

ii. Projects not allowable/permissible, for grant of EC, as per extant regulations: **To be demolished.**

iii. Projects allowable/permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**

iv. **Polluter pays:** Violators to pay for violation period - proportionate to the scale of project and extent of commercial transaction.

v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

11. SOP for dealing with the violation cases:

Step 1: Closure or Revision

Sl no.	Status of EC	Actions
1	If no prior EC has been taken	Order to close its operation
2.	If prior EC is available for existing/old unit	Order to revert the activity/production to permissible limits.
3.	If prior EC was not required for earlier production level but is now required	Restrict the activity/production to the extent to which prior EC was not required.

Step 2: Action under Environment (Projection) Act, 1986

Action under section 15 read with section 19 of the Environment (Protection) Act, 1986 shall be initiated against the violators.

SA

Step: 3: Appraisal under EIA Notification, 2006

The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC.

A. If not permissible:

i. The project shall be **ordered for the demolition/closure after issuing show cause notice and providing an opportunity of hearing.**

*Ex. If a red industry is functioning in a CRZ-I area which means that the activity was, in the first place, not permitted at the time of commencement of project. Therefore, the activity is not permissible and therefore it shall be **closed & demolished.***

ii. Respective regulatory authorities shall issue directions under section 5 of the Environment (Protection) Act, 1986 for such closure & demolition of the project/activity.

B. If permissible:

i. As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete the impact assessment studies & submit Environmental Impact Assessment (EIA) report & Environmental Management Plan (EMP) in a time bound manner.

ii. Such cases of violation shall be subject to appropriate

(a) Damage Assessment

(b) Remedial Plan and

(c) Community Augmentation Plan by the Central level Sectoral Expert Appraisal Committees or State/Union Territory Level Expert Appraisal Committees, as the case may be.

iii. The Competent Authority shall issue directions to the project proponent, under section 5 of the Environment (Protection) Act, 1986 on case to case basis mandating payment of such amount (as may be determined based on Polluters Pay principle) and undertaking activities relating to Remedial Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

iv. Upon submission of the EIA & EMP report, the project shall be appraised by the Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, as if it was a new proposal. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite Environmental Clearance shall be issued **which shall be effective from the date of issue.**

v. However, during appraisal after examination if it is found that even though the project may **be permissible but not environmentally sustainable in its present**

form/configuration/features then the project shall be directed to be **modified so that the project would be environmentally sustainable.**

vi. If, however, it is not considered appropriate to issue EC, the project shall be directed to be **demolished/ closed. If such proposal is a case of expansion, the project shall be directed to revert back to the extent of activity for which EC had been granted earlier or to revert back to the extent of activity for which EC was not required (as the case may be).**

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.

viii. The project proponent will be required to **submit a bank guarantee equivalent to the amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / the State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA).** The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and **will be released after successful implementation of the Remediation plan and Natural & Community Resource Augmentation Plan.**

Note - The activities, as per above clauses, shall be undertaken simultaneously wherever feasible. Environmental Clearance, if granted, to such projects or activities, after due appraisal of EIA/EMP report, **shall be effective only from the date of issuance of such clearance** and shall be subject to compliance of obligations towards Damage Assessment, Remedial Plan & Community Augmentation Plan, etc. finalized in each case.

12. Penalty provisions for Violation cases and applications:

a. For new projects:

- i. **Where operation has not commenced:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report; [Ex: Rs.1 lakh for project cost of Rs.1 Cr]
- ii. **Where operations have commenced without EC:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report **PLUS** 0.25% of the total turnover during the period of violation. [Ex: For Rs.100 Cr project cost and Rs.100 Cr total turnover, the penalty shall be Rs.1 Cr + Rs. 0.25 Cr = Rs.1.25 Cr]

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b. **For expansion projects:**

- i. **Where operation/production with expanded capacity has not commenced:**
1% of the project cost, attributable to the expansion, incurred up to the date of filing of application along with EIA/EMP report.
- ii. **Where operation/ production with expanded capacity have commenced:**
1% of the project cost (attributable to the expansion activity) incurred upto the date of filing of application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation.

12.1. Without prejudice to obligation as per (a) & (b) above, where the project or activity is considered for appraisal as above & the project proponent fails to provide required information or requisite documents or complete the requisite study for the purpose of EIA/EMP reports or does not furnish such reports within such period, as specified by the appraisal committee, without reasonable cause, it shall be inferred that the project proponent is not serious enough and the project or activity shall be directed to be demolished / closed.

12.2. The percentage rates, as above, shall be halved if the project proponent *suo-moto* reports such violations without such violations coming to the knowledge of the Government either on inquiry or complaint.

12.3. The penalty, as above, shall be in addition to liability for carrying out various remedial measures which shall be worked out based on the damage assessment for quantifying the environmental damage caused due to unauthorized project activity [as per Step 3 enumerated above].

13. Identification of Violation cases:

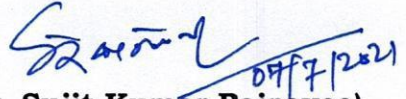
With a view to protecting the environment and to expeditiously bring violators into a regulatory regime so as to prevent & control environment damage caused by such violation & to determine whether operation of such projects is permissible and to take action stipulated under Section 15 of the Environment (Protection) Act, 1986 for contravention of the provisions of the said Act, Rules, orders and directions, it is expedient to also identify the cases of violation, examine and appraise such projects so as to refrain them from causing further environmental damage and also to compensate for causing damage to the environment. Therefore, in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986, the Central Government hereby directs that:-

- i. State Pollution Control Boards & Union Territory Pollution Control Committees, before grant or renewal of Consents under Water(Prevention & Control of Pollution) Act, 1974 & Air (Prevention& Control of Pollution) Act, 1981, shall ensure that the project proponents applies for or possess valid Prior



Environmental Clearance in terms of extant EIA Notification and shall not grant or renew CTO (Consent to Operate) unless Environment Clearance (if applicable) has been obtained.

- ii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall identify cases of violation under their respective jurisdiction, report such cases to the Ministry or State/Union Territory Level Environmental Impact Assessment Authority, as the case may be and also revoke CTO, if granted to the unit after giving an opportunity of being heard.
 - iii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall expeditiously examine the references, received from public and other bodies, relating to violations and take necessary steps as per (ii) above.
14. This is issued with the approval of the Competent Authority.


 (Dr. Sujit Kumar Bajpayee)
 Joint Secretary (IA)

To

1. Chairperson/Member Secretary of Central Pollution Control Board
2. Chairperson/Member Secretaries of all the SEIAAs/SEACs
3. Chairman/Members of all the Expert Appraisal Committees
4. Chairman/Members of all the State Pollution Control Boards and Union Territory Pollution Control Committees

Copy for information:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS for Environment, Forest and Climate Change
3. PPS to Secretary(EF&CC)
4. PPS to AS(RS) / AS (RA)/ AS (UD)/ JS(JT) / JS (MP)/ JS (NPG)
5. All the officers of IA Division
6. Website of MoEF&CC/PARIVESH/Guard file

Copy (by email) also forwarded to the Registrar, NGT, in compliance to instruction given in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors.(order dated 24.05.2021).

Directorate of Environment, U.P.

Vineet Khand-1, Gomti Nagar, Lucknow - 226 010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

To,

M/s Synergy Waste Management Pvt. Ltd.,
Subharti Medical College Campus,
Subharti Puram, Meerut, Uttar Pradesh – 250 005

Ref. No. 381...../Parya/SEIAA/7761/2023

Date: 18 January, 2024

Sub: Terms of Reference for Captive Treatment Facility (But Proposed existing Common Bio-Medical Waste Treatment Facility) at Subharti Medical College Campus, Subharti Puram, Meerut, U.P., M/s Synergy Waste Management Pvt. Ltd.

Reference MoEFCC Proposal no SIA/UP/INFRA2/424451/2023 & SEIAA, U.P File no-7761

Dear Sir,

This is with reference to your application / letter dated 01-04-2023 & 24-04-2023 on above mentioned subject. The matter was considered by 751th SEAC in meeting held 17-05-2023 & 810th SEAC in meeting held 20-11-2023 and 786th SEIAA in meeting held on 28-12-2023.

A presentation was made by the project proponent along with their consultant M/s Ind Tech House Consult to SEAC on held 20-11-2023.

Project Details as submitted or informed by the Project Proponent and their Consultant

The project proponent, through the documents and presentation gave following details about their project –

1. The terms of reference is sought for Existing Common Bio-Medical Waste Treatment Facility at Subharti Medical College Campus, Subharti Puram, Meerut, U.P., M/s Synergy Waste Management Pvt. Ltd.
2. Salient features of the project:

SN	Parameters	Description
1.	Project	Existing Common Biomedical Waste Treatment Facility
2.	Project Proponent	M/s Synergy Waste Management Pvt. Ltd.
3.	Location	Subharti Medical College Campus, Subharti Puram, Meerut, Uttar Pradesh – 250 005 Site coordinates - 28°57'46.02" N, 77° 37'58.64"E
4.	Allocated Plot Area	approx. 1242 sq m
5.	Plant capacity	Incinerator [capacity 300 Kg/hour] Autoclave [capacity – 300 Lit/batch] Shredder [capacity - 300 kg/hour]
6.	Identification of project	Project falls under Category "B" of item 7 (da) as per EIA Notification dated 14th September, 2006 & amendments thereof. However, this plant requires Post-Facto EC Approval as per NGT order dated 02.03.2023
7.	Nearest Roadways/ Railway Station/Airport along with distance in Km	SH 14 passes at an aerial distance of 534 m on North. Meerut City Junction – aerial distance 4.5 Km on NE Dr. B.R. Ambedkar Airstrip – 7.2 Km on SW
8.	Village, Panchayats, Zilaparishad, municipal corporation, local body	Meerut Municipal Corporation
9.	Water requirement	Fresh water requirement – 3 KLD Total water requirement including recycled treated water from onsite ETP - 5 KLD.
10.	Source of water	Fresh water source – Onsite ground water abstraction through tube-well. Necessary permission has been obtained.

Terms of Reference for Captive Treatment Facility (But Proposed existing Common Bio-Medical Waste Treatment Facility) at Subharti Medical College Campus, Subharti Puram, Meerut, U.P., M/s Synergy Waste Management Pvt. Ltd.

		Recycled water source: Onsite ETP treated wastewater.
11.	Water requirement	Fresh water requirement – 3 KLD Total water requirement including recycled treated waste water from onsite ETP - 5 KLD
12.	Source of water	Fresh water source – Onsite ground water abstraction through tube-well. Necessary permission has been obtained. Recycled water source: Onsite ETP treated wastewater.
13.	Wastewater	Wastewater is generated from equipment washing, floor washing, vehicle washing operations etc. and treated in onsite effluent treatment plant of capacity 5 KLD.
14.	Man Power	At present, a total of 113 employees [direct 62 including vehicles helpers and staff + contractual 51 drivers] are engaged with the operational activities of the facility.
15.	Power Requirement	Power Requirement: 49 KW Source: UP Power Corporation Limited
16.	D.G. Backup	DG set of 62.5 KVA as emergency back up during power cut.
17.	Waste carrying vehicles with GPS	51 nos.
18.	Green Belt	No green area has been developed within the premises as the facility has been allocated only 1242 sq m area. However, the medical college campus has adequate green area
19.	Total Project Cost	Project cost is INR. 94.71 Lakh.

1. The project proposal falls under category-7(da) of EIA Notification, 2006 (as amended).

The committee/SEIAA discussed the matter and recommended to issue the standard terms of reference (TOR) for the preparation of Environment Impact Assessment Report:

Additional TOR:

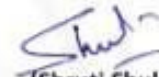
1. *The project proponent shall submit an affidavit along with EIA, stating that the facility will be operated as Captive Treatment Facility only.*
2. Latest Compliance of CTO from UPPCB, Meerut.
3. Details of hospital including number of beds within 10 km radius of plant along with its quantity.
4. Gap analysis report from UPPCB as per revised CBWTF guidelines.
5. The project proponent shall submit HCF's beds details and other bio-medical waste sources duly certified by concerning CMOs and other competent authority in the radial distance of 75 kms area of proposed CBWTF at the time of EIA presentation.
6. Project proponent shall submit the point wise clarification/ proposal for biomedical waste treatment and disposal with respect to revised guidelines for CBMWTF 2016 of CPCB.
7. The proposal should include storage/collection facility at proposed site for biomedical waste as per CBMWTF revised guidelines 2016 of CPCB.
8. Common biomedical waste inventory should be provided.
9. The EIA report should address regarding the disposal of covid-19 waste as per the latest guidelines.
10. Reasons for selecting the site with details of alternate sites examined/rejected/selected on merit with comparative statement and reason/basis for selection. The examination should justify site suitability in terms of environmental damages, resources sustainability associated with selected site as compared to rejected sites. The analysis should include parameters considered along with weightage criteria for short-listing selected site.
11. Submit the details of the road/rail connectivity along with the likely impacts and mitigative measures.
12. Submit the present land use and permission required for any conversion such as forest, agriculture etc.

13. Executive summary of the project – giving a prima facie idea of the objectives of the proposal, use of resources, justification, etc. In addition, it should provide EMP.
14. Land requirement for the facility including its break up for various purposes, its availability and optimization.
15. Details of proposed layout clearly demarcating various activities such as security, Waste Storage Rooms, Waste Treatment Equipment Rooms/Areas, Treated Waste Storage Room, Pollution Control Devices like APCS and ETP, ash storage/disposal area, vehicle washing areas, and others such as admin area, worker's room, health centers, greenbelt, etc.
16. Details on collection and transportation of Bio Medical Waste from health care establishments, No. of vehicles and feature of vehicles, etc.
17. Details of the treatment equipment's capacity and make. Details of the incineration system – a statement on the compliance to the CPCB guidelines for common bio medical waste incinerators in respect of waste feed cutoffs, operating parameters of combustion chambers, flue gas cleaning, ash handling, etc. Details on fuel requirement for incineration. Details on flue gas emissions discharge through stack and proposed pollution control technologies. Details on residue/ash generation and management. Details of waste heat utilization, if any. Details on wastewater management alongwith zero discharge plans as committed by the project proponent.
18. Details of the proposed overall safety and health protection measures and submit specific programme.
19. Details on source of water and power supply along with solar light provision.
20. Details of the existing access road(s)/walkways to the designed operations in the site and its layout.
21. Location of the incineration facility and nearest habitats with distances from the facility to be demarcated on a toposheet (1: 50000 scale).
22. Land use map based on satellite imagery including location specific sensitivities such as national parks / wildlife sanctuary, villages, industries, etc.
23. Topography details.
24. Surface water quality of nearby water bodies.
25. Details on proposed groundwater monitoring wells, locations, frequency of monitoring, parameters, etc.
26. Corporate Environmental Responsibility (CER) shall be prepared by the project proponent and the details of the various heads of expenditure to be submitted as per the guidelines provided in the recent CER notification No. 22-65/2017-IA.III dated 01/05/2018. A copy of resolution as above shall be submitted to the authority alongwith list of beneficiaries with their mobile nos./address.
27. Action plan for the greenbelt development in accordance to CPCB published guidelines.
28. Details on pollution control technologies and online monitoring equipments.
29. Details on monitoring of pollutants at source –performance of the incinerator. Including operating hours, fuel consumption, operating parameters (Combustion chamber – temperature, pressure, Stack temperature, total particulate matter, HCl, NOx as per Bio Medical Waste (Management & Handling) Rules 1998.
30. Stack and fugitive emissions may be monitored for SPM, SO₂ & NO_x as per Bio Medical Waste (Management & Handling) Rules 2016.
31. Details of Administrative and technical organizational structure.
32. EMP devised to mitigate the adverse impacts of the project should be provided along with item-wise cost of its implementation (Capital and recurring costs).
33. Details of the emergency preparedness plan and on-site & off-site disaster management plan.
34. Affidavit to be submitted for the actual surveys done with detailed photographs of monitoring etc.
35. Examine the details of transportation of Hazardous wastes, and its safety in handling.
36. Examine and submit the details of on line pollutant monitoring.
37. Examine the details of monitoring of Dioxin and Furon.
38. MoU for disposal of ash through the TSDF.
39. MoU for disposal of scrubbing waste water through CETP.
40. Examine and submit details of monitoring of water quality around the landfill site.
41. Examine and submit details of the odour control measures.
42. Examine and submit details of impact on water body and mitigative measures during rainy season.

Terms of Reference for Captive Treatment Facility (But Proposed existing Common Bio-Medical Waste Treatment Facility) at Subharti Medical College Campus, Subharti Puram, Meerut, U.P., M/s Synergy Waste Management Pvt. Ltd.

43. Environmental Management Plan should be accompanied with Environmental Monitoring Plan and environmental cost and benefit assessment. Regular monitoring shall be carried out for odour control.
44. Water quality around the landfill site shall be monitored regularly to examine the impact on the ground water.
45. The storage and handling of hazardous wastes shall be as per the Hazardous Waste Management Rules.
46. Submit details of a comprehensive Disaster Management Plan including emergency evacuation during natural and man-made disaster.
47. Public hearing to be conducted for the project in accordance with provisions of Environmental Impact Assessment Notification, 2006 and the issues raised by the public should be addressed in the Environmental Management Plan. The Public Hearing should be conducted based on the ToR letter issued by the SEIAA.
48. A detailed draft EIA/EMP report should be prepared in accordance with the above additional TOR and should be submitted to the Ministry in accordance with the Notification.
49. Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
50. The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.

The matter will not be considered pending till your reply or EIA/EMP report is received. This is issued with the approval of competent authority.



(Shruti Shukla)

Deputy Director, DoE, UP &
Nodal Officer, SEIAA, UP

No..... /Parya/SEIAA/7761/2022 dated: As above

Copy, through email, for information and necessary action to –

1. The Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, Lucknow (email – soenvups@rediffmail.com)
2. Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, 3rd Floor, Prithvi-Block, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003 (email – sudheer.ch@gov.in)
3. Deputy Director General of Forests (C), Integrated Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow – 226020 (email – roc.lko-mef@nic.in)
4. District Magistrate, Meerut, Uttar Pradesh.
5. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email – ms@uppcb.com)
6. Copy to Web Master for uploading on PARIVESH Portal.
7. Copy for Guard File.



(Shruti Shukla)

Deputy Director, DoE, UP &
Nodal Officer, SEIAA, UP

- components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.
16. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
 17. Large number of mining projects are ongoing as well as new mining leases are coming up in the district. A reference be sent to DGM and MS, SPCB for preparing mitigation plan for controlling air pollution in the district especially in mining areas.
 18. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.
 19. This EC shall be subject to any order from any court/tribunal or any guidelines issued by MOEFCC.
- 15. Existing Common Bio-Medical Waste Treatment Facility at Subharti Medical College Campus, Subharti Puram, Meerut, Shri Neeraj Aggarwal, M/s Synergy Waste Management Pvt. Ltd., 7761/SIA/UP/INFRA2/459662/2024.**
- SEIAA opined to refer the matter to SEAC and seek clarification regarding the minimum area required for the Common Bio-Medical Waste Treatment Facility.

Agenda-C- Letter/Reply

1. **Intimation regarding Contempt of Hon'ble Supreme Court on dated: 02-01-2024 and 02-02-2024 vide W.P. (C) No. 001394/2023 in Vanashakti Vs Union of India passed order of Stay on MOEF&CC O.M. dated: 20/01/2022 for Ex-post Facto Environmental Clearance.**
- SEIAA gone through the e-mail dated 25.02.2024 of Shri Gaurav Garg regarding the above subject and noted that environmental Clearance has not been granted yet to Synergy waste management Pvt. Ltd Meerut. SEIAA opined to refer the mail to SEAC for considering the mail and O.M. No. IA3-3/4/2024-IA.III(E230791) dated 08.01.2024 of MoEFCC while considering and recommending the proposal.

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)
Chairman
SEIAA


(Sanjeev Kumar Singh)
Member-Secretary
SEIAA

(Paras Nath)
Member
SEIAA

F. No. IA3-3/4/2024-IA.III [E 230791]
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi-110 003

Dated: 8th January, 2024

OFFICE MEMORANDUM

Sub: Stay imposed by Hon'ble Supreme Court with reference to the SOP dated 7th July 2021 and OM dated 28th January 2022 – reg.

The Ministry issued a Standard Operating Procedure (SOP) dated 7th July 2021 bearing the file number 22-21/2020-IA.III, for identification and handling of violation cases under EIA Notification 2006 in compliance to order of the Hon'ble National Green Tribunal in Appeal No. 34/2020 (WZ) titled Tanaji B. Gambhire Vs Chief Secretary, Government of Maharashtra.

2. The SoP was challenged in the Madurai Bench of the High Court of Madras in the matter W.P.(MD) No. 11757 of 2021 titled Fatima Vs Union of India and was interim stayed vide order dated 15th July 2021.


3. Subsequently, in the Order dated 9th December 2021 in the matter of Civil Appeal Nos. 7576-7577 of 2021 in Electrosteel Steels Limited Vs Union of India and Ors., the Hon'ble Supreme Court of India *inter-alia* observed the following:

"93. The interim order passed by the Madras High Court appears to be misconceived. However, this Court is not hearing an appeal from that interim order. The interim stay passed by the Madras High Court can have no application to operation of the Standard Operating Procedure to projects in territories beyond the territorial jurisdiction of Madras High Court. Moreover, final decision may have been taken in accordance with the Orders/Rules prevailing prior to 7th July, 2021."

4. In this regard, the Ministry issued an OM dated 28th January, 2022 for circulating the above order of the Hon'ble Supreme Court to all the EACs and SEIAAs/SEACs. In view of the above observations of the Hon'ble Supreme Court, violation proposals

pertaining to all the States except the State of Tamil Nadu were being appraised at the Central level and the respective SEIAAs/SEACs.

5. However, the Hon'ble Supreme Court in W.P.(C) No. 1394/2023 titled Vanashakti vs. Union of India, has stayed the operation of both the Office Memoranda dated 7th July 2021 and dated 28th January 2022 issued by this Ministry.
6. The copy of the order which is self-explanatory is enclosed herewith for necessary action.
7. This is issued with the approval of the competent authority.


(Sundar Ramanathan)
Scientist E

Encl: As above.

To

1. Chairperson/ Member Secretaries of all Expert Appraisal Committees
2. Chairperson/ Member Secretaries of all SEIAAs/SEACs
3. All Officers of IA Division

Copy for information to

1. PS to Hon'ble MEF&CC
2. PS to Hon'ble MoS, EF&CC
3. PPS to Secretary, EF&CC
4. PPS to AS (TK)/JS (SKB)
5. Website, MoEF&CC /Guard file

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 1394/2023

VANASHAKTI

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR ADMISSION
ORDERS/DIRECTIONS)

and

IA

No.257416/2023-APPROPRIATE

Date : 02-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Vanshdeep Dalmia, AOR
Ms. Anisha Jian, Adv.
Ms. Tanya Shrivastava, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Issue notice returnable in four weeks.
2. Until further orders, there shall be stay of operation of the Office Memoranda dated 7th July, 2021 and 28th January, 2022 issued by the Ministry of Environment, Forest and Climate Change.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(BEENA JOLLY)
COURT MASTER (NSH)