IN THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

APPEAL NO. 13 OF 2023

IN THE MATTER OF:

Indo Tech Waste Solution **... Appellant**

Versus

Uttar Pradesh State EnvironmentImpact Assessment Authority Ors. **...Respondent(s)**

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(Respondent)

THROUGH

PRIYANKA SWAMI
Advocate
Counsel for SEIAA, U.P.
Chamber 4, Shivalik Tower
Kaushambi, Ghaziabad

Date: 18.10.2023

(1)

IN THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

APPEAL NO. 13 OF 2023

IN THE MATTER OF:

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Reply on the behalf State Level Environment Impact Assessment Authority, ("SEIAA") U.P., relating to grant of Environmental Clearance

It Is Most Respectfully Submitted:

1. It is submitted that an online Application dated 12/02/2021, Proposal No- SIA/UP/MIS/60737/2021 was made by the project proponent, for Terms of Reference of project "Common Bio-Medical Waste Treatment Facility at Village-Kumroua, Block-Saron, Tehsil & District- Kasganj Uttar

Pradesh."

INDO TECH WASTE SOLUTION, Kheri Road, Shop No-2, Sector-98, Faridabad, Haryana.

2. The case was considered in 530th SEAC Meeting Dated 09/03/2021 wherein, a presentation was made by project proponent along with their consultant M/s Wolkem India Ltd. Committee discussed the matter and recommended to issue the Terms of Reference (ToR) for the preparation of EIA for the proposed project. Concerned copy of minutes, dated: 09.03.2021 is being filed herewith and marked as **Annexure no.01**

3. Subsequently, the case was considered in 462nd SEIAA Meeting 21.05.2021 wherein, SEIAA agreed with the recommendations of the SEAC to grant of Terms of Reference for the proposed project. Concerned copy of minutes, dated: 21.05.2021 is being filed herewith and marked as **Annexure no.02.**

4. Further, SEIAA, vide letter No. 93/parya/SEIAA/6191/2021 dated: 11.06.2023 issued Terms of Reference for for the proposed project. Concerned copy of letter dated 11.06.2023 is being filed herewith and marked as **Annexure no.3.**

5. After the grant of ToR, an online Application dated 01/08/2022, Proposal No- SIA/UP/MIS/60737/2021 was made by the project proponent, for issuance of grant of Environment Clearance for "Common Bio-Medical Waste Treatment Facility at Village- Kumroua, Block-Saron, Tehsil & District- Kasganj Uttar Pradesh."

6. A complaint letter dated 03.09.2022 has been received from JRR Waste Management Pvt. Ltd. Block No. S-21, Shop No. 4, Sanjay Place, Agra-282002. Concerned copy of complaint letter dated 03.09.2022 is being filed herewith and marked as **Annexure no.4.**

7. The case was considered in 683rd SEAC Meeting Dated 07.09.2022 wherein, a presentation was made by project proponent along with their consultant M/s Wolkem India Ltd. The committee discussed the matter and directed the project proponent to submit following information:

a) Complaints letters have been provided to the project proponent for the submission of point wise replies on issues raised in letters.

b) Details of bio medical waste facility within 75 km radius of the project site.

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c) *Point wise clarification/ proposal for biomedical waste treatment and disposal with respect to revised guidelines for CBMWTF, 2016 of CPCB.*

8. Concerned copy of minutes, dated: 07.09.2022 is being filed herewith and marked as **Annexure no.05**

9. Subsequently, the case was considered in 654th SEIAA Meeting 29.09.2022 wherein, The SEIAA took note of comments recorded by SEAC-1. Concerned copy of minutes, dated: 29.09.2022 is being filed herewith and marked as **Annexure no.06.**

10. The project proponent submitted their reply against queries raised in 683rd SEAC Meeting Dated 07.09.2022 through online Parivesh Portal on 26/09/2022 and the matter was listed in 695th SEAC meeting dated 19/10/2022 wherein committee discussed the matter and recommended grant of environmental clearance with standard environmental clearance conditions prescribed by MoEF&CC, GoI and certain additional conditions. Concerned copy of minutes, dated 19.10.2022 is being filed herewith and marked as **Annexure no.07.**

11. Subsequently, the case was considered in 670th SEIAA Meeting dated 14.11.2022 wherein, SEIAA opined to accept

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the recommendations of the SEAC and grant Environment Clearance to the said project. Concerned copy of minutes, dated: 14.11.2022 is being filed herewith and marked as **Annexure no.08.**

12. Further a complaint letter dated 30.11.2022 was received from Punahchakran Private Limited. Concerned copy of complaint letter dated 30.11.2022 is being filed herewith and marked as **Annexure no.9.**

13. Subsequently, the complaint letter dated 30.11.2022 of Punahchakran Private Limited was considered in 689th SEIAA Meeting 10.01.2023 wherein, SEIAA opined that the complaint shall be sent to UPPCB for comments and till the issuance of EC granted to above project be kept in hold. Concerned copy of copy of minutes, dated 10.01.2023 is being filed herewith and marked as **Annexure no.10.**

14. Complaint letter dated 30.11.2022 was send to Member Secretary, Uttar Pradesh State Pollution Control Board, vide letter no 1137 dated 18.01.2023. Copy of letter dated 18.01.2023 is being filed herewith and marked as **Annexure no.11.**

15. After that Member Secretary, UPPCB vide letter no. G40218/C-4/NOC-104/2023 dated 20.02.2023 submitted

(6)

report to SEIAA regarding Complaint letter dated 30.11.2022. Concerned copy of report, dated 20.02.2023 is being filed herewith and marked as **Annexure no.12.**

16. The matter was again consider in 696th SEIAA Meeting dated 21.02.2023 wherein:-

17. "SEIAA noted that the above project was taken in its 689 meeting in which SEIAA opined that the complaint letter of Director Punahchakran dated 30.11.2022 shall be sent to UPPCB for comments and till then issuance of EC granted to the above project be kept on hold. A letter from UPPCB, letter no. 2912/NOC-3061/2023, dated 14.02.2023 has been received. SEIAA opined to refer the letter to SEAC for review/comments."

18. Concerned copy of minutes, dated: 21.02.2023 is being filed herewith and marked as **Annexure no.13**

19. As per decision of SEIAA meeting dated 21.02.2023 the matter was listed in 733rd SEAC Meeting Dated 03.03.2023 wherein:-

***20.** The committee has gone through the compliant letter dated 30/11/2022 of M/s Punahchakran Private Limited and UPPCB letter dated 20/02/2023 along with its report and*

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opined that the aforesaid letters is being shared with project proponent with the direction to submit point wise factual reply on the issues raised in above letters. If the reply is received from project proponent then the matter will be listed in next SEAC meeting proposed on 15/03/2023.

21. Concerned copy of minutes, dated: 03.03.2023 is being filed herewith and marked as **Annexure no.14**

22. Project proponent, M/s Indotech Waste Solutions submitted their reply through letter dated 05/03/2023 regarding Complaint letter dated 30.11.2022 of M/s Punahchakran Private Limited. Concerned Copy of reply dated 05.03.2023 is being filed herewith and marked as **Annexure no.15.**

23. The matter was considered in 735th SEAC Meeting Dated 15.03.2023 wherein committee discussed the matter and opined that the reply of project proponent is forwarded to SEIAA for necessary action. Concerned copy of minutes, dated: 15.03.2023 is being filed herewith and marked as **Annexure no.16**

24. Subsequently, the case was considered in 718th SEIAA Meeting 07.04.2023 wherein:-

25. *"SEIAA noted that SEAC has forwarded the reply of project proponent to SEIAA and has made no comment on the complaint letter or other issue. SEIAA gone through the file and document and found that in public hearing minutes also it is mentioned that Gap analysis has not been done for the above project, RO, UPPCB, Aligarh letter no. 29/2/NOC-3061/2023 dated 14.02.2023 also states that Gap analysis report is not available. Hence in light of above SETAA opined to review its decision dated 14/11/2022 of granting EC to the above project and reject the application."*

26. Concerned copy of minutes, dated: 07.04.2023 is being filed herewith and marked as **Annexure no.17.**

27. Member Secretary, Uttar Pradesh State Environment Impact Assessment Authority issued a letter dated 11.05.2023 to project proponent to inform him of the SEIAA's decision. Copy of letter dated 11.05.2023 is being filed herewith and marked as **Annexure no.18.**

28. It is Also submitted that That in pursuance to the decision taken by the SEIAA a complaint has been forwarded to the UPPCB for prompt action, regarding the same a Report No.-G40218/C4/NOC-104/2022 dated 20.02.2023 **(Annexure no.12)** was received along with a letter no.-2912/NOC-3061/2023 dated 14.02.2023 of Regional Officer, Aligarh, wherein it is mentioned:-

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a. *The straight distance between proposed Common Bio-Medical Waste Treatment Facility, M/s Indotech Solution (longitude-27.957858 and latitude-78.608814) Khasara No.-1161, Village-Kumroa, Tehsil and District-Kasganj and the unit of complainant, M/s Punahchakran Pvt. Ltd. (longitude-28.277772 and latitude-78.433335) Plot No.-E-25, 26, UPSIDA Industrial Area, Babrala, Sambhal is about 40 km.*

b. *The Gap Analysis is mandatory in accordance to the Revised Guidelines for Common Bio-Medical Treatment issued by the Central Pollution Control Board, which is not complied.*

c. *Four CBWTF is established near to the proposed CBWTF.*

d. *According to the office record of M/s Indotech Waste Solution information regarding the Gap Analysis is not available. During the public hearing an objection has been raised regarding the establishment of the unit.*

29. That during the public hearing dated 06.06.2022 under the Chairmanship of District Magistrate, Kasganj regarding the Environmental Clearance the following objection has been noted-

a. *An objection has been raised by the Village Head (Gram Pradhan) that after establishment of the unit a pollution has been spread.*

b. *The objection is being raised by Sri Vishal Sathe, M/s Bio-Medical Waste Disposal Agency, Mathura that his*

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unit is works form last about 12 years in District-Kasganj. The Gap Analysis has not been done by the CBWTF in question verification of which is necessary that from where the unit arrange the beds. Gap Analysis is mandatory for the establishment of the new CBWTF.

c. *Shri Rajesh Kumar, Director, M/s Punahchakran Pvt. Ltd., Plot No- E-25 and E-26 Industrial Area Dauralla has informed in writing to Regional Officer, Aligarh on 26.05.2022 that for establishment of my said CBWTF an online CTE is being given by the Uttar Pradesh Pollution Control Board, Lucknow vide letter no. 138098 dated 26.04.2022. Consent for Establishment (CTE) is being provided by Khasra No. 1161 from the said CBWTF. The distance taken by Google Map through the Combined Biomedical Waste Treatment System (CBWTF) being establishment in village Kumraua, Soro, Tehsil and District-Kasganj is about 40km.*

d. That the proposed Common Bio-Medical Waste Treatment Facility, M/s Indotech Solution (longitude-27.957858 and latitude-78.608814) Khasara No.-1161, Village-Kumroa, Tehsil and District-Kasganj is established on agricultural land a the certificate regarding the land use has not been submitted by the proposed CBWTF.

30. That in pursuance to the order dated 30.07.2023 passed in OA No.-622/2022, Anirudha Panwar vs. Union of India, the M/s Punahchakran Pvt. Ltd., Plot No- E-25 and E-26 Industrial Area Dauralla has applied for the fresh CTE on 11.10.2023 before the State Board and also applied for the Environmental Clearance before SEIAA on 16.10.2023.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

i. Dismiss this Appeal with Exemplary cost Or
ii. Pass any such other order as may deem fit.

(Respondent)
THROUGH
PRIYANKA SWAMI
Advocate
Counsel for SEIAA, U.P.
Chamber 4, Shivalik Tower
Kaushambi, Ghaziabad

Date: 16.10.2023

12

(12)

IN THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

APPEAL NO. 13 OF 2023

IN THE MATTER OF:

Indo Tech Waste Solution **... Appellant**

Versus

Uttar Pradesh State EnvironmentImpact

Assessment Authority Ors. **...Respondent(s)**

AFFIDAVIT

Affidavit of Sh. ANURAG KUMAR YADAV, aged about 46 years s/o Sh. P.N.SINGH, presently posted as DEPUTY DIRECTOR, DIRECTORATE OF ENVIRONMENT U.P., having office at E - 12/1, NOIDA, Uttar Pradesh.

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

DEPONENT

The Seal of the Oath Commissioner
Sl. No. 64/2023
B.P. YADAV
App. By Delhi High Court
Period: 15.07.2023 to
14.07.2025
Supreme Court of India, New Delhi-1

(13)

VERIFICATION

18 OCT 2023

Verified on solemn affirmation at New Delhi on this 18 day of October, 2023, that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed there from.

DEPONENT

Priyanka...

IDENTITY THE EXECUTANT/DEPONENT WHO WAS SIGNED IN THE PRESENCE OF

The Seal of the Oath Commissioner
Sl. No. 64/2023
B.P. YADAV
App. By Delhi High Court
Period: 15.07.2023 to
14.07.2025
Supreme Court of India, New Delhi-1

CERTIFIED THAT THE DEPONENT
Shri/Smt./Km. Anurag Kr. Yadav
S/o W/o D/o.....
R/o.....aged about.....
identified by Shri/Smt. Priyanka Swami
has solemnly affirmed before me at New Delhi
on 18/10/23 as Sl. No.
that the contents of the affidavit which have
been read & explained & are true & Correct
to his/her Knowledge.

Oath Commissioner, New Delhi
18/10/23

10. Construction of 100 Admission Government Medical College with expansion of 150 Admission & Up gradation of District Hospital upto 500 Beds at Lalitpur, U.P., Shri Navneet Singh Rajput, Provincial Division, Public Works Department PWD, Lalitpur, U.P. File No. 6187/Proposal No. SIA/UP/MIS/197702/2021

RESOLUTION AGAINST AGENDA NO-10

The project proponent/consultant did not appear. The committee discussed and deliberated that project file should be closed and be opened only after request from the project proponent. The file shall not be treated as pending at SEAC. The matter will be discussed only after submission of onlire request on prescribed online portal.

11. Common Biomedical Waste Management Facility at Khasra No.-1161, Village- Kumraua, Block- Saron, Tehsil & District- Kasganj, U.P., M/s Indo Tech Waste Solution. File No. 6191/Proposal No. SIA/UP/MIS/60737/2021

A presentation was made by project proponent along with their consultant M/s Wolkem India Limited. The proponent, through the documents submitted and the presentation made informed the committee that:-

1. The environmental clearance is sought for Common Biomedical Waste Management Facility at Khasra No.-1161, Village- Kumraua, Block- Saron, Tehsil & District- Kasganj, U.P., M/s Indo Tech Waste Solution.
2. Salient features of the project:

Project Activity	7(da) -- Bio-Medical Waste Treatment Facilities
Category	Category B
Key Details of the Project	
Project Capacity (Proposed)	Proposed Project Capacity-10,000 beds Current BMW Waste Generation- 10,000 beds The proposed project will cover 75 km or more if required as per authority requirements.
New/Expansion/Modernization	New
Land Area	4081 Sqm (0.408 ha)
Land Ownership	Lease land for 15 years by Mr. Raman Kumar of M/s Indo Tech Waste Solution.
Water Requirement & Source	5 KLD, Source- Bore Well (CGWB Application would be applied)
Project Cost	Rs- 172/- Lakhs (1.72/- Crore)
Nearest Water Bodies/Rivers	
Power Requirement & Source	62 KW, Source- Dakshinanchal Vidyut Vitran Nigam Ltd (DHVVNL). DG set (62.5 KVA) is proposed for power backup.
Employment	
Full Time Employees	42
Contract Employees	The labours and workers will be hired from near by villages.
Location Details	
Location	Kumraua Village, Block- Saron District- Kasganj, Uttar Pradesh
Khasra No.	Khasra No.- 1161
Coordinates	
SOI Topo Map No.	45I/9, 53L/12, 54I/5 & 53L/8
Nearest Railway Station	Kasganj Railway Station (16.10 km in S)
Nearest Airport	Agra (Pandit Deen Dayal Upadhyay) Airport (110 km in SW)
Nearest Town/Habitation	Pachlana 1 Km in NNE
Seismic Zone	Seismic Zone- IV

3. Land use details:

S.No.	Components/Particular	Area in SQ.M.	Percentage
1	Build up Area (Autoclave, Shredder etc..)	831.00	20.36
2	Incinerator Area	334.00	8.18
3	E.T.P Area	25.00	0.61
4	Road Area	1055.00	25.85
5	Green Belt	1347.00	33.00
6	Open Area	489.00	11.98
Total Area		4081.00	100

4. Green Area details:

Total Green belt (33%)	1347 Sq. mt
No of Rows	Three Rows
Plantation Type	Trees- APTI-ITRA
Total No. Trees Proposed	1300No.
Shrubs	400 No.
Odour management Species	ITRA Plantation technique (Z shape)
Indigenous Tree & root Aroma Plantation © IECRS	

5. Equipment details:

S.No	Equipment	Installed Capacity	Number
1	Static Dry Incinerator	200 Kg/hrs	1
2	Horizontal Cylindrical Autoclave	2500 ltr/hr or 250Kg/batch	1
3	Shredder	150 kg/hrs	1
4	Effluent Treatment Plant	5 KLD	1

6. Total water requirement of the project during construction phase is 02 KLD and operation phase is 05 KLD which shall be sourced from nearby areas.
7. The amount of total waste water generated out of proposed CBWTF is 2 KLD which shall be treated in 5 KLD ETP. It will be a Zero Liquid Discharge Unit.
8. The project proposal falls under category–7(da) of EIA Notification, 2006 (as amended).

RESOLUTION AGAINST AGENDA NO-11

The committee discussed the matter and recommended to issue additional terms of reference (ATOR) for the preparation of Environment Impact Assessment Report (EIA) regarding the project:

(A) Additional TOR:

1. Letters from CMO, Kasganj regarding feasibility/requirement of Common Biomedical Waste Treatment Facility at the proposed site at the time of EIA.
2. Common biomedical waste inventory should be provided.
3. The EIA report should address regarding the disposal of covid-19 waste as per the latest guidelines.
4. PP/Consultant should provide the details of other bio medical waste facility within 75 Km radius of the proposed site.
5. 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.
6. Submit the details of the road/rail connectivity along with the likely impacts and mitigative measures.
7. Submit the present land use and permission required for any conversion such as forest, agriculture etc.

8. 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.
9. Land requirement for the facility including its break up for various purposes, its availability and optimization.
10. 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.
11. Details on collection and transportation of Bio Medical Waste from health care establishments, No. of vehicles and feature of vehicles, etc.
12. 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.
13. Details of the proposed overall safety and health protection measures and submit specific programme.
14. Details on source of water and power supply.
15. Details of the existing access road(s)/walkways to the designed operations in the site and its layout.
16. Location of the incineration facility and nearest habitats with distances from the facility to be demarcated on a toposheet (1: 50000 scale).
17. Land use map based on satellite imagery including location specific sensitivities such as national parks / wildlife sanctuary, villages, industries, etc.
18. Topography details.
19. Surface water quality of nearby water bodies.
20. Details on proposed groundwater monitoring wells, locations, frequency of monitoring, parameters, etc.
21. 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.
22. Action plan for the greenbelt development in accordance to CPCB published guidelines.
23. Details on pollution control technologies and online monitoring equipments.
24. 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 Medial Waste (Management & Handling) Rules 1998.
25. Stack and fugitive emissions may be monitored for SPM, SO_2 & NOx as per Bio Medical Waste (Management & Handling) Rules 2016.
26. Details of Administrative and technical organizational structure.
27. 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).
28. Details of the emergency preparedness plan and on-site & off-site disaster management plan.
29. Affidavit to be submitted for the actual surveys done with detailed photographs of monitoring etc.
30. NOC from UPPCB shall be taken and submitted to SEAC before submission of EIA report.
31. Examine the details of transportation of Hazardous wastes, and its safety in handling.
32. Examine and submit the details of on line pollutant monitoring.

33. Examine the details of monitoring of Dioxin and Furon.
34. MoU for disposal of ash through the TSDF.
35. MoU for disposal of scrubbing waste water through CETP.
36. Examine and submit details of monitoring of water quality around the landfill site.
37. Examine and submit details of the odour control measures.
38. Examine and submit details of impact on water body and mitigative measures during rainy season.
39. 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.
40. Water quality around the landfill site shall be monitored regularly to examine the impact on the ground water.
41. The storage and handling of hazardous wastes shall be as per the Hazardous Waste Management Rules.
42. Submit details of a comprehensive Disaster Management Plan including emergency evacuation during natural and man-made disaster.
43. 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.
44. 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.
45. Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
46. 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 final EIA report after incorporation of public hearing observations/comments should be submitted to the committee for further consideration of the matter.

12. Sand/Morrum Mining from Yamuna River Bed River at Khand No.- 9/8 to 9/10, Village-Umarwal, Tehsil- Chail, Kaushambi., Smt. Mansi Rastogi W/o Shri Deepak Rastogi, M/s Balaji Coal Company, Area: 18.00 ha. File No. 6204/5324/Proposal No. SIA/UP/MIN/60868/2019

RESOLUTION AGAINST AGENDA NO-12

The committee observed that the project proponent did not show any baseline monitoring data within 500m (core zone) of the lease area. Hence, the committee decided that the project proponent/consultant should present baseline data as per EIA Notification, 2006 (as amended) for appraisal.

13. Sand Mining from Yamuna River Bed at Gata No.-13, Village-Palpur, Imiliya Kalinjara, Tehsil-Karchhana, Allahabad., M/s Sakshi Construction, Area-10.0 Ha. File No. 4009/Proposal No. SIA/UP/MIN/ 72441/2018

RESOLUTION AGAINST AGENDA NO-13

As per presentation made and documents provided by the project proponent/consultant, the committee observed that in the light of SSMMG, 2016 and EMGSM-2020, the lease area is almost submerged, hence, the environmental clearance may not be recommended at this stage and thus the file should be closed/rejected.

10. **Construction of 100 Admission Government Medical College with expansion of 150 Admission & Up gradation of District Hospital upto 500 Beds at Lalitpur, U.P., Shri Navneet Singh Rajput, Provincial Division, Public Works Department PWD, Lalitpur, U.P. File No. 6187/Proposal No. SIA/UP/MIS/197702/2021**

SEIAA noted that the above project has already been taken on 05.05.21. Hence no further action is required.

11. **Common Biomedical Waste Management Facility at Khasra No.-1161, Village-Kumraua, Block- Saron, Tehsil & District- Kasganj, U.P., M/s Indo Tech Waste Solution. File No. 6191/Proposal No. SIA/UP/MIS/60737/2021**

SEIAA agreed with the recommendation of the SEAC to issue the additional ToR's to the title proposal for conducting EIA studies. The SEIAA also added the following points to TOR;-

1- All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
2- Copy of all the analysis reports duly signed by analyst approved by NABL or MoEF&CC shall be annexed with the EIA report and original analysis reports should be presented at the time of presentation.
3- MOU signed between the project proponent and the consultant should be submitted.
4- The project proponent shall obtain the forest clearance and permission of Central and State Government as per law under the provisions of Forest (conservation) Act, 1980 and submit along with EIA.
5- Public hearing shall be conducted as per EIA notification, 2006 (as amended).
6- SEIAA opined that the project proponent shall submit permission of CGWA or proposal for alternative source of fresh water.

12. **Sand/Morrum Mining from Yamuna River Bed River at Khand No.- 9/8 to 9/10, Village-Umarwal, Tehsil- Chail, Kaushambi., Smt. Mansi Rastogi W/o Shri Deepak Rastogi, M/s Balaji Coal Company, Area: 18.00 ha. File No. 6204/5324/Proposal No. SIA/UP/MIN/60868/2019**

SEIAA agreed with the recommendation of the SEAC that since the project proponent did not show any baseline monitoring data within 500m (core zone) of the lease area, the project proponent/consultant should present baseline data as per EIA Notification, 2006 (as amended) for appraisal.

13. **Sand Mining from Yamuna River Bed at Gata No.-13, Village-Palpur, Imiliya Kalinjara, Tehsil-Karchhana, Allahabad., M/s Sakshi Construction, Area-10.0 Ha. File No. 4009/Proposal No. SIA/UP/MIN/ 72441/2018**

SEIAA agreed with the recommendation of the SEAC that in the light of SSMMG, 2016 and EMGSM-2020, the lease area is almost submerged, and hence, the environmental clearance may not be recommended at this stage and thus the file should be closed/rejected.

14. **Sand Mining from Yamuna River Bed at Gata No.-20, Village Fulwa, Bisauna & Jonhwal, Tehsil-Sadar, Allahabad, U.P., M/s Laxmi Construction, Area-8.0 Ha). File No. 4010/Proposal No. SIA/UP/MIN/ 72444/2018**

SEIAA agreed with the recommendation of the SEAC that in the light of SSMMG, 2016 and EMGSM-2020, the lease area is almost submerged, and hence, the

Annex.3

(19)

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.
Vineet Khand-I, Gomti Nagar, Lucknow - 226 010
Phone : 91-522-2300 541, Fax : 91-522-2300 543
E-mail : doeuplko@yahoo.com
Website : www.seiaup.com

To,

M/s Indo Tech Waste Solution,
Kheri Road, Shop no- 2, Sector-98,
Faridabad, Haryana- 121002

Ref. No. 93 /Parya/SEIAA/6191/2021 Date: 11 June, 2021

Sub: Terms of Reference for Proposed Common Biomedical Waste Management Facility at Khasra No.- 1161, Village- Kumraua, Block- Saron, Tehsil & District- Kasganj, U.P., M/s Indo Tech Waste Solution.

Dear Sir,

Please refer to your application/letter dated 12-02-2021 & 24-02-2021 addressed to the Secretary, SEAC, Directorate of Environment, U.P., Lucknow on the subject as above. The matter was considered by the State Level Expert Appraisal Committee in its meeting held on dated 09-03-2021 and SEIAA in its meeting dated 21-05-2021.

A presentation was made by project proponent along with their consultant M/s Wolkem India Limited. The proponent, through the documents submitted and the presentation made informed the committee that:-

1. The environmental clearance is sought for Common Biomedical Waste Management Facility at Khasra No.- 1161, Village- Kumraua, Block- Saron, Tehsil & District- Kasganj, U.P., M/s Indo Tech Waste Solution.
2. Salient features of the project:

Project Activity	7(da) – Bio-Medical Waste Treatment Facilities
Category	Category B
Key Details of the Project	
Project Capacity (Proposed)	Proposed Project Capacity-10,000 beds Current BMW Waste Generation- 10,000 beds The proposed project will cover 75 km or more if required as per authority requirements.
New/Expansion/Modernization	New
Land Area	4081 Sqm (0.408 ha)
Land Ownership	Lease land for 15 years by Mr. Raman Kumar of M/s Indo Tech Waste Solution.
Water Requirement & Source	5 KLD, Source- Bore Well (CGWB Application would be applied)
Project Cost	Rs- 172/- Lakhs (1.72/- Crore)
Nearest Water Bodies/Rivers	
Power Requirement & Source	62 KW, Source- Dakshinanchal Vidyut Vitran Nigam Ltd (DHVVNL). DG set (62.5 KVA) is proposed for power backup.
Employment	
Full Time Employees	42
Contract Employees	The labours and workers will be hired from near by villages.
Location Details	
Location	Kumraua Village, Block- Saron District- Kasganj, Uttar Pradesh
Khasra No.	Khasra No.- 1161
Coordinates	
SOI Topo Map No.	45I/9, 53L/12, 54I/5 & 53L/8
Nearest Railway Station	Kasganj Railway Station (16.10 km in S)
Nearest Airport	Agra (Pandit Deen Dayal Upadhyay) Airport (110 km in SW)
Nearest Town/Habitation	Pachlana 1 Km in NNE
Seismic Zone	Seismic Zone- IV

Tor for Proposed Common Biomedical Waste Management Facility at Khasra No.-1161, Village- Kumraua, Block- Saron, Tehsil & District- Kasganj, U.P., M/s Indo Tech Waste Solution.

3. Land use details:

S.No.	Components/Particular	Area in SQ.M.	Percentage
1	Build up Area (Autoclave, Shredder etc.)	831.00	20.36
2	Incinerator Area	334.00	8.18
3	E.T.P Area	25.00	0.61
4	Road Area	1055.00	25.85
5	Green Belt	1347.00	33.00
6	Open Area	489.00	11.98
Total Area		4081.00	100

4. Green Area details:

Total Green belt (33%)	1347 Sq. mt
No of Rows	Three Rows
Plantation Type	Trees- APTI-ITRA
Total No. Trees Proposed	1300No.
Shrubs	400 No.
Odour management Species	ITRA Plantation technique ('Z' shape)
Indigenous Tree & root Aroma Plantation © IECRS	

5. Equipment details:

S.No	Equipment	Installed Capacity	Number
1	Static Dry Incinerator	200 Kg/hrs	1
2	Horizontal Cylindrical Autoclave	2500 ltr/hr or 250Kg/batch	1
3	Shredder	150 kg/hrs	1
4	Effluent Treatment Plant	5 KLD	1

6. Total water requirement of the project during construction phase is 02 KLD and operation phase is 05 KLD which shall be sourced from nearby areas.
7. The amount of total waste water generated out of proposed CBWTF is 2 KLD which shall be treated in 5 KLD ETP. It will be a Zero Liquid Discharge Unit.
8. The project proposal falls under category–7(da) of EIA Notification, 2006 (as amended).

The committee/Authority discussed the matter and recommended/granted following additional terms of reference's (AToR's) for conducting EIA regarding the project:

(A) Additional TOR:

1. All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
2. Copy of all the analysis reports duly signed by analyst approved by NABL or MoEF&CC shall be annexed with the EIA report and original analysis reports should be presented at the time of presentation.
3. MOU signed between the project proponent and the consultant should be submitted.
4. The project proponent shall obtain the forest clearance and permission of Central and State Government as per law under the provisions of Forest (conservation) Act, 1980 and submit along with EIA.
5. Public hearing shall be conducted as per EIA notification, 2006 (as amended).
6. SEIAA opined that the project proponent shall submit permission of CGWA or proposal for alternative source of fresh water.
7. Letters from CMO, Kasganj regarding feasibility/requirement of Common Biomedical Waste Treatment Facility at the proposed site at the time of EIA.
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. PP/Consultant should provide the details of other bio medical waste facility within 75 Km radius of the proposed site.
11. 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.

12. Submit the details of the road/rail connectivity along with the likely impacts and mitigative measures.
13. Submit the present land use and permission required for any conversion such as forest, agriculture etc.
14. 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.
15. Land requirement for the facility including its break up for various purposes, its availability and optimization.
16. 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.
17. Details on collection and transportation of Bio Medical Waste from health care establishments, No. of vehicles and feature of vehicles, etc.
18. 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.
19. Details of the proposed overall safety and health protection measures and submit specific programme.
20. Details on source of water and power supply.
21. Details of the existing access road(s)/walkways to the designed operations in the site and its layout.
22. Location of the incineration facility and nearest habitats with distances from the facility to be demarcated on a toposheet (1: 50000 scale).
23. Land use map based on satellite imagery including location specific sensitivities such as national parks / wildlife sanctuary, villages, industries, etc.
24. Topography details.
25. Surface water quality of nearby water bodies.
26. Details on proposed groundwater monitoring wells, locations, frequency of monitoring, parameters, etc.
27. 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.
28. Action plan for the greenbelt development in accordance to CPCB published guidelines.
29. Details on pollution control technologies and online monitoring equipments.
30. 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 Medial Waste (Management & Handling) Rules 1998.
31. Stack and fugitive emissions may be monitored for SPM, SO_2 & NOx as per Bio Medical Waste (Management & Handling) Rules 2016.
32. Details of Administrative and technical organizational structure.
33. 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).
34. Details of the emergency preparedness plan and on-site & off-site disaster management plan.
35. Affidavit to be submitted for the actual surveys done with detailed photographs of monitoring etc.
36. NOC from UPPCB shall be taken and submitted to SEAC before submission of EIA report.
37. Examine the details of transportation of Hazardous wastes, and its safety in handling.
38. Examine and submit the details of on line pollutant monitoring.
39. Examine the details of monitoring of Dioxin and Furon.
40. MoU for disposal of ash through the TSDF.

41. MoU for disposal of scrubbing waste water through CETP.
42. Examine and submit details of monitoring of water quality around the landfill site.
43. Examine and submit details of the odour control measures.
44. Examine and submit details of impact on water body and mitigative measures during rainy season.
45. 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.
46. Water quality around the landfill site shall be monitored regularly to examine the impact on the ground water.
47. The storage and handling of hazardous wastes shall be as per the Hazardous Waste Management Rules.
48. Submit details of a comprehensive Disaster Management Plan including emergency evacuation during natural and man-made disaster.
49. 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.
50. 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.
51. Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
52. 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 final EIA report after incorporation of public hearing observations/comments should be submitted to the committee for further consideration of the matter.

This is to request you to take further necessary action in matter as per provisions of Gazette Notification No. S.O. 1533(E) dated 14/09/2006, as amended. You are advised to submit the EIA/EMP for further consideration of the matter as per procedure laid down in the Gazette Notification SO 1533(E) dated 14/09/2006 as amended. The matter will not be considered pending till your reply as above is received.

(Shruti Shukla)
Nodal, SEIAA/
Deputy Director

No...../Parya/SEAC/6191/2018 Dated: As above

Copy with enclosure for information and necessary action to:

1. The Principal Secretary, Department of Environment, Govt. of Uttar Pradesh, Lucknow.
2. Advisor, IA Division, Ministry of Environment, Forests & Climate Change, Govt. of India, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi.
3. Additional Director, Regional Office, Ministry of Environment & Forests, (Central Region), Kendriya Bhawan, 5th Floor, Sector-H, Aliganj, Lucknow.
4. District Magistrate, Kasganj.
5. The Member Secretary, U.P. Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow.
6. Copy to Web Master/ guard file.

(Shruti Shukla)
Nodal, SEIAA/
Deputy Director

(991) 227

(23) Annex. 9

AN ISO 14001:2015 COMPANY
Environment & Health Care Division

JRR WASTE MANAGEMENT PVT. LTD.

.....Managing Bio Medical Waste

Block No. S-21, Shop No. 4, Sanjay Place, Agra-282002
Mob.: 9997981999, 9897030999 E-mail : jrrwmpl@gmail.com

Speed Post/E-mail

Dated: 03 Sept. 2022

To,

1. The Secretary,
   Ministry of Environment, Forest and Climate Change
   Central Secretariat, New Delhi.

2. Additional Chief Secretary/Principal Secretary,
   Department of Environment, Forests & Climate Change,
   Govt. of U.P., Civil Secretariat,
   Lucknow 226001.

3. Prescribed Authority,
   U.P. Pollution Control Board,
   Through its Chairman,
   TC-12-V, Vibhuti Khand,
   Gomti Nagar, Lucknow – 226010.

4. Chairman,
   U.P. Pollution Control Board,
   TC-12-V, Vibhuti Khand,
   Gomti Nagar, Lucknow – 226010.

Received at Delhi on 08/09/2022 & 07/09/2022

5. Chairman,
   State Environment Impact Assessment Authority,
   at Directorate of Environment,
   Vineet Khand-6, Gomti Nagar,
   Lucknow – 226010.

6. Chairman,
   State Environment Appraisal Committee-I,
   at Directorate of Environment,
   Vineet Khand-6, Gomti Nagar,
   Lucknow – 226010.

7. Chairman,
State Environment Appraisal Committee-II,
at Directorate of Environment,
Vineet Khand-6, Gomti Nagar,
Lucknow – 226010.

Sub: - <u>Representation for consideration of applicability of the guidelines for Common Bio-Medical Waste Facility 2003 & the revised guidelines of Common Bio-Medical Waste Facility 2016 issued under the provisions of relevant Rules of 1998 and Rules of 2016 in respect of consideration of Environmental Clearance at the end of the authorities in respect of grant of EC pertaining to M/s Indo Tech Solution, Khari Road, at Village – Kumrauwa, Tehsil - Soron, District - Kasganj.</u>

Sir (s),

The applicant (JRR Waste Management Private Limited, Agra) most respectfully begs to submit as under: -

1. That the applicant in the name and style of JRR Waste Management Private Limited, Block No. S-21, Shop No. 4, Sanjay Place, Agra - 282002 duly registered under the Companies Act with the Registrar of Companies at Kanpur and is functioning under the Memorandum of Association duly approved by the Registrar of Companies and under the resolution of the Board the present representation is being moved.

2. That before making his submission, the applicant is desirous to submit certain relevant and material facts in support of the grievance of the applicant for installation of CBWTF to be run by M/s Indo Tech Solution, Khari Road, at Village – Kumrauwa, Tehsil Soron, District Kasganj within the periphery of 150 KM already covered within the coverage area reserved for the applicant in terms of the authorization certificate issued under the provisions of Bio-Medical Waste (Management & Handling) Rules, 1998 and also renewed time to time

in accordance with law.

3. That it is pointed out that bio-medical waste is generated by Hospitals, Nursing Homes, Pathological Labs etc. which is required to be disposed of in terms of the Rules framed u/s 6, 8 & 25 of the Environment (Protection) Act, 1986, popularly known as Bio Medical Waste (Management and Handling), Rules 1998 as well as Bio Medical Waste Management, Rules 2016 and the Central Pollution Control Board had issued guidelines for establishment of Common Bio Medical Waste Treatment Facility (CBWTF) in the year 2003 in conformity with the relevant Rules of 1998 applicable at that point of time and subsequently when aforesaid Rule, 2016 came into existence superseding the Rule, 1998 with certain modification, the CPCB issued revised guidelines 2016 keeping in view the requirement of establishment of new CBWTFs within the radius of 75 Km in case the already established CBWTF is not in a position to meet the requirement of disposal of Bio Medical Waste and for new establishment various statutory requirements at the end of state government as well as prescribed authority, have been formulated in the revised guidelines issued by CPCB.

4. That it is noteworthy that the Bio Medical Waste Management, Rules 2016 stipulates that any CBWTF (Common Bio Medical Waste Treatment Facility) already established in conformity with the old guidelines issued by CPCB under the provisions of Bio Medical Waste (Management and Handling), Rules 1998 will not stand completely superseded by new Rule, 2016 as provided in the opening paragraph of the Rule, 2016 and thus it is well settled canon of law that any action or thing done under the old Rule shall remain unaffected until and unless the old Rules are repealed in its entirety and thus the guidelines issued by CPCB in 2003 under 1998 Rules and revised guidelines of 2016, will have mandatory force having binding effect upon the authorities bestowed upon the powers for implementing the very object of Bio Medical Management Rules, 2016.

5. That under the guidelines issued by CPCB (Central Pollution Control Board), the prescribed authority is required to conduct a gap analysis action plan is to be prepared by it for establishment of new CBWTFs (Common Bio Medical Waste Treatment Facility) in case of grant of authorization for the purposes of generation, collection, reception, storage, transportation, treatment, processing disposal of Bio medical waste in accordance with the rules and guidelines issued by CPCB (Central Pollution Control Board) and in case the prescribed authority considers necessary and desirable for allowing establishment of new CBWTF (Common Bio Medical Waste Treatment Facility) in that locality without interfering the coverage area of the existing CBWTF (Common Bio Medical Waste Treatment Facility) and the beds covered by the existing CBWTF (Common Bio Medical Waste Treatment Facility) and as such the impugned order granting authorization certificate for establishing new CBWTF without affecting the Health Care Facilities falling within the coverage area of old CBWTF and also beds covered by the already established CBWTF (Common Bio Medical Waste Treatment Facility) and also without resorting to the regulatory procedure in respect of selection of site even, as mandated under the Rule 17 of Common Bio Medical Waste and Management Rule, 2016 itself.

6. That it is also necessary and desirable to reiterate that as per the Guidelines of CPCB that the CBWTF should be located at a place reasonably far away from residential and sensitive areas for which the selection of site should be within the space of 1 acre area as mandated by Rule 17 of Bio Medical Waste Management, Rules 2016 as quoted in the following paragraph and the power of selection site for establishment of new CBWTF, is vested with the State Government in consultation with prescribed authority (State Board).

7. That by virtue of the provision of Rule 17 of the Bio Medical Waste Management, Rules 2016, which contemplates the regulatory procedure in selection of site in case of establishment of new CBWTF, the department in the business allocation of land assignment in the state government, shall be held responsible for providing suitable site for

setting of new CBWTF in the State Government which has to select site in consultation with the prescribed authorities and other stake holders in accordance with the guidelines issued by Central Pollution Control Board (CPCB) and thereafter new facility can only be established in conformity with the procedure provided under rule 17 of the Bio Medical Waste Management, Rules 2016. The extract of the provision of Rules 17 of Bio Medical Waste Management, Rules 2016 is being reproduced below.

> Rules 17: **Site for common bio-medical waste treatment and disposal facility**. (1) Without prejudice to rule 5 of these rules, the department in the business allocation of land assignment shall be responsible for providing suitable site for setting up of common biomedical waste treatment and disposal facility in the State Government or Union territory Administration
>
> (2) The selection of site for setting up of such facility shall be made in consultation with the prescribed authority, other stakeholders and in accordance with guidelines published by the Ministry of Environment, Forest and Climate Change or Central Pollution Control Board.

8. That under the guidelines of 2003 issued by CPCB, the coverage of the area for CBWTF is 150 KM radius under the Rules,1998 and for establishment of new CBWTF within the radius of 75 KM there must be further coverage with the stipulation of availability of additional beds exceeding 10000 beds including the planning for future beds from health care facilities and as such the Prescribed Authorities are not empowered to consider for authorization certificates for establishment of new CBWTFs under the Rules of 2016 under which revised guidelines have been issued until and unless it is established that there is extreme necessity of establishment of new CBWTF in those cases where in the vicinity certain new hospitals and pathologies have been subsequently established and more than 10,000 beds have been covered apart from those beds which are covered by the old CBWTF already established within the coverage of 150 KM established under the 1998 Rules and thus the issuance of environmental clearance in favour of M/s Indo Tech Solution, Khari Road, at Village – Kumrauwa, Tehsil Soron, District Kasganj will be illegal and violative of the guidelines issued under the Rules of 1998 and Rules of 2016.

9. That the Prescribed Authority has been created under Rule 9 of the Bio Medical Waste Management Rules, 2016 and the word 'Prescribed Authority' has been defined under rule 2(o) of the aforesaid Rules, 2016 which means that State Pollution Control Board shall be the prescribed authority and the State Board has been defined under section 2(h) and constituted U/s 4 of the Water Act, 1974 and as such the power of Prescribed Authority conferred under the provision of Rule 10 of the aforesaid Rule, 2016 can only be exercised by the U.P. Pollution Control Board itself.

10. That the prescribed authority for the purposes of exercising the power of Bio Medical Waste Management Rules, 2016 has been created under Rule-9 of the aforesaid Rule of 2016. The extract of the provision of Rule-9 is being reproduced below:

> **Prescribed authority.** -(1) The prescribed authority for implementation of the provisions of these rules shall be the State Pollution Control Boards in respect of States and Pollution Control Committees in respect of Union territories.
>
> (2) The prescribed authority for enforcement of the provisions of these rules in respect of all health care establishments including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories and blood banks of the Armed Forces under the Ministry of Defence shall be the Director General, Armed Forces Medical Services, who shall function under the supervision and control of the Ministry of Defence. 9
>
> (3) The prescribed authorities shall comply with the responsibilities as stipulated in Schedule III of these rules.

11. That it is significant to mention here that the Central Government while framing the Bio Medical Waste Management, Rules 2016 has protected those facilities which were established under the Bio Medical Waste (Management and Handling), Rules 1998 within the radius of 150 Km in conformity with the relevant guidelines the then issued by CPCB in the year 2003 under the relevant provisions of Bio Medical Waste (Management and Handling), Rules 1998 while on the other hand under the new Rule, 2016 has fixed the distance of the radius of 75 Km not affecting the already established CBWTFs under the old rules of 1998 as mentioned above meaning thereby that the provisions of the Bio Medical Waste Management Rules, 2016 shall

remain operational prospectively with effect from the date of its publication in the official gazette as provided under rule-1(2) of Rules, 2016 itself.

12. That the central government while framing The Bio Medical Waste Management Rules, 2016 notified in official gazette, in exercise of power conferred u/s 6, 8 & 25 of The Environment (Protection) Act, 1986 except in respect of things done or omitted to be done before such supersession has protected those CBMWTFs (Common Bio Medical Waste Management Facility) already established under the provisions of Bio Medical Waste (Management and Handling) Rules, 1998 in terms of the guidelines of 2003 issued by CPCB and thereafter when The Bio Medical Waste Management Rules, 2016 came into force, the revised guidelines has been issued by CPCB for the purposes of generation, collection, reception, storage, Transportation, treatment processing and disposal of common bio-medical waste by the CBWTF (Common Bio Medical Waste Treatment Facility).

13. That under clause 5.3 of the revised guidelines issued by CPCB, it has been stipulated that the Ministry of Environment, Forest and Climate change has issued a notification of SO1142(E) dated 17.04.2015 providing therein that establishment of new Bio-Medical Waste Treatment Facility (new CBWTF) Environmental clearance from State Environment Impact Assessment Authority (SEIAA) is mandatorily required to be obtained for its establishment and thus CBWTF operator is also required to obtain environmental clearance from respective SEIAA or Ministry of Environment, Forest and Climate Change as the case may be, before establishing new CBWTF even initiation of construction work for new project.

14. That the legislative intent behind the provision of Rule 17 of Bio Medical Waste Management, Rules 2016 is to this effect that the land use for the allocation of site is exclusively vested with the State Government in view of the fact that new industrial (CBWTF) unit can only be established upon the land/area allocated for industrial purposes demarcated in the master plan approved by the State Government and

as such the selection of site for establishment of new CBWTF is solely upon the ends of State Government concerned as also provided in the guidelines issued by CPCB.

15. That under clause 6 of the guidelines issued by CPCB for establishment of new CBWTF, the concept of buffer zone has been formulated with the object of separation of distance between the source of pollution from CBWTF and receptors/ residents of the vicinity by following the principle of degree of impact with increased distance on case to case basis by demarcating certain precautionary measures as elaborated in the guidelines with the stipulation with the CBWTF shall preferably be developed in the notified industrial area in the master plan having regard to the fact that the CBWTF should be located at a place reasonably far away from the residential and sensitive area normally having distance of preferably 500 meters and the new (CBWTF should prove that it is not causing any impact on environmental pollution upon the habitation in the vicinity where new CBWTF is sought to be established.

16. That clause 6(c) of the revised guidelines issued by the CPCB as also quoted above, which contemplates that in case of establishment of new CBWTF, it is necessarily desirable to precure environmental clearances from competent authorities having regard to the fact that there should not be any CBWTF already existing within 150 Km distance as provided under the guidelines of 2003 issued by CPCB under 1998 Rules and as such the impugned authorization certificate issued by U.P. Pollution Control Board is violative of the aforesaid guidelines as well.

17. That under clause 2 of the revised guidelines issued by CPCB pertaining to establishment of new CBWTF, it has been formulated certain basic criteria for establishment of new CBWTF and the Prescribed authority (State Board) under the BMWM Rules, 2016 in the respective State, is required to prepare an inventory or review with the regard to the Bio-Medical Waste Generation at least 5

years in coverage areas of the existing Bio-Medical Waste Treatment and disposal facility, which has not been done in issuing the impugned authorization certificate by the prescribed authority violating the guidelines of CPCB issued in this regard and as such it is evident that the State Board exercising the power of prescribed authority has ignored the requirement of necessary approvals as required in the guidelines as well as the Rules of 2016.

18. That Prescribed Authority (State Board) was under an obligation to have considered the adequacy of existing CBWTF and its capacity including the coverage area of the radius of 150 KM already established and in case of establishment of new CBWTF within the radius of 75 KM as given in Annexure-I of the revised guidelines which requires **(i)** coverage area while gap analysis for assessing BMW treatment capacity requirement keeping in view the areas covered by CBWTF already in existence **(ii)** number of HCFs (health care facilities) (bedded and non-bedded) **(iii)** number of beds covered **(iv)** total estimated BMW generation in Kg/days **(v)** total BMW treated and disposed in Kg/days **(vi)** gap between total BMW generation and the existing BMW treatment capacity in Kg. and thus it is evident that the Prescribed Authority (State Board) has acted in contravention of the guidelines of CPCB in granting authorization certificate etc. in permitting new common Bio-Medical waste treatment and disposal facility which is being quoted below:

Annexure-I

Coverage area-wise gap analysis for assessing additional BMW treatment capacity requirement

S. No	Coverage Area (pl indicate areas covered by CBWTF in the State/UT	No. of HCFs	No. of Beds Covered	Total estimated BMW generation in Kg/day	Total existing treatment capacity in kg	Total BMW treated and Disposed in Kg/day	Gap between total BMW generation & the Existing BMW treatment Capacity in Kg	Remarks (whether additional Treatment Capacity required or not)

(982) (32)

		Bed-ed	Non-Beded			Incineration	Autoclaving/ hydroclaving/ microwaving	Chemical disinfection	Deep burial	Any other mode of disposal			Yes	No
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Note: above gap analysis coverage area-wise is required to be prepared once in five years and should be shown or depicted in a Map of State/UT

19. That under the guidelines of CPCB, the Prescribed Authority has been mandated to conduct the gap analysis action plan for development of new CBWTFs and after the preparation of such plan pertaining to existence of old CBWTF already established new CBWTF in the entire State in order to ascertain that excessive number of CBWTFs should not be established in order to avoid pollution in the surrounding area where new CBWTF is sought to be established and as such the Prescribed Authority has been required to submit the prepared plan to MoEF and CPCB as mandated in 2016 Rules as well as under the guidelines issued by CPCB.

20. That in case the coverage area requires additional capacity in order to meet the requirement of health care facilities for allowing new CBWTF in that locality without interfering coverage area of the existing CBWTF and beds of health care facilities covered under the old CBWF which has not been taken into consideration by the prescribed authority in granting the impugned authorization certificate apart from the fact that various other new CBWTFs are sought to be established in violation of the norms and standards inclusive of approvals from the appropriate authorities by precuring Environmental Clearances and thus the action of the Prescribed Authority (State

Board) is wholly not inconformity of Rules and Guidelines issued by CPCB.

21. That the CPCB is empowered to issue guidelines as provided under definition clause of Rule 3(c) of The Bio-Medical Waste Management Rules, 2016 defining the word "authorization" which is being quoted below:

> 3(c) "**authorization**" means permission granted by the prescribed authority for the generation, collection, reception, storage, transportation, treatment, processing, disposal or any other form of handling of bio-medical waste in accordance with these rules and guidelines issued by the Central Government or Central Pollution Control Board as the case may be."

22. That the Prescribed Authority has also not identified the coverage area which requires new and additional treatment facility in order to bring it to the notice of the department of State Government dealing with the allocation of land assignment for providing suitable site in identified coverage area for setting up of new CBWTF in consultation with the Prescribed Authority (State Board) and as such it is evident that the Prescribed Authority (State Board) has failed to perform statutory function stipulated in 2016 Rules and the guidelines issued by CPCB having mandatory force and binding effect upon the Prescribed Authority (State Board) and no resolution for establishment of new CBWTF by the State Pollution Control Board exercising the power of prescribed authority has been passed and the order impugned so issued by U.P. Pollution Control Board thereby granting authorization certificate under Rule 10 in favour of M/s Indo Tech Solution, Khari Road, at Village – Kumrauwa, Tehsil - Soron, District - Kasganj is wholly without jurisdiction.

23. That as per guidelines of CPCB, as well as Rule 17 of 2016 Rules it has been mandated that the department of business allocation of state government is required to make land assignment by way of selection of site must seek expression of proponents of the area of the proposed land for development of new CBWTFs and while allocating the site for the purposes of establishment of new CBWTF, the department dealing with the land assignment is required to identify the

coverage area keeping in view the distance between already established CBWTF and proposed CBWTF and as such the prescribed authority has usurped upon the jurisdiction of the State Government in selection of site for establishment of new CBWTF not vested in prescribed authority by law in respect of establishment of new CBWTFs and also in process of grant of impugned authorization certificate, the prescribed authority has acted in excess of jurisdiction by granting the authorization certificate impugned in the writ petition.

24. That it is also noteworthy that the guidelines issued CPCB have also dealt with coverage area of CBWTFs for the purposes of establishment wherein it has been formulated that it is incumbent upon the prescribed authority that existing treatment capacity is not adequate in the coverage area of CBWTF already established under 1998 Rules only in those cases 10000 bed capacity is exceeding in that locality health care facilities, in such a case a new CBWTF may be allowed in order to meet the requirement of bed capacity exceeding 10000 in number in health care facility but not otherwise and thus the order impugned is unsustainable in law.

25. That it is undisputed that SPCB (State Pollution Control Board) is the prescribed authority and the Board has been created u/s 4 of the Water Act, 1974 defined u/s 2(h) of the aforesaid Act, which consists of environmentalists, academicians, Scientists, Professionals, Experts & technocrats as formulated by Techi Tangi Tara V/s Rajendra Sigh Bhandari (2018) 11 SCC 734 and thus it is evident that the impugned authorization certificate for establishment new CBWTFs has been issued not by competent authority being State Board termed as prescribed authority and as such the order impugned cannot be said to be appealable in character despite the fact the constitutionality of the provision of appellate power derived from Rule 16 of Rules, 2016 is also sought to be challenged by means of present petition apart from the fact that no resolution by State Board exercising the power of Prescribed Authority for issuance of authorized certificate in favour of M/s Indo Tech Solution, Khari Road, at Village – Kumrauwa, Tehsil - Soron, District - Kasganj.

26. That the Prescribed Authority has been termed as SPCB and the power of SPCB can never be delegated upon any other authority other than the Chairman under Section 11-A of the Water Act, 1974 and no order/resolution have either been passed by the Board or the Chairman in the capacity of Prescribed Authority nor any resolution for issuing authorization certificate has been passed by the State Board exercising the power of Prescribed Authority as the Prescribed Authority constitutes only the State Board under rule 3(o) of Bio-Medical Waste Management Rules, 2016 but not otherwise.

27. That now apart from aforesaid analogy, it is alternatively pleaded that section 11-A of Water Act, 1974 dealing with the power of delegation is also ultra-vires to the provision of the Act as well as it is also violative of the constitutional principle having regard to the fact that the State Board as defined u/s 2 (h) and created U/s 4 of Water Act, 1974 which consists of professionally competent expert scientific persons having special knowledge and skill in the field of science and technology based upon the experience of environmental protection in environmental field comprising of environmentalists, academicians, Scientists, professionals, experts, and technocrats and thus the special knowledge and skill of the entire board can never be delegated to any individual having regard to the fact that collective decision after due deliberation by expertise body being the State Board is taken which has been created under the environmental enactments in order to fulfill the object sought to be achieved by means of environmental enactments and thus the very object of Constitution of expert body of scientists in environmental field having autonomous character, will be defeated even by means of delegation of powers and the power of Prescribed Authority has not been exercised by State Board as Rule 3(o) of the said Rules contemplate the "UPPCB" but not otherwise.

28. That now coming to the question of resorting to appellate remedy which can only be invoked in those cases where the authorization certificate has been issued by the Prescribed Authority being the competent authority while the impugned order of authorization certificate has not been issued by the SPCB but by Chief

Environmental Officer which is not covered within the meaning of prescribed authorities as the word 'Prescribed Authority' has been defined under Rule 3(o) of Bio-Medical Waste Management Rules, 2016 which means the State Board as defined under section 2(h) created under section 4 of the Water Act, 1974 which is a specialized expert body consisting of Environmentalists, Academicians, Scientists, Professionals, Experts, and technocrats.

29. That having left with no other alternative option, the applicant is submitting the present representation before the competent authority being Central Government to the effect by taking resort to the provision of Rule 12 of Bio Medical Waste Management Rules, 2016 which contemplates that the Ministry of Central Government will review the implementation of the Bio Medical Rules in letter and spirit across the country through the state functionaries including the CPCB which has also been empowered to frame the guidelines with the object sought to be achieved under the Bio Medical Waste Management Rule 2016 and Rule 12 of the said Rule uses the word **"review"** which means according to **Black Law dictionary (1) Consideration, inspection, or re-examination of a subject or thing (2) Plenary power to direct and instruct an agent or subordinate, including the right to remand, modify, or vacate any action by the agent or subordinate** and thus it is evident that the Central Government is fully empowered to invoke its plenary power by revoking and rescinding any decision taken or to be taken by state functionaries including the U.P. Pollution Control Board exercising the power of prescribed authority but two representations dated 22.6.2021 and its reminder dated 17.8.2021 so submitted are still pending consideration to the authority concerned and the extract of Rule 12(1) of the Rules, 2016 is being quoted: "***12. Monitoring of implementation of the rules in health care facilities*** *(1) The Ministry of Environment, Forest and Climate Change shall review the implementation of the rules in the country once in a year through the State Health Secretaries and Chairman or Member Secretary of State Pollution Control Boards and Central Pollution Control Board*

and the Ministry may also invite experts in the field of bio-medical waste management, if required."

In view of the facts and circumstances, mentioned here-in-above, it is most respectfully prayed that your goodself may kindly be pleased to pass an order thereby refusing the proposal Environmental Clearance sought by the M/s Indo Tech Solution, Khari Road, at Village – Kumrauwa, Tehsil - Soron, District – Kasganj in violation of the guidelines issued time to time by CPCB in conformity with the provisions of relevant Rules of 1998 and Rules, of 2016 and also afford an opportunity to the applicant for personal hearing in order to demonstrate his grievance specially when he has already approached the public hearing headed by the District Magistrate Kasganj on 06.06.2022 by representing the matter in writing but in vain and any other order or appropriate direction in the facts and circumstances of the case may also pleased be passed in favour of the applicant, in order to meet the ends of justice.

Yours Sincerely,

Authorized Signatory
For & on Behalf of
JRR Waste Management Pvt. Ltd.
Block No. S-21, Shop No. 4,
Sanjay Place, Agra – 282002.

3. The project proponent shall upload the status of compliance of the stipulated environment clearance conditions, including results of monitored data on their website and update the same on half-yearly basis.
4. The project proponent shall submit six-monthly reports on the status of the compliance of the stipulated environmental conditions on the website of the ministry of Environment, Forest and Climate Change at environment clearance portal.
5. The project proponent shall submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company.
6. The project proponent shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities, commencing the land development work and start of production operation by the project.
7. The project authorities must strictly adhere to the stipulations made by the State Pollution Control Board and the State Government.
8. The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP report, commitment made during Public Hearing and also that during their presentation to the Expert Appraisal Committee.
9. No further expansion or modifications in the plant shall be carried out without prior approval of the Ministry of Environment, Forests and Climate Change (MoEF&CC).
10. Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of Environment (Protection) Act, 1986.
11. The Ministry may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.
12. The Ministry reserves the right to stipulate additional conditions if found necessary. The Company in a time bound manner shall implement these conditions.
13. The Regional Office of this Ministry shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information/monitoring reports.
14. The above conditions shall be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 along with their amendments and Rules and any other orders passed by the Hon'ble Supreme Court of India / High Courts and any other Court of Law relating to the subject matter.
15. Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

7. Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District-Kasganj, U.P., M/s Indo Tech Waste Solution, File No. 6191/Proposal No. SIA/UP/MIS/60737/2021

The consultant informed the committee that they are strictly following the rules, regulations and other instructions of QCI/NABET. A presentation was made by the project proponent along with their consultant M/s Wolkem India Ltd. The committee discussed the matter and directed the project proponent to submit following information:

1. Complaints letters have been provided to the project proponent for the submission of point wise replies on issues raised in letters.
2. Details of bio medical waste facility within 75 km radius of the project site.
3. Point wise clarification/ proposal for biomedical waste treatment and disposal with respect to revised guidelines for CBMWTF, 2016 of CPCB.

The matter shall be discussed after submission of online information on prescribed portal.

should be submitted within the next 3 months.

13- PP should display EC granted to them on their website. 6-monthly compliance report should be displayed on their website.

7. **Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District-Kasganj, U.P., M/s Indo Tech Waste Solution, File No. 6191/Proposal No. SIA/UP/MIS/60737/2021**

SEIAA took note of comments recorded by SEAC-1.

8. **Building Stone (Gitti/ Khanda/ Boulders/ Pahari Red Morram) Project at Gata No.- 1078 (Khand No.- 38), Village- Gonda, Tehsil- Karwi, District- Chitrakoot, M/s Mahesh Prasad Jaiswal Contractor, Applied Area : 2.0240 ha. File No. 7208/6969/Proposal No. SIA/UP/MIN/81957/2022**

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by SEAC-1 adding following specific conditions:-

1. Validity period of this EC is 5 years from the date of issue as the LoI has been issued for a period of 5 years or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
5. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
6. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 3,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate

12. Water requirement details along with source of water and the permission/ agreement with the concerning authority/ water supplying agencies to be submitted.
13. Submit the study report of lease area that the quantity given in LoI will be mined without affecting the geo-hydrology of the River.

7. Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District- Kasganj, M/s Indo Tech Waste Solution. M/s Indo Tech Waste Solution. File No. 6191/Proposal No. SIA/UP/MIS/60737/2021

The committee noted that the matter was earlier discussed in 683rd SEAC meeting dated 07/09/2022 and directed the project proponent to submit following information:

1. Complaints letters have been provided to the project proponent for the submission of point wise replies on issues raised in letters.
2. Details of bio medical waste facility within 75 km radius of the project site.
3. Point wise clarification/ proposal for biomedical waste treatment and disposal with respect to revised guidelines for CBMWTF, 2016 of CPCB.

The project proponent submitted their replies through online Parivesh Portal on 26/09/2022 and the matter was listed in 695th SEAC meeting dated 19/10/2022 for reply presentation. The consultant informed the committee that they are strictly following the rules, regulations and other instructions of QCI/NABET. A presentation was made by the project proponent along with their consultant M/s Wolkem India Limited. Based on the documents submitted and presentation made by the project proponent along with the consultant, the following facts have emerged: -

1. The environmental clearance is sought for Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District- Kasganj, U.P., M/s Indo Tech Waste Solution.
2. The terms of reference in the matter were issued by SEIAA, U.P. Ref. no. 93/Parya/SEIAA/6191/2021, dated 11/06/2021.
3. The public hearing was organized on 06/06/2022 at Collectorate Office, Kasganj, Uttar Pradesh. Final EIA report submitted by the project proponent on 01/08/2022.
4. Brief project details:

Project Capacity (Proposed)	Proposed Project Capacity-10,000 beds Current BMW Waste Generation- 10,000 beds The proposed project will cover 75 km or more if required as per authority requirements.		
Water Requirement & Source	5 KLD, Source- Bore Well & External Water Tankers.		
Project Cost	Rs- 172/- Lakhs (1.72/- Crore)		
Power Requirement & Source	62 KW, Source- Dakshinanchal Vidyut Vitran Nigam Ltd (DHVVNL). DG set (62.5 KVA) is proposed for power backup.		
Employment			
Full Time Employees	Approx - 42 persons during operational phase		
Contract Employees	Approx -15 persons during construction phase. The labours and workers will be hired from nearby villages.		
Location Details			
Location	Kumraua Village, Block- Soron District- Kasganj, Uttar Pradesh		
Khasra No.	Khasra No.- 1161		
Coordinates	Sr. No.	Latitude	Longitude
	A	27°57'28.14"	78°36'34.74"
	B	27°57'29.41"	78°36'37.18"
	C	27°57'30.85"	78°36'36.09"
	D	27°57'29.53"	78°36'33.70"
SOI Topo Map No.	45I/9, 53L/12		

Nearest Railway Station	Kasganj Railway Station (16.10 km in S)
Nearest Airport	Agra (Pandit Deen Dayal Upadhyay) Airport (110 km in SW)
Nearest Town/Habitation	Nagla Mukhram 802 meter in NE & Pachlana 1 Km in NNE
Seismic Zone	Seismic Zone- IV

5. Land use breakup:

S.No	Particulars	Area in Sqm	Area in %
1	Build Up Area	831	20.37
2	Incinerator Area	334	8.18
3	E.T.P Area	25	0.62
4	Road Area	1055	25.85
5	Green Belt	1347 (107 nos. of tree to be plated)	33
5	Open Area	489	11.98
	Total Area	4081	100.00

6. Details of biomedical waste facility within 75 km radius of the project site:

S. No	Name of CBWTF	Address	Covering District and Total Beds		Radius	Total Treatment Capacity
1	Bio Medical Waste Disposal Agency	Khasra No 622, Rava-Neem –Gaon Road, Village Pandwa, Mantt, District Mathura	Mathura Aligarh Kashganj Eta Firozabad Sambhal Hathras TOTAL	4633 6737 905 697 2251 1306 1488 18017	92 Km	Incinerator-200kg/hr, Autoclave-50Kg/shift, Shredder-100Kg/hr
2	Dutt Enterprises Ltd	Khasra No.670, Mauja-Darhera, Tehsil-Atmadpur, Agra	Agra Mainpuri Firozabad Hathras Bhind& Morena TOTAL	8708 889 - - 1904 11501	92 Km	Incinerator-200kg/hr, Autoclave-50Kg/shift, Shredder-100Kg/hr
3	SP Green Light Environment Waste Management LLP	Saalpur Nava diya Meeranpur Katra, Tilhar Shajahanpur	Bareilly Pilibheet Moradabad Rampur Amroha J.P.Nagar Shajahanpur Badaun TOTAL	9726 1190 4939 1720 1991 - 2443 1759 23768	104 Km	Incinerator-150kg/hr, Autoclave-430ltr/shift, Shredder-50Kg/hr
Source: UPPCB Report on BMW status as on 20.01.2020						

7. Equipment details:

Sr. No.	Equipment/Machinery	Capacity	Nos.
1	Static Dry Incinerator	200Kg/hour	1
2	Horizontal Cylindrical Autoclave	250 kg/batch	1
3	Shredder	150kg/hour	1
4	ETP	5KLD	1

8. Water requirement details:

S. No.	Activity	Total Water	Treated Water (Requirement)	Discharge to ETP
1.	Floor, Vehicle, wheel Washing, Water Sprinkling	1.4KLD	0.7 KLD	1.9 KLD
3.	Boiler Blow down	0.1 KLD	-	0.08 KLD
4.	Domestic use	2 KLD	-	Sent to Soak Pit/Septic Tank
5.	Gardening	1.5 KLD	1 KLD	-
Total		5 KLD	1.7 KLD	2 KLD

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

The consultant (EIA Coordinator) also submitted an affidavit dated 01/08/2022 mentioning is as follows:

1. I, Ankit Badwaik, S/o Shri Iqbal Ahmad is EIA Coordinator of Wolkem India Limited.
2. I have prepared the EIA/EMP report for the proposal in name of Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District- Kasganj, U.P., M/s Indo Tech Waste Solution with my team.
3. I have personally visited the site of proposal and certify that no construction activity has been undertaken on the project site for the present proposal.
4. I am satisfied with that all the necessary data/information submitted along with application EIA/EMP are true and correct.
5. I certify that expansion of this project has been uploaded for the first time on Parivesh Portal.
6. I certify that there is no mismatch between information/data provided on online application and hard copy/presentation which will be submitted after acceptance of application.
7. I state that all the TOR points have been complied and all the issues raised during public hearing have been properly addressed in EIA report.
8. The EIA/EMP report for the proposal is prepared by my team as per guidelines laid down by QCI/NABET.

RESOLUTION AGAINST AGENDA NO-07

The committee discussed the matter and recommended grant of environmental clearance on the proposal as above along with standard environmental clearance conditions prescribed by MoEF&CC, GoI and following additional conditions:

Additional Conditions:

1. Proposed CBWTF shall comply with the revised guidelines issued by CPCB on December 21st 2016 with respect to location criteria.
2. In case, the number of beds is exceeding >10,000 beds in a locality and the existing treatment capacity is not adequate, in such a case, a new CBWTF may be allowed in such a locality in compliance with various provisions notified under the location. Environment (Protection) Act, 1986, to cater services only to such additional bed strength of the HCFs.
3. In compliance to Hon'ble Supreme Court order dated 13/01/2020 in IA no. 158128/2019 and 158129/2019 in Writ petition no. 13029/1985 (MC Mehta Vs. GoI and others) anti-smog guns shall be installed to reduce dust during excavation.
4. Proponent shall comply with the action plan and CSR plan submitted by PP/consultant at the time of EIA presentation.

Standard Environmental Clearance Conditions prescribed by MoEF&CC:

I. Statutory compliance:
   1. The project proponent shall obtain forest clearance under the provisions of the Forest (Conservation) Act, 1986, in case of the diversion of forest land for non-forest purpose involved in the project.
   2. The project proponent shall obtain clearance from the National Board for Wildlife, if applicable.
   3. The project proponent shall prepare a Site-Specific Conservation Plan & Wildlife Management Plan and be approved by the Chief Wildlife Warden. The recommendations of the approved Site-Specific Conservation Plan / Wildlife Management Plan shall be implemented in consultation with the State Forest Department. The implementation report shall be furnished along with the six-monthly compliance report. (in case of the presence of schedule-I species in the study area)
   4. The project proponent shall obtain Consent to establish/Operate under the provisions of the Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act,

1974 from the concerned State Pollution Control Board/ Committee.

5. Transportation and handling of Bio-medical Wastes shall be as per the Biomedical Wastes (Management and Handling) Rules, 20016 including section 129 to137 of Central Motor Vehicle Rules1989.
6. The project shall fulfill all the provisions of hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2016 including collection and transportation design etc and also guidelines for Common Hazardous Waste Incineration — 2005, issued by CPCB Guidelines of CPCB/MPPCB for Bio-medical Waste Common Hazardous Wastes incinerators shall be followed.
7. The project proponent shall obtain the necessary permission from the Central Ground Water Authority, in case of drawl of ground water / from the competent authority concerned in case of drawl of surface water required for the project.
8. A certificate of adequacy of available power from the agency supplying power to the project along with the load allowed for the project should be obtained.
9. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department shall be obtained, as applicable by project proponents from the respective competent authorities

II. Air quality monitoring and preservation:

1. The project proponent shall install an emission monitoring system including Dioxin and furans in monitor stack emission with respect to standards prescribed in Environment (Protection) Rules 1986 and connected to SPCB and CPCB online serves and calibrate these systems from time to time according to equipment supplier specification through labs recognized under Environment (Protection) Act, 1986 or NABL accredited laboratories.
2. Periodical air quality monitoring in and around the site including VOC, HC shall be carried out.
3. Incineration plants shall be operated (combustion chambers) with such temperature, retention time and turbulence, to achieve Total Organic Carbon (TOC) content in the slag and bottom ashes less than 3% or their loss on ignition is less than 5% of the dry weight of the material.
4. Venture scrubber (alkaline) should be provided with the incinerator with stack of adequate height (Minimum 30 meters) to control particulate emission within 50 mg/Nm3.
5. Appropriate Air Pollution Control (APC) system shall be provided for fugitive dust from all vulnerable sources, so as to comply with prescribed standards. All necessary air pollution control devices (quenching, Venturi scrubber, mist eliminator) should be provided for compliance with emission standards.
6. Masking agents should be used for odour control.

III. Water quality monitoring and preservation:

1. The project proponent shall install effluent monitoring system with respect to standards prescribed in Environment (Protection) Rules 1986 through labs recognized under Environment (Protection) Act, 1986 or NAB L accredited laboratories.
2. Waste water generated from the facility shall be treated in the ETP and treated waste water shall be reused in the APCD connected to the incinerator. The water quality of treated effluent shall meet the norms prescribed by State Pollution Control Board. Zero discharge should be maintained.
3. Process effluent/any waste water should not be allowed to mix with storm water.
4. Total fresh water use shall not exceed the proposed requirement as provided in the project details. Prior permission from the competent authority shall be obtained for use of fresh water.
5. A sewage Treatment Plant shall be provided to treat the wastewater generated from the project. Treated water shall be reused within the project.
6. A certificate from the competent authority for discharging treated effluent/ untreated effluents into the Public sewer/ disposal/drainage systems along with the final disposal point should be obtained.
7. The leachate from the facility shall be collected and treated to meet the prescribed standards before disposal.
8. Magnetic flow meters shall be provided at the inlet and outlet of the ETP & all ground water abstraction points and records for the same shall be maintained regularly.
9. Rain water runoff from the hazardous waste storage area shall be collected and treated in the effluent treatment plant.

IV. Noise monitoring and prevention:

1. The ambient noise levels should conform to the standards prescribed under E(P)A Rules, 1986 viz. 75 dB(A) during daytime and 70 dB(A) during night-time.

V. Energy Conservation measures:

1. Provide solar power generation on roof tops of buildings, for the solar light system for all common areas, street lights, parking around the project area and maintain the same regularly;
2. Provide LED lights in their offices and residential areas

VI. Waste management:

1. Incinerated ash shall be disposed of at approved TSDF and MoU made in this regard shall be submitted to the Ministry prior to the commencement.
2. The solid wastes shall be segregated as per the norms of the Solid Waste Management Rules, 2016.
3. A certificate from the competent authority handling municipal solid wastes should be obtained, indicating the existing civic capacities of handling and their adequacy to cater to the M.S.W. generated from the project.
4. Any wastes from construction and demolition activities related thereto shall be managed so as to strictly conform to the Construction and Demolition Rules, 2016
5. No landfill site is allowed within the CBWTF site.
6. The Project proponent shall not store the Hazardous Wastes more than the quantity that has been permitted by the CPCR/SPCB.

VII. Green Belt:

1. Green belt shall be developed in the area as provided in project details, with native tree Green belt shall be developed in an area equal to 33% of the plant area with a native tree species in accordance with CPCB guidelines. The greenbelt shall inter alia cover the entire periphery of the plant.

VIII. Public bearing and Human health issues:

1. Feeding of materials/Bio-medical waste should be mechanized and automatic no manual feeding is permitted.
2. Proper parking facility should be provided for employees & transport used for collection & disposal of waste materials.
3. Necessary provision shall be made for fire-fighting facilities within the complex.
4. An emergency preparedness plan based on the Hazard Identification and Risk Assessment (HIRA) and Disaster Management Plan shall be implemented.
5. An emergency plan shall be drawn in consultation with SPCB/CPCB and implemented in order to minimize the hazards to human health or the environment from fires, explosions or any unplanned sudden or gradual release of hazardous waste or hazardous waste constituents to air, soil or surface water.
6. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, creche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
7. Occupational hearth surveillance of the workers shall be done on a regular basis.

IX. Corporate Environment Responsibility:

1. The project proponent shall comply with the provisions contained in this Ministry's OM vide F.No. 22-65/2017-IA.1I I dated 1st May 2018, as applicable, regarding Corporate Environment Responsibility.
2. The company shall have a well laid down environmental policy duly approved by the Board of Directors. The environmental policy should prescribe standard operating procedures to have proper checks and balances and to bring into focus any infringements/deviation/violation of the environmental / forest /wildlife norms/ conditions. The company shall have defined system of reporting infringements / deviation / violation of the environmental / forest / wildlife norms / conditions and / or shareholders / stake holders. A copy of the board resolution in this regard shall be submitted to the MoEF&CC as a part of the six-monthly report.
3. A separate Environmental Cell both at the project and company head quarter level, with qualified personnel shall be set up under the control of senior Executive, who will directly to the head of the organization.
4. Action plan for implementing EMP and environmental conditions along with the responsibility matrix

of the company shall be prepared and shall be duly approved by the competent authority. The year-wise funds earmarked for environmental protection measures shall be kept in a separate account and not be diverted for any other purpose. Year rise progress of implementation of action plan shall be reported to the Ministry/Regional Office along with the Six Monthly Compliance Report.

5. A self-environmental audit shall be conducted annually. Every three years third-party environmental audit shall be carried out.

X. Miscellaneous:

1. The project proponent shall prominently advertise it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days indicating that the project has been accorded environment clearance and the details of MoEFCC/SEIAA website where it is displayed
2. The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
3. The project proponent shall upload the status of compliance with the stipulated environment clearance conditions, including results of monitored data on their website and update the same on half-yearly basis.
4. The project proponent shall submit six-monthly reports on the status of the compliance of the stipulated environmental conditions on the website of the Ministry of Environment, Forest and Climate Change at the environment clearance portal.
5. The project proponent shall submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company.
6. The criteria pollutant levels namely; SPM, RSPM, SP, NOx (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
7. The project proponent shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities, commencing the land development work and start of production operation by the project.
8. The project authorities must strictly adhere to the stipulations made by the State Pollution Control Board and the State Government.
9. The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP report, commitments made during Public hearings and also that during their presentation to the Expert Appraisal Committee.
10. No further expansion or modifications in the plant shall be carried out without prior approval of the Ministry of Environment, Forests and Climate Change (MoEF&CC).
11. Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of the Environment (Protection) Act, 1986.
12. The Ministry may revoke or suspend the clearance if the implementation of any of the above conditions is not satisfactory.
13. The Ministry reserves the right to stipulate additional conditions if found necessary. The Company in a time-bound manner shall implement these conditions.
14. The Regional Office of this Ministry shall monitor compliance with the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data/information/monitoring reports.
15. The above conditions shall be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Trans boundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 along with their amendments and rules and any other orders passed by the Hon'ble Supreme Court of India / High Courts/NGT and any other Court of Law relating to the subject matter.
16. Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

2. Land ownership documents.
3. NOC from bank in case land in mortgage with bank.
4. Show cause notice to consultant for submitting incomplete proposal/documents.

7. **Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District- Kasganj, M/s Indo Tech Waste Solution. M/s Indo Tech Waste Solution. File No. 6191/Proposal No. SIA/UP/MIS/60737/2021**

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with general and specific condition adding specific condition as follows:-

1. To install online motoring system of incinerator.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. The unit shall strictly comply with the CPCB guidelines for setting up the Common Bio-Medical Waste Treatment Facility (CBWTF).
4. Proponent shall strictly comply the design criteria for incinerator, autoclave, shedder and all other requirements including bar-coding etc. as per the CPCB guidelines.
5. The unit shall strictly ensure mercury waste management at health care facility as per the CPCB guidelines.
6. The unit shall establish Standard Operating Procedure for waste collection, handling transportation, treatment and disposal as per Biomedical Waste Management Rules 2016.
7. Zero Liquid Discharge (ZLD) status shall be maintained all the time.
8. The project proponent shall comply with the Environmental standards notified by MoEF&CC for incinerators along with the technology/guidelines.
9. The project proponent shall submit the schedule for training of various categories of employee involved in Bio-medical waste management at various levels of Bio-medical waste handling and treatment at Bio-Medical treatment facility within next 3 months to SEIAA U.P.
10. Authorization from UPPCB under Bio-medical waste (Management and Handling) rule, 2016 shall be obtained.
11. The unit shall develop 33% of plot area as a green belt within premises as per the CPCB guidelines.
12. The project proponent shall obtain the forest clearance and permission of Central and State Government as per law under the provisions of Forest (conservation) Act, 1980 before the start of work.

8. **Expansion and Modernization of Hospital Project At Plot No. B22, Sector- 62, Noida, U.P., of M/s. International Hospital Limited, Shri Mohit Singh, R/o- FMRI, Sector-44, Gurgaon, Gautam Buddha Nagar. File No. 7193/Proposal No. SIA/UP/MIS/283813/2022**

SEIAA took note of comments recorded by SEAC-1

I 1599 01/12/2022

47 Annex-9

CIN:U90009UP2020PTC136326

Punahchakran Private Limited

पुनः चक्रण प्राइवेट लिमिटेड

Facility Add.- Plot No.- E-25, 26 UPSIDA, Industrial Area Babrala-243751, Distt- Sambhal
Regd. Ofc.- 9/34 Avas Vikas-3, Ambedkarpuram, Panki Road Kalyanpur Kanpur-208017 U.P.
punahchakran@gmail.com, 9956789525, 8707229503, Toll Free-18005725209

(9)

To,

Date: 30th November 2022

The Member Secretary,
State Environment Impact Assessment Authority,
Directorate of Environment, Gomti Nagar,
Lucknow, Uttar Pradesh.

Sub: Application for setting aside the recommendation to grant environment clearance to M/s Indotech Waste Solution, Common-Bio Medical Waste Treatment Facility at Village- Kumraua, Block- Soron, Tehsil & District- Kasganj. [File No: 6191 and Proposal No: SIA/UP/MIS/60737/2021]

Dear Sir,

The present complaint is being filed on behalf of M/s Punahchakran Pvt Ltd, through its director Mr. Rajesh Kumar. [Hereinafter referred to as "**the applicant**"]The company of the applicant is proposing to set up a common bio-medical waste treatment facility at Plot No. E-25/26 UPSIDC, Industrial Area, Babrala, Tehsil- Gunnour, District- Sambhal, UP and has been duly accorded environment clearance for the same by SEIAA UP bearing EC Identification no **EC22B032UP160005** dated 13.07.2022. [Copy enclosed herewith as **Annexure 01**]

The grievance in the present application is regarding a Common Bio-Medical Waste Treatment Facility proposed to be established at Village Kumraua, Block – Soron, Tehsil & District-Kasganj (UP) [Hereinafter referred to as the "**said CBWTF**"].

The said CBWTF, is stated to have been allowed to be set up in contravention of the guidelines for sitting criteriawithout fulfilling the pre-requisites provided in the "Bio-Medical Waste Management Rules, 2016 and subsequent amendments to it and has been recommended for grant of Environment Clearance vide 670th minutes of SEIAA UP meeting held on 14.11 2022. [Copy of minutes enclosed as **Annexure 02**]

The Bio-Medical Waste Management Rules 2016, subsequently amended in 2018, puts an embargo on the establishment of another Bio-Medical Waste Treatment Facility, if a bio-medical waste treatment and disposal facility is available within a

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distance of 75 Kms. This is the major grievance of the applicant since he has already obtained environment clearance for the establishment of its CBWTF Facility.

The CBWTF facility proposed to be developed by M/s Indo tech waste solutions is situated at an aerial distance of approx. 38 kms from the applicant's unit.[Google map depicting aerial distance between the applicant's site and the said CBWTF enclosed herewith as **Annexure 03]**

The impugned Environment Clearance issued to M/s Indo tech waste solutions is liable to be set aside since there has been an active concealment of material facts by the said CBWTF in the EIA report and affidavit submitted for appraisal before the Hon'ble SEAC and SEIAA UP. The proponent M/s Indo Tech Waste Solutions has categorically denied the presence of any bio-medical waste treatment facility in its 75 km radius in the ToR Compliance embodied in the EIA report.Furthermore, M/s Indo Tech Waste Solution has in the reply to query raised in the minutes of meeting of SEAC-I dated 07.09.2022 again misled the authorities by furnishing the incorrect factual data regarding the existing and proposed bio-medical waste facility in the 75 kms radius.

In its letter dated 24.09.2022 addressed to member secretary SEIAA, UP in response of query generated by the 683rd Minutes of SEAC-I, the said CBWTF stands in clear denial of the fact of presence of the bio-medical facility of the applicant. It is worth mentioning that the unit of applicant has been accorded environment clearance on 13.07.2022 while the said CBWTF unit has made its EIA application on 01.08.2022 and this clearly establishes the wilful concealment of the fact of acknowledgment of the applicant's CBWTF unit. (Copy of letter enclosed as **Annexure 04**)

Furthermore, under the guidelines issued by Central Pollution Control Board (CPCB), the prescribed authority is required to conduct a gap analysis and action plan is to be prepared by it for the establishment of new CBWTFs in case of grant of authorization for the purposes of generation, reception, transportation, storage, treatment, processing disposal of Bio medical waste in accordance with the rules and guidelines issued by the CPCB. The impugned environment clearance has been

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recommended without resorting to the regulatory procedure in respect of selection of site as mandated under the Rule 17 of Common Bio-Medical Waste and Management Rule, 2016 and subsequent amendments thereof.

The impugned Environment Clearance is also violative of the MoEFCC OM dated 01.04.2022 (Copy of the OM enclosed as **Annexure 5**)The said OM has been issued to the member secretary, CPCB, UPPCB and chairman SEIAA, UP wherein it strictly emphasized to follow the provisions stipulated under the Bio-Medical Waste Management Rules, 2016 and revised CPCB guidelines while giving clearance to Common Bio-Medical Waste Treatment Facility (CBWTF) through gap-analysis particularly in the state of Uttar Pradesh. However, the said CBWTF proposed to be established by M/s Indo Tech Waste Solution stands in clear violation of the said OM since the gap-analysis has never been conducted in the requisite and prescribed format as directed by the MoEFCC OM dated 01.04.2022.

The Indo Tech waste Solution has furnished the authorities with the UPPCB Report on Bio Medical waste status as on 20.01.2020 which as on date holds no relevance since the application of 'precautionary principle' of environmental law should be applied and the evaluation should be made on the basis of relevant data and not the old database.

That it is also noteworthy that the guidelines issued by CPCB also deals with coverage area of CBWTFs for the purpose of establishment wherein it has been formulated that it is incumbent upon the prescribed authority that if the existing treatment capacity is not adequate in the coverage area of CBWTF already established under 1998 rules only in those cases if 10000 bed capacity is exceeding in that locality health care facilities, in such a case a new CBWTF may be allowed in order to meet the requirement of bed capacity exceeding 10000 in number health care facility but not otherwise and thus the recommendation to grant environment clearance to the said CBWTF is unsustainable.

The plea to rescind the impugned environment clearance is also tenable on the ground that the land use of the CBWTF proposed to be established by M/s Indo Tech waste Solutions is not consistent with the surroundings.

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Punahchakran Private Limited

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The land has been acquired on lease for 15 years and the land use conversion has not been undertaken.

The applicant has made a significant capital investment in its project situated at Babrala, Industrial Area of Uttar Pradesh and also if the CBWTF of M/s Indo Tech Waste Solution is allowed then it would lead to proliferation of waste treatment technologies and would in turn cause adverse impact on the environment.

In view of the facts and circumstances, mentioned here in above, it is most respectfully prayed that your goodself may kindly be pleased to rescind the environment clearance sought by M/s Indo Tech Waste Solution which stands in violation of the guidelines issued time to time by CPCB in conformity with the provisions of relevant rules of Bio-Medical Waste Management 2016, subsequently amended in 2018.

Thanking you in anticipation.

Yours sincerely,

PUNAHCHAKRAN PVT. LTD.

Director

Enclosed:

Annexure - 1 :- EC Copy of M/s Punahchakran Pvt Ltd

Annexure - 2 :- 670th Minutes of SEIAA UP meeting

Annexure - 3 :- Google Image depicting aerial distance between M/s Punahchakran and M/s Indo Tech

Annexure - 4 :- Copy of query letter reply submitted by M/s Indo Tech

Annexure - 5 :- MoEFCC OM dated 01.04.2022

Copy to:

1. Joint Secretary, MoEFCC. [email id: sudheer.ch@gov.in]
2. Additional Chief Secretary, Environment & Forest Government of U.P.
3. Chairman, SEIAA U.P. [email id: chairman.seiaa.up@gmail.com]

ANNEXURE 1

(51)

ENVIRONMENTAL CLEARANCE

PARIVESH

(Pro-Active and Responsive Facilitation by Interactive, and Virtuous Environmental Single-Window Hub)

Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment Authority(SEIAA), Uttar Pradesh)

To,

The Director
M/S PUNAHCHAKRAN PVT. LTD
9/34, Avas Vikas –III, Ambedkar puram, Panki Road, kalyanpur, Kanpur, UP -208017

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC) in respect of project submitted to the SEIAA vide proposal number SIA/UP/MIS/66542/2021 dated 18 Feb 2022. The particulars of the environmental clearance granted to the project are as below.

1.	**EC Identification No.**	**EC22B032UP160005**
2.	**File No.**	6497
3.	**Project Type**	New
4.	**Category**	B1
5.	**Project/Activity Including Schedule No.**	7(d) Common hazardous waste treatment, storage and disposal facilities (TSDFs)
6.	**Name of Project**	Environmental Clearance of common Bio-medical Waste Treatment Facility (CBWTF) proposed by M/s Punahchakran Private Limited at Plot No. E – 25 and E – 26, UPSIDC Industrial Area, Babrala, District – Sambhal, Uttar Pradesh.
7.	**Name of Company/Organization**	M/S PUNAHCHAKRAN PVT. LTD
8.	**Location of Project**	Uttar Pradesh
9.	**TOR Date**	17 Aug 2021

The project details along with terms and conditions are appended herewith from page no 2 onwards.

Date: 13/07/2022

(e-signed)
Member Secretary
Member Secretary
SEIAA - (Uttar Pradesh)

Note: A valid environmental clearance shall be one that has EC identification number & E-Sign generated from PARIVESH.Please quote identification number in all future correspondence.

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(52)

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.
Vineet Khand-1, Gomti Nagar, Lucknow- 226010
E-Mail- doeuplko@yahoo.com, seiaaup@yahoo.com
Phone no- 0522-2300541

Reference- MoEFCC Proposal no- SIA/UP/MIS/66542/2021 & SEIAA, U.P File no-6497

Sub: Environmental Clearance for Proposed of Common Bio-Medical Waste Treatment Facility (CBWTF) at Plot No. E – 25 and E–26, UPSIDC Industrial Area, Babrala, Sambhal, U.P., M/s Punahchakran Private Limited.

Dear Sir,

This is with reference to your application / letter dated 11-08-2021, 18-02-2022, 28-03-2022, on above mentioned subject. The matter was considered by 641th SEAC in meeting held on 05-04-2022 and 625th SEIAA in meeting held on 05-07-2022.

A presentation was made by the project proponent along with their consultant M/s Gaurang Environmental Solutions Pvt Ltd to SEAC on 05-04-2022.

Project Details Informed by the Project Proponent and their Consultant

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

1. The environmental clearance is sought for Common Bio-Medical Waste Treatment Facility (CBWTF) at Plot No. E – 25 and E–26, UPSIDC Industrial Area, Babrala, Sambhal, U.P., M/s Punahchakran Private Limited.
2. The standard terms of reference in the matter were issued through online portal on 17/08/2021.
3. The proposed project is exempted from Public hearing as per para 7(i) III stage (3)(i)(b) of EIA notification, 2006 & MoEF&CC O.M. dated 27.04.2018 since the site is located in UPSIDC Industrial Area.
4. Final EIA report submitted by the project proponent 18/02/2022.
5. Project brief:

Items	Details
Project/ Plot area	3601 sq. m. (0.89Acre).
Geo coordinates of the site	Point A: Latitude 28°16'40.29"N, Longitude 78°25'57.23"E Point B: Latitude 28°16'41.49"N, Longitude 78°25'59.36"E Point C: Latitude 28°16'39.78"N, Longitude 78°26'0.67"E Point D: Latitude 28°16'38.65"N, Longitude 78°25'58.48"E
Proposed areas to be catered with no of healthcare facilities	Sambhal, Badaun, Aligarh, Hathras, Kasganj and Etah districts of Uttar Pradesh Health care units : 2357 No. of beds : 23417 Biomedical waste : 8,818.9 kg/day (approx.)
Project capacity	S. N. 1. Particular: Incinerator, Area/Capacity: 250 kg/hour, Nos.: 1 S. N. 2. Particular: Autoclave, Area/Capacity: 1000 kg/batch, Nos.: 1

	3.	Shredder	150 kg/hour	1
	4.	ETP	10 KLD	1
	5.	Sharp pit	-	1
	6.	Ash pit	-	1
Project Cost	281.25 Lakh			
Power Requirement & Source	32 KW Source : Uttar Pradesh State Electricity Distribution Company limited			
Power backup	DG Set – 32 kVA- 1 No. DG Set – 10 kVA- 1 No.			
Water Requirement & Source	Fresh water : 9.5 KLD Treated Water : 6.5 KLD Total water demand : 16.0 KLD Source : Ground water			
Waste water generation	Process effluent: approx. 6.4 KLD Domestic effluent: approx. 0.6 KLD			
Effluent Treatment Plant & disposal	ETP Capacity: 10 KLD ETP Sludge: disposed off to nearest authorized TSDF			
Fuel Requirement	HSD Incinerator : 35 litre per hour DG set : 5 litre per hour			
Manpower Requirement	38 Persons Skilled: 05 Semi-skilled: 33			
Green Area	1,188.33 sq. m. i.e. 33% of total project area			
EMP Budget	Capital cost : Rs. 59.50 Lakh Recurring cost : Rs. 10.0 Lakh Cost for EMP-Social : 5.7 Lakh			

6. Land use details:

S. No.	Particulars	Area (sq. m)	%
1	Plant shed & office area	1440.40	40
2	Paved & open area	648.18	18
3	Road	324.09	9
4.	Greenbelt & Plantation	1188.33	33
	Total	3601	100

7. Machinery details:

S. N.	Particular	Area/Capacity	Nos.
1.	Plot Area	3601 sq. m.	--
2.	Incinerator	250 kg/hour	1
3.	Autoclave	1000 kg/batch	1
4.	Shredder	150 kg/hour	1
5.	ETP	10 KLD	1
6.	Sharp pit	-	1
7.	Ash pit	-	1

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

Based on the recommendations of the State Level Expert Appraisal Committee Meeting (SEAC) held on 05-04-2022 the State Level Environment Impact Assessment Authority (SEIAA) in its Meeting held 05-07-2022 and decided to grant of environmental clearance on the proposal as above along

with specific conditions and following standard environmental clearance conditions:

I. Proposed CBWTF shall comply with the revised guidelines issued by CPCB on December 21st 2016 with respect to location criteria. The proponent/consultant shall submit the certified documents regarding the compliance of location criteria/bed details of HCFs by the competent authority and CMO.

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

III. Project Proponent should adopt 01 village & development them as model village.

IV. Statutory compliance:

1. The project proponent shall obtain forest clearance under the provisions of the Forest (Conservation) Act, 1986, in case of the diversion of forest land for non-forest purpose involved in the project.
2. The project proponent shall obtain clearance from the National Board for Wildlife, if applicable.
3. The project proponent shall prepare a Site-Specific Conservation Plan & Wildlife Management Plan and be approved by the Chief Wildlife Warden. The recommendations of the approved Site-Specific Conservation Plan / Wildlife Management Plan shall be implemented in consultation with the State Forest Department. The implementation report shall be furnished along with the six-monthly compliance report. (In case of the presence of schedule-I species in the study area)
4. The project proponent shall obtain Consent to establish/Operate under the provisions of the Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974 from the concerned State Pollution Control Board/ Committee.
5. Transportation and handling of Bio-medical Wastes shall be as per the Biomedical Wastes (Management and Handling) Rules, 20016 including section 129 to137 of Central Motor Vehicle Rules1989.
6. The project shall fulfill all the provisions of hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2016 including collection and transportation design etc and also guidelines for Common Hazardous Waste Incineration — 2005, issued by CPCB Guidelines of CPCB/MPPCB for Bio-medical Waste Common Hazardous Wastes Incinerators shall be followed.
7. The project proponent shall obtain the necessary permission from the Central Ground Water Authority, in case of drawl of ground water / from the competent authority concerned in case of drawl of surface water required for the project.
8. A certificate of adequacy of available power from the agency supplying power to the project along with the load allowed for the project should be obtained.
9. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department shall be obtained, as applicable by project proponents from the respective competent authorities

V. Air quality monitoring and preservation:

1. The project proponent shall install an emission monitoring system including Dioxin and furans in monitor stack emission with respect to standards prescribed in Environment (Protection) Rules 1986 and connected to SPCB and CPCB online serves and calibrate these systems from time to time according to equipment supplier specification through labs recognized under Environment (Protection) Act, 1986 or NABL accredited laboratories.
2. Periodical air quality monitoring in and around the site including VOC, HC shall be carried out.

3. Incineration plants shall be operated (combustion chambers) with such temperature, retention time and turbulence, to achieve Total Organic Carbon (TOC) content in the slag and bottom ashes less than 3% or their loss on ignition is less than 5% of the dry weight of the material.
4. Venture scrubber (alkaline) should be provided with the incinerator with stack of adequate height (Minimum 30 meters) to control particulate emission within 50 mg/Nm3.
5. Appropriate Air Pollution Control (APC) system shall be provided for fugitive dust from all vulnerable sources, so as to comply with prescribed standards. All necessary air pollution control devices (quenching, Venturi scrubber, mist eliminator) should be provided for compliance with emission standards.
6. Masking agents should be used for odour control.

VI. Water quality monitoring and preservation:

1. The project proponent shall install effluent monitoring system with respect to standards prescribed in Environment (Protection) Rules 1986 through labs recognized under Environment (Protection) Act, 1986 or NAB L accredited laboratories.
2. Waste water generated from the facility shall be treated in the ETP and treated waste water shall be reused in the APCD connected to the incinerator. The water quality of treated effluent shall meet the norms prescribed by State Pollution Control Board. Zero discharge should be maintained.
3. Process effluent/any waste water should not be allowed to mix with storm water.
4. Total fresh water use shall not exceed the proposed requirement as provided in the project details. Prior permission from the competent authority shall be obtained for use of fresh water.
5. A sewage Treatment Plant shall be provided to treat the wastewater generated from the project. Treated water shall be reused within the project.
6. A certificate from the competent authority for discharging treated effluent/ untreated effluents into the Public sewer/ disposal/drainage systems along with the final disposal point should be obtained.
7. The leachate from the facility shall be collected and treated to meet the prescribed standards before disposal.
8. Magnetic flow meters shall be provided at the inlet and outlet of the ETP & all ground water abstraction points and records for the same shall be maintained regularly.
9. Rain water runoff from the hazardous waste storage area shall be collected and treated in the effluent treatment plant.

VII. Noise monitoring and prevention:

1. The ambient noise levels should conform to the standards prescribed under E(P)A Rules, 1986 viz. 75 dB(A) during daytime and 70 dB(A) during night-time.

VIII. Energy Conservation measures:

1. Provide solar power generation on roof tops of buildings, for the solar light system for all common areas, street lights, parking around the project area and maintain the same regularly;
2. Provide LED lights in their offices and residential areas

IX. Waste management:

1. Incinerated ash shall be disposed of at approved TSDF and MoU made in this regard shall be submitted to the Ministry prior to the commencement.
2. The solid wastes shall be segregated as per the norms of the Solid Waste Management Rules, 2016.
3. A certificate from the competent authority handling municipal solid wastes should be obtained, indicating the existing civic capacities of handling and their adequacy to cater to the M.S.W. generated from the project.

4. Any wastes from construction and demolition activities related thereto shall be managed so as to strictly conform to the Construction and Demolition Rules, 2016
5. No landfill site is allowed within the CBWTF site.
6. The Project proponent shall not store the Hazardous Wastes more than the quantity that has been permitted by the CPCR/SPCB.

X. Green Belt:

1. Green belt shall be developed in the area as provided in project details, with native tree Green belt shall be developed in an area equal to 33% of the plant area with a native tree species in accordance with CPCB guidelines. The greenbelt shall inter alia cover the entire periphery of the plant.

XI. Public hearing and Human health issues:

1. Feeding of materials/Bio-medical waste should be mechanized and automatic no manual feeding is permitted.
2. Proper parking facility should be provided for employees & transport used for collection & disposal of waste materials.
3. Necessary provision shall be made for fire-fighting facilities within the complex.
4. An emergency preparedness plan based on the Hazard Identification and Risk Assessment (HIRA) and Disaster Management Plan shall be implemented.
5. An emergency plan shall be drawn in consultation with SPCB/CPCB and implemented in order to minimize the hazards to human health or the environment from fires, explosions or any unplanned sudden or gradual release of hazardous waste or hazardous waste constituents to air, soil or surface water.
6. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, creche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
7. Occupational hearth surveillance of the workers shall be done on a regular basis.

XII. Corporate Environment Responsibility:

1. The project proponent shall comply with the provisions contained in this Ministry's OM vide F.No. 22-65/2017-IA.1I I dated 1st May 2018, as applicable, regarding Corporate Environment Responsibility.
2. The company shall have a well laid down environmental policy duly approved by the Board of Directors. The environmental policy should prescribe standard operating procedures to have proper checks and balances and to bring into focus any infringements/deviation/violation of the environmental / forest /wildlife norms/ conditions. The company shall have defined system of reporting infringements / deviation / violation of the environmental / forest / wildlife norms / conditions and / or shareholders / stake holders. A copy of the board resolution in this regard shall be submitted to the MoEF&CC as a part of the six-monthly report.
3. A separate Environmental Cell both at the project and company head quarter level, with qualified personnel shall be set up under the control of senior Executive, who will directly to the head of the organization.
4. Action plan for implementing EMP and environmental conditions along with the responsibility matrix of the company shall be prepared and shall be duly approved by the competent authority. The year-wise funds earmarked for environmental protection measures shall be kept in a separate account and not be diverted for any other purpose. Year rise progress of implementation of action plan shall be reported to the Ministry/Regional Office along with the Six Monthly Compliance Report.
5. A self-environmental audit shall be conducted annually. Every three years third-party environmental audit shall be carried out.

XIII. Miscellaneous:

1. The project proponent shall prominently advertise it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days indicating that the project has been accorded environment clearance and the details of MoEFCC/SEIAA website where it is displayed
2. The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
3. The project proponent shall upload the status of compliance with the stipulated environment clearance conditions, including results of monitored data on their website and update the same on half-yearly basis.
4. The project proponent shall submit six-monthly reports on the status of the compliance of the stipulated environmental conditions on the website of the Ministry of Environment, Forest and Climate Change at the environment clearance portal.
5. The project proponent shall submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company.
6. The criteria pollutant levels namely; SPM, RSPM, SP, NOx (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
7. The project proponent shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities, commencing the land development work and start of production operation by the project.
8. The project authorities must strictly adhere to the stipulations made by the State Pollution Control Board and the State Government.
9. The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP report, commitments made during Public hearings and also that during their presentation to the Expert Appraisal Committee.
10. No further expansion or modifications in the plant shall be carried out without prior approval of the Ministry of Environment, Forests and Climate Change (MoEF&CC).
11. Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of the Environment (Protection) Act, 1986.
12. The Ministry may revoke or suspend the clearance if the implementation of any of the above conditions is not satisfactory.
13. The Ministry reserves the right to stipulate additional conditions if found necessary. The Company in a time-bound manner shall implement these conditions.
14. The Regional Office of this Ministry shall monitor compliance with the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data/information/monitoring reports.
15. The above conditions shall be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Trans boundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 along with their amendments and rules and any other orders passed by the Hon'ble Supreme Court of India / High Courts/NGT and any other Court/of Law relating to the subject matter.
16. Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within 30

days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

Concealing factual data and information or submission of false/fabricated data and failure to comply with any of the conditions stipulated in the Prior Environmental Clearance attract action under the provision of Environmental (Protection) Act, 1986.

This Environmental Clearance is subject to ownership of the site by the project proponents in confirmation with approved Master Plan for Sambhal. In case of violation; it would not be effective and would automatically be stand cancelled.

The project proponent has to ensure that the proposed site in not a part of any no-development zone as required/prescribed/identified under law. In case of the violation this permission shall automatically deemed to be cancelled. Also, in the event of any dispute on ownership or land use of the proposed site, this Clearance shall automatically deemed to be cancelled.

Further project proponent has to submit the regular 6 monthly compliance report regarding general & specific conditions as specified in the E.C. letter and comply the provision of EIA notification 2006 (as Amended).

These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006 including the amendments and rules made thereafter.

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), Integ rated Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow – 226020 (email – rocz.lko-mef@nic.in)
4. District Magistrate Sambhal.
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.

(Ajay Kumar Sharma)
Member Secretary, SEIAA

Signature Not Verified
Digitally signed by Member Secretary
Member Secretary
Date: 7/13/2022 4:31:28 PM

Annx - 2 (59)

State Level Environment Impact Assessment Authority, Uttar Pradesh

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.seiaup.com

Minutes of the 670th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 14.11.2022

The meeting of 670th State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 14.11.2022 at the Directorate of Environment. The following were present in the meeting:-

1. Dr. Rajiv Kumar Garg	Chairman, SEIAA, U.P
2. Shri Paras Nath	Member, SEIAA, U.P
3. Shri Ajay Kumar Sharma	Member Secretary, SEIAA, U.P

Agenda A- 695th SEAC-1 Meeting Dated 19/10/2022

1. **"Building Stone -Khanda, Boulder, Blastt (Gitti), [Granite] & Red Morrum Mine" located at Gata No.- 199 (Khand - 04), Village- Naigawan, Tehsil- Sadar & District - Mahoba, Shri Rasmeet Singh Malhotra & Shri Ravindra Singh Jaiwar, M/s Reva Sugar Industries Pvt. Ltd.,Area 4.0 Ha. File No. 6799/Proposal No. SIA/UP/MIN/70499/2021**

SEIAA noted the recommendation of SEAC-1 to grant EC to the above project. SEIAA gone through file and document and opined that PP / consultant to submit following document / details –

1. Details of route of mined out material for transportation.
2. Agreement with the land owner through whom land mined out material will be transported.
3. Details of human habitation along the transportation route.
4. Details of water consumption and method for dust separation.
5. Copy of agreement with the Gram Samaj where saplings will be planted and planting program.
6. To submit certificate from DGM/DGMS then mining methodology which has been suggested covers the safety aspects of mining.

2. **Building Stone, Khanda, Boulder, Ballast (Gitty) (Granite) & Hilly Red Morrum Mine at Araji No. 2101/2, Khand No. 01 , Village- Sijahri, Tehsil- Sadar, District- Mahoba, U.P., M/s Shivpal Singh Contractor, Area- 0.809 Ha. File No. 6843/Proposal No. SIA/UP/MIN /70855 /2022**

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by SEAC-1 adding following specific conditions:-

1. Validity period of this EC is 5 years from the date of issue as the LoI has been issued for a period of 5 years or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
5. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
6. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 1,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
9. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 5 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.

10. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
11. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
12. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental 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.
13. 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.
14. 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.
15. 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.

3. **Building Stone, Khanda, Boulder, Ballast (Gitty) (Granite)Mine at Gata No. - 2611,Village- Pahra, Tehsil- Sadar, District- Mahoba, Shri Vaibhav Singh Area- 1.882 Ha, File No. 6845/Proposal No. SIA/UP/MIN/70867/2022**

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by SEAC-1 adding following specific conditions:-

1. Validity period of this EC is 5 years from the date of issue as the LoI has been issued for a period of 5 years or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their

mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.

5. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
6. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 2,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
9. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepare a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 10 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
10. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
11. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
12. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental 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.
13. 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.

14. 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.
15. 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.

4. **"Ordinary Sand Mining" Project at Gata No.- 648, Village- - Dundawala Ahatmali, Tehsil- Swar, District- Rampur, Shri Abdul Vahab. Applied Area : 1.1030 ha. File No. 7251/6816/ Proposal No. SIA/UP/MIN/401211/2022**

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by SEAC-1 adding following specific conditions:-

1. Validity period of this EC is 6 months from the date of issue as the LoI has been issued for a period of 6 months or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. In the absence of replenishment study, in compliance of Hon'ble NGT Order dated 06.05.2022 initially the EC will be operational till 31.12.2022. Permissible quantity and area shall be strictly limited to quantity and area mentioned in LoI or mining plan, whichever is lesser, and maximum mineable depth will be limited to as approved in the mining plan.
3. For subsequent years, Project Proponent shall submit fresh annual replenishment study to SEIAA, UP for amendment in EC for mineable quantity and maximum permissible depth for mining based on scientific findings of replenishment study. Such study shall be placed before SEAC for appraisal for next three years to assess rate of deposition and accordingly, mineable production capacity and depth can be prescribed based on trends analysis, provided it is found scientifically satisfactory by the SEAC. The placing of the study report SEAC is mandatory for initial three years.
4. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
5. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
6. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh

water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.

8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 2,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
9. In consultation with-District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 10 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
10. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
11. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
12. 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.

5. **Ordinary Soil Excavation Project" at Gata No.- 159Ka, 159Kha, 159Gha, 113, 163, 165, Village- Mavaiya Mustakil, Tehsil- Bindki, District- Fatehpur, Shri Aditya Singh Area – 1.392 ha. File No. 7252/Proposal No. SIA/UP/MIN/401113/2022**

SEIAA noted the recommendation of the SEAC-1 to grant EC to the above project. SEIAA gone through file and document and opined that project proponent should submit-

1. Agreement between land owner (s) & lease holder.
2. Land ownership documents.
3. NOC from bank in case land in mortgage with bank.
4. Show cause notice to consultant for submitting incomplete proposal/documents.

6. **RBM (Mixed Form) Mining project at Gata No.- 2/65, 2/67/2, 2/158, Village- Shahalipur Kotra, Tehsil- Nagina, District- Bijnor, Shri Dipanshu Dhaka Area - 1.213. File No. 7255/Proposal No. SIA/UP/MIN/401631/2022**

SEIAA noted the recommendation of the SEAC-1 to grant EC to the above project. SEIAA gone through file and document and opined that project proponent should submit-

1. Agreement between land owner (s) & lease holder.

2. Land ownership documents.
3. NOC from bank in case land in mortgage with bank.
4. Show cause notice to consultant for submitting incomplete proposal/documents.

7. **Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District- Kasganj, M/s Indo Tech Waste Solution. M/s Indo Tech Waste Solution. File No. 6191/Proposal No. SIA/UP/MIS/60737/2021**

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with general and specific condition adding specific condition as follows:-

1. To install online motoring system of incinerator.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. The unit shall strictly comply with the CPCB guidelines for setting up the Common Bio-Medical Waste Treatment Facility (CBWTF).
4. Proponent shall strictly comply the design criteria for incinerator, autoclave, shedder and all other requirements including bar-coding etc. as per the CPCB guidelines.
5. The unit shall strictly ensure mercury waste management at health care facility as per the CPCB guidelines.
6. The unit shall establish Standard Operating Procedure for waste collection, handling transportation, treatment and disposal as per Biomedical Waste Management Rules 2016.
7. Zero Liquid Discharge (ZLD) status shall be maintained all the time.
8. The project proponent shall comply with the Environmental standards notified by MoEF&CC for incinerators along with the technology/guidelines.
9. The project proponent shall submit the schedule for training of various categories of employee involved in Bio-medical waste management at various levels of Bio-medical waste handling and treatment at Bio-Medical treatment facility within next 3 months to SEIAA U.P.
10. Authorization from UPPCB under Bio-medical waste (Management and Handling) rule, 2016 shall be obtained.
11. The unit shall develop 33% of plot area as a green belt within premises as per the CPCB guidelines.
12. The project proponent shall obtain the forest clearance and permission of Central and State Government as per law under the provisions of Forest (conservation) Act, 1980 before the start of work.

8. **Expansion and Modernization of Hospital Project At Plot No. B22, Sector- 62, Noida, U.P., of M/s. International Hospital Limited. Shri Mohit Singh, R/o- FMRI, Sector-44, Gurgaon, Gautam Buddha Nagar. File No. 7193/Proposal No. SIA/UP/MIS/283813/2022**

SEIAA took note of comments recorded by SEAC-1

9. **Building Stone (Khanda, Boulder, Gitti) at Gata No. 339, Khand No. 3, Village- Dahrra, Tehsil- Mahoba, District- Mahoba, Shri Rakesh Kumar Mishra, Area – 1.214 Ha. File No. 7032/6462/Proposal No. SIA/UP/MIN/288267/2022**

This project was evaluated by SEAC-1 in its 653rd meeting dated 12.05.2022 wherein in item no. 20 of the table, of SEAC-1 MoM has mentioned "Sanctioned Period Of Mine Lease-05 Years" and accordingly this was mentioned in the EC issued to the project proponent. SEAC-1 needs to amend their MoM to this extent so that EC issued to the project proponent can be amended accordingly.

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

(Ajay Kumar Sharma)	(Paras Nath)	(Dr. Rajiv Kumar Garg)
Member-Secretary	Member	Chairman
SEIAA	SEIAA	SEIAA

67

(67)

Anx-3

ANNEXURE 03

ANNEXURE 04

Mob: 6287097232

INDO TECH WASTE SOLUTION

Khasra No. - 1161, Village - Kumroua, Block - Saron
Tehsil & Dist. - Kasganj, Uttar Pradesh
Office Address - Kheri Road, Shop No. - 2, Sector - 98, Faridabad, Haryana - 121002
email :- kumarraman9999@gmail.com

Ref. No. .....

Date 24/09/2022

To,
The Member Secretary
State Level Environment Impact Assessment Authority, Uttar Pradesh
Directorate of Environment, Vineet Khand-1,
Gomti Nagar, Lucknow, Pin- 226010, Uttar Pradesh.

Subject:- Query reply SEAC-I for Final EIA & EMP Report for Common Bio-medical Waste Treatment Facility at Village –Kumroua, Block- Saron, Tehsil &, District- Kasganj, Uttar Pradesh, M/s Indo Tech Waste Solution.

Reference: -1. 683rd MOM of SEAC- I dated 07/09/2022, S. No 7
2.File No.6191. Proposal No. SIA/UP/MIS/60737/2021

Dear Sir,

With reference to the above subject, we are submitting our replies as attached) as per the list appended here in below :

S. No.	Query	Reply
1	Complaints letters have been provided to the project proponent for the submission of point wise replies on issues raised in letters.	The point wise replies on issues raised in the letters, is enclosed as a Annexure No I.
2	Details of bio medical waste facility within 75 km radius of the project site.	Nearby CBWTF are Mathura, Agra, Shajahanpur and Mainpuri each Facility is at distance 92 KM, 92 KM, 104 Km and 89 Km respectively from project site. CBMWTF map is enclosed as a Annexure No II.
3	Point wise clarification/ proposal for biomedical waste treatment and disposal with respect to revised guidelines for CBMWTF, 2016 of CPCB.	The proposed project will comply all the general and specific conditions of BMW treatment, disposal and revised guidelines for CBMWTF, 2016 of CPCB & Revision 5 Guidelines for Handling, Treatment and Disposal of Waste Generated during Treatment/Diagnosis/ Quarantine of COVID-19 Patients 26th April 2022. The point wise clarification/proposals are given in the Annexure No III.

This is being submitted for your kind information and further neccsary action for grant of Environmental Clearance.

Thanking You

Yours Sincerely

M/s Indo Tech Waste Solution

Raman Kumar

(69)

Annexure -I

Pointwise Replies for Received Complaint Letters

(70)

Compliant Letter by Pradhan Village-Pachlana

(71)

कार्यालय ग्राम पंचायत पचलाना

ब्लॉक सोरों, जनपद - कासगंज

प्रेषक -
दीपान्थी
(प्रधान)

पत्र व्यवहार का पता -
निवास - ग्राम पचलाना पो0 कुमरऊआ
ब्लॉक सोरों, जनपद - कासगंज
मो0 9012647496, 7409665925

पत्रांक.....

दिनांक.....05.07.2022...

सेवा में,

श्रीमान् अपर मुख्य सचिव
वन एवं पर्यावरण, उ0प्र0 शासन
लखनऊ, उत्तर प्रदेश

551/Env/22
Env 45/

विषय: सौबी इण्डस्ट्रीएफ को पर्यावरणीय स्वीकृति दिये जाने के विरोध में।

MS

महोदय,

सोरों तहसील के गांव कुमरीआ में खसरा सं0 1161 में एक सौबीइण्डस्ट्रीएफ लगाया जाना प्रस्तावित है जिसकी जन सुनवाई 6.6.2022 को कलक्ट्रेट सभागार, कासगंज में हो चुकी है।

मैं पचलाना ग्राम पंचायत, सोरों की वर्तमान में प्रधान हूं। मैं भी गांव के निवासियों के साथ इस प्लांट सुनवाई में गई थी। इस प्लान्ट के लगाये जाने का आसपास के गांव में बहुत विरोध है, महोदय सोरों (कासगंज) 1.07.22 मनोज सिंह एक धार्मिक नगरी है एवं छोटा कस्बा है जहां पर धार्मिक मान्यताओं के अनुसार सनातनी हिन्दू गंगा स्नान आदि अपर मुख्य सचिव से जुड़े हुये हैं. यहां पर कोई बहुत ज्यादा अस्पताल भी नहीं है फिर भी अस्पताल के कचरे को जलाने का प्लान्ट पर्यावरण एवं जलवायु उत्तर प्रदेश शासन। यहीं लगाया जा रहा है इसका मतलब आसपास के जिलों से अस्पताल का कचरा इकट्ठा किया जायेगा तथा उसको यहां लाकर जलाया जायेगा यानि की आसपास की बीमारियों का केन्द्र सोरों को बनाने की तैयारी चल रही है. हमें ज्ञात हुआ है कि इस कचरे को जलाने के दौरान निकलने वाले धुंये से सांस संबंधी बीमारियां बहुत तेजी से फैलती हैं तथा भूगर्भ जल भी दूषित होता है। इस प्लान्ट को लगाने में प्रदूषण नियंत्रण बोर्ड के अधिकारियों की सांठगांठ व मिलीभगत है।

4107/Sq=/22
US(P)
13-7-22
(आशीष सिंह)
सचिव
पर्यावरण, वन एवं जलवायु
उत्तर प्रदेश शासन।

जन सुनवाई के दौरान हमारे द्वारा पुरजोर विरोध जिलाधिकारी के सामने दर्ज कराया गया किन्तु हमको सन्देह है कि कम्पनी अपने धन बल व बाहुबल के सहारे सबको मैनेज कर लेगी, अतः आपसे अनुरोध है कि मै0 इण्डोटेक सोल्यूशन को पर्यावरणीय स्वीकृति प्रदान न की जावे।

अतः आपसे अनुरोध है कि इनको आपके विभाग से जारी एनओसी को निरस्त किया जावे।

धन्यवाद,

दीपान्थी

दीपान्थी, ग्राम प्रधान
कार्यालय ग्राम पंचायत पचलाना
जनपद कासगंज

SO-7
13-7-22
(सौम्य प्रकाश)
अनु सचिव
पर्यावरण, वन तथा जलवायु
परिवर्तन विभाग
उ0प्र0 शासन।

14/7/22

72

(72)

उ०प्र० प्रदूषण नियंत्रण बोर्ड

जे-1, ज्ञान सरोवर कालोनी, अलीगढ़ (उ.प्र.)

पर्यावरणीय स्वीकृति हेतु आयोजित की जाने वाली लोक सुनवाई की सूचना

सर्व साधारण को सूचित किया जाता है कि मै० इण्डोटैक सोल्यूशन, खैरी रोड, शॉप नं. 2, सेक्टर 99, फरीदाबाद (हरियाणा) द्वारा खसरा संख्या 1161 ग्राम कुमरौआ सौंरों तहसील व जनपद कासगंज उ.प्र. में बायो मैडीकल वेस्ट ट्रीटमेंट फेसीलिटी (सी.बी.डब्लू.टी.एफ.) की स्थापना किये जाने हेतु लोक सुनवाई के सम्बन्ध में पर्यावरणीय स्वीकृति सम्बन्धी प्रस्ताव उ.प्र. प्रदूषण नियंत्रण बोर्ड, लखनऊ को समक्ष प्रस्तुत किये गये हैं ।

बोर्ड द्वारा पर्यावरण एवं वन मंत्रालय, भारत सरकार द्वारा जारी अधिसूचना संख्या–1533 दिनांक 14.09.2006 यथासंशोधित एस0ओ0–3067 (ई) दिनांक 01.12.2009 एवं अन्य के अनुपालन में उपरोक्त परियोजना की लोक सुनवाई जिलाधिकारी महोदया, कासगंज की अध्यक्षता में दिनांक 06.06.2022 को समय अपरान्ह 12:30 बजे कलैक्ट्रेट सभागार, कासगंज (उ.प्र.) में आयोजित की जायेगी। उक्त परियोजना की लोक सुनवाई हेतु जनता के सुझाव, विचार, टीका एवं टिप्पणियां आदि आमंत्रित किये जाते हैं। परियोजना से सम्बन्धित ई.आई.ए. एवं संक्षिप्त अभिलेख निम्नांकित कार्यालय में उपलब्ध है –

(अ) जिलाधिकारी, जनपद कासगंज।
(ब) कार्यालय उपायुक्त, जिला उद्योग एवं उद्यम प्रोत्साहन केन्द्र, कासगंज।
(स) क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, जे–1, ज्ञानसरोवर कालोनी, अलीगढ
(द) उ0प्र0 प्रदूषण नियंत्रण बोर्ड, टी.सी.–12वीं, विभूति खण्ड गोमती नगर, लखनऊ (उ.प्र.)
(य) क्षेत्रीय कार्यालय, मध्य क्षेत्र, पर्यावरण एवं वन मंत्रालय, भारत सरकार पंचम तल, सेक्टर–एच, अलीगंज, लखनऊ।

अतः समस्त सर्व साधारण को इस आम सूचना के माध्यम से सूचित किया जाता है कि उक्त प्रस्तावित परियोजना मैं इण्डो टैक सोल्यूशन खैरी रोड, शॉप नं. 2, सेक्टर 99, फरीदाबाद (हरियाणा) द्वारा खसरा संख्या 1161 ग्राम कुमरौआ सौंरों तहसील व जनपद कासगंज उ.प्र. में बायो मैडीकल वेस्ट ट्रीटमेंट फेसीलिटी (सी.बी.डब्लू.टी.एफ.) की पर्यावरणीय स्वीकृति से सम्बन्धित प्रकरण के निस्तारण हेतु उपरोक्त वर्णित स्थान, दिनांक एवं समय के अनुसार आयोजित लोक सुनवाई में उपस्थित होकर अपने आक्षेप, सुझाव प्रस्तुत कर सकते हैं अथवा सुझाव एवं आपत्तियां आदि लिखित रूप से प्रकाशन की तिथि से 30 दिन के अन्दर समस्त सम्बन्धित को प्रेषित कर सकते हैं।

पत्रांक : 412/लोकसुनवाई/2022 दिनांक : 04.05.2022

क्षेत्रीय अधिकारी

22. Junior Eng
23. Junior Eng
24. Manager/S

For more detail ; fee, educational applicants are re
CANDIDATES Al TO GET VARIOU

Clarification & Email to: recru

RN-34 Conne No. 208/E-1201

WALK-IN (IT)

A Walk-In-Inter Floor, Adminis West Bengal-7 at 10 AM) to on basis for a per requirement and the following te Candidates are "Annexure - I" qualifications a
1. Consultan

Qualificatior Exponenc

Duties

nixi

(73)

Reply by M/s Indotech Waste Solution

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दिनांक : 24-09-2022

सेवा में
अध्यक्ष
सक्षम पर्यावरण प्रभाव आकलन प्राधिकरण उत्तर प्रदेश
पर्यावरण निदेशालय
पर्यावरण भवन विनीत खंड गोमतीनगर लखनऊ

सी बी डब्ल्यू टी एफ को पर्यावरणीय स्वीकृत दिए जाने के विरोध में।

महोदय

कृपया प्रधान ग्राम पंचायत पचताना पोस्ट कुमरौआ ब्लॉक सोरों जनपद कासगंज के द्वारा अपर मुख्य सचिव वन एवं पर्यावरण, उत्तर प्रदेश शासन लखनऊ उत्तर प्रदेश को सन्दर्भित पत्रांक शून्य दिनांक 05-07-2022 , जो दिनांक 07-09-2022 को हुई बैठक में हमें दिए गए थे ,के सन्दर्भ में आपको निम्नवत अवगत कराना है।

जैसा कि प्रधान महोदया के द्वारा अपने सन्दर्भित पत्रांक में कहा गया है वह असत्य एवं निराधार है क्योंकि इस बैठक में इनके प्रतिनिधि के रूप में इनके पति उपस्थित हुए थे। ध्यातव्य है कि इनका गांव प्रस्तावित स्थल खसरा नंबर 1161 ग्राम कुमरौआ से लगभग 1. 5 किलोमीटर से अधिक की दूरी पर है।

बैठक में उठाये गए सभी प्रश्नो का समाधान करते हुए उत्तर दिया गया था। जिसमें इनके प्रतिनिधि के द्वारा प्रदूषण से होने वाली समस्या आदि के विषय में प्रश्न उठाया गया , तथा इनके प्रतिनिधि को अवगत कराया गया था कि जैव चिकित्सा नियम 2016 तथा केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निर्धारित मापदंडों के अनुरूप CBWTF का संचालन किया जाएगा। तथा किसी भी प्रकार का प्रदूषण नही होगा और सांस आदि या अन्य कोई स्वास्थ्य सम्बन्धी समस्या इस CBWTF के संचालन से उत्पन्न नही होगी। जिससे इनके प्रतिनिधि पूर्ण आश्वस्त एवं संतुष्ट थे।

इसके अतिरिक्त दिननक 07-06-2022 को बहुत अधिक संख्या में ग्रामीणों से स्वयं ही हस्ताक्षरा अभियान चलते हुए हमारी संस्था के द्वारा सी बी डब्ल्यू टी एफ को लगाए जाने के प्रस्ताव का समर्थन किया था। जिसकी प्रतिलिपि इस पत्र के साथ संलग्न कर प्रेषित की जा रही है।

यहाँ यह कहना भी समीचीन एवं उचित होगा कि धनबल , बाहुबल के प्रयोग करने की बातें अशोभनीय एवं निंदनीय है और न ही हमारी यह प्रवृत्ति एवं प्रकृति ही है संभवतः प्रधान महोदया के द्वारा अपनी प्रवृत्ति और प्रकृति का निरूपण करते हुए इन बातों को कहा गया है।

अतः आपसे सानुरोध विनम्र निवेदन है हमारी संस्था को प्रस्तावित स्थल खसरा नंबर 1161 ग्राम कुमरौआ ब्लॉक सोरों जनपद कासगंज में CBWTF लगाने हेतु पर्यावरणीय स्वीकृति प्रदान करने का कष्ट करें

आपके संज्ञान एवं अग्रिम कार्यवाही हेतु सादर प्रेषित।

भवदीय

कृते Indotech Solution

प्रतिलिपि :
1. अपर मुख्य सचिव वन एवं पर्यावरण उत्तर प्रदेश शासन बापू भवन लखनऊ।

(75)

दिनांक - 1/06/2022

प्रेषक,

श्रीमान जिलाधिकारी
जनपद अलवर
फैक्स - [illegible]

रजबाहा नं॰ 11G1 ग्राम भुरसोवा तहसील व जिला अलवर के CBWTF लगाए जाने के संबंध में।

महोदया,

हम ग्रामवासियों की ओर से पत्र लिखा जा रहा है कि रजबाहा नम्बर 11G1 ग्राम भुरसोवा तहसील व जिला अलवर में इस CBWTF लगाने का प्रस्ताव है जिससे हमारे पशुओं के लिए पीने का पानी व खेती के लिए पानी की समस्या उत्पन्न होगी। इस संयंत्र के लगने से हमारे क्षेत्र में बीमारियां फैलने की संभावना है। अतः आपसे निवेदन है कि इस संयंत्र को यहां पर न लगाया जाए।

इस संयंत्र से कुछ रोजगार उत्पन्न होंगे, लेकिन हमारे पशुओं के जीवन का प्रश्न है। अतः आपसे निवेदन है कि इस संयंत्र को यहां पर न लगाया जाए।

इसके साथ हम ग्रामवासियों की कुछ सिफारिशें आपकी सेवा में प्रस्तुत कर रहे हैं।

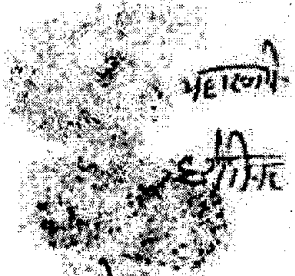
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रामगोपाल		रामगोपाल
रामकुमार		रामकुमार
वीरेन्द्र कुमार	9639419112	

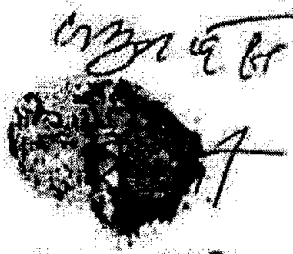
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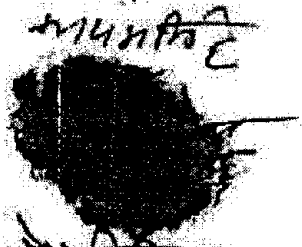
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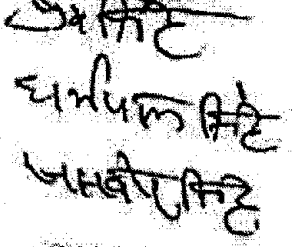
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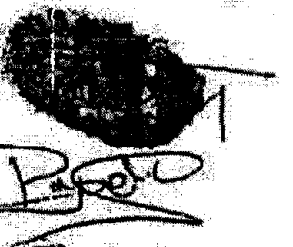
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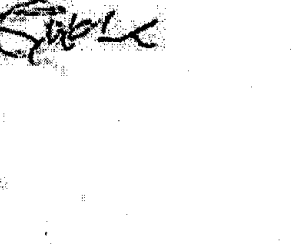












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Compliant Letter by JRR Waste

AN ISO 14001:2015 COMPANY

Block No. S-21, Shop No. 4, Sanjay Place, Agra-282002
Mob.: 9997981999, 9897030999 E-mail : jrrwmpl@gmail.com

Speed Post E-mail

Dated: 03 Sept. 2022

To,

1. The Secretary,
Ministry of Environment, Forest and Climate Change
Central Secretariat, New Delhi.

2. Additional Chief Secretary/Principal Secretary,
Department of Environment, Forests & Climate Change,
Govt. of U.P., Civil Secretariat,
Lucknow 226001.

3. Prescribed Authority,
U.P. Pollution Control Board,
Through its Chairman,
TC-12-V, Vibhuti Khand,
Gomti Nagar, Lucknow – 226010.

4. Chairman,
U.P. Pollution Control Board,
TC-12-V, Vibhuti Khand,
Gomti Nagar, Lucknow – 226010.

5. Chairman,
State Environment Impact Assessment Authority,
at Directorate of Environment,
Vineet Khand-6, Gomti Nagar,
Lucknow – 226010.

6. Chairman,
State Environment Appraisal Committee-I,
at Directorate of Environment,
Vineet Khand-6, Gomti Nagar,
Lucknow – 226010.

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7. Chairman,
State Environment Appraisal Committee-II,
at Directorate of Environment,
Vineet Khand-6, Gomti Nagar,
Lucknow – 226010.

Sub: - **Representation for consideration of applicability of the guidelines for Common Bio-Medical Waste Facility 2003 & the revised guidelines of Common Bio-Medical Waste Facility 2016 issued under the provisions of relevant Rules of 1998 and Rules of 2016 in respect of consideration of Environmental Clearance at the end of the authorities in respect of grant of EC pertaining to M/s Indo Tech Solution, Khari Road, at Village – Kumrauwa, Tehsil - Soron, District - Kasganj.**

Sir (s),

The applicant (JRR Waste Management Private Limited, Agra) most respectfully begs to submit as under: -

1. That the applicant in the name and style of JRR Waste Management Private Limited, Block No. S-21, Shop No. 4, Sanjay Place, Agra - 282002 duly registered under the Companies Act with the Registrar of Companies at Kanpur and is functioning under the Memorandum of Association duly approved by the Registrar of Companies and under the resolution of the Board the present representation is being moved.

2. That before making his submission, the applicant is desirous to submit certain relevant and material facts in support of the grievance of the applicant for installation of CBWTF to be run by M/s Indo Tech Solution, Khari Road, at Village – Kumrauwa, Tehsil Soron, District Kasganj within the periphery of 150 KM already covered within the coverage area reserved for the applicant in terms of the authorization certificate issued under the provisions of Bio-Medical Waste (Management & Handling) Rules, 1998 and also renewed time to time

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in accordance with law.

3. That it is pointed out that bio-medical waste is generated by Hospitals, Nursing Homes, Pathological Labs etc. which is required to be disposed of in terms of the Rules framed u/s 6, 8 & 25 of the Environment (Protection) Act, 1986, popularly known as Bio Medical Waste (Management and Handling), Rules 1998 as well as Bio Medical Waste Management, Rules 2016 and the Central Pollution Control Board had issued guidelines for establishment of Common Bio Medical Waste Treatment Facility (CBWTF) in the year 2003 in conformity with the relevant Rules of 1998 applicable at that point of time and subsequently when aforesaid Rule, 2016 came into existence superseding the Rule, 1998 with certain modification, the CPCB issued revised guidelines 2016 keeping in view the requirement of establishment of new CBWTFs within the radius of 75 Km in case the already established CBWTF is not in a position to meet the requirement of disposal of Bio Medical Waste and for new establishment various statutory requirements at the end of state government as well as prescribed authority, have been formulated in the revised guidelines issued by CPCB.

4. That it is noteworthy that the Bio Medical Waste Management, Rules 2016 stipulates that any CBWTF (Common Bio Medical Waste Treatment Facility) already established in conformity with the old guidelines issued by CPCB under the provisions of Bio Medical Waste (Management and Handling), Rules 1998 will not stand completely superseded by new Rule, 2016 as provided in the opening paragraph of the Rule, 2016 and thus it is well settled canon of law that any action or thing done under the old Rule shall remain unaffected until and unless the old Rules are repealed in its entirety and thus the guidelines issued by CPCB in 2003 under 1998 Rules and revised guidelines of 2016, will have mandatory force having binding effect upon the authorities bestowed upon the powers for implementing the very object of Bio Medical Management Rules, 2016.

5. That under the guidelines issued by CPCB (Central Pollution Control Board), the prescribed authority is required to conduct a gap analysis action plan is to be prepared by it for establishment of new CBWTFs (Common Bio Medical Waste Treatment Facility) in case of grant of authorization for the purposes of generation, collection, reception, storage, transportation, treatment, processing disposal of Bio medical waste in accordance with the rules and guidelines issued by CPCB (Central Pollution Control Board) and in case the prescribed authority considers necessary and desirable for allowing establishment of new CBWTF (Common Bio Medical Waste Treatment Facility) in that locality without interfering the coverage area of the existing CBWTF (Common Bio Medical Waste Treatment Facility) and the beds covered by the existing CBWTF (Common Bio Medical Waste Treatment Facility) and as such the impugned order granting authorization certificate for establishing new CBWTF without affecting the Health Care Facilities falling within the coverage area of old CBWTF and also beds covered by the already established CBWTF (Common Bio Medical Waste Treatment Facility) and also without resorting to the regulatory procedure in respect of selection of site even as mandated under the Rule 17 of Common Bio Medical Waste and Management Rule, 2016 itself.

6. That it is also necessary and desirable to reiterate that as per the Guidelines of CPCB that the CBWTF should be located at a place reasonably far away from residential and sensitive areas for which the selection of site should be within the space of 1 acre area as mandated by Rule 17 of Bio Medical Waste Management, Rules 2016 as quoted in the following paragraph and the power of selection site for establishment of new CBWTF, is vested with the State Government in consultation with prescribed authority (State Board).

7. That by virtue of the provision of Rule 17 of the Bio Medical Waste Management, Rules 2016, which contemplates the regulatory procedure in selection of site in case of establishment of new CBWTF, the department in the business allocation of land assignment in the state government, shall be held responsible for providing suitable site for

setting of new CBWTF in the State Government which has to select site in consultation with the prescribed authorities and other stake holders in accordance with the guidelines issued by Central Pollution Control Board (CPCB) and thereafter new facility can only be established in conformity with the procedure provided under rule 17 of the Bio Medical Waste Management, Rules 2016. The extract of the provision of Rules 17 of Bio Medical Waste Management, Rules 2016 is being reproduced below.

> **Rules 17: Site for common bio-medical waste treatment and disposal facility.** (1) Without prejudice to rule 5 of these rules, the department in the business allocation of land assignment shall be responsible for providing suitable site for setting up of common biomedical waste treatment and disposal facility in the State Government or Union territory Administration
>
> (2) The selection of site for setting up of such facility shall be made in consultation with the prescribed authority, other stakeholders and in accordance with guidelines published by the Ministry of Environment, Forest and Climate Change or Central Pollution Control Board.

8. That under the guidelines of 2003 issued by CPCB, the coverage of the area for CBWTF is 150 KM radius under the Rules,1998 and for establishment of new CBWTF within the radius of 75 KM there must be further coverage with the stipulation of availability of additional beds exceeding 10000 beds including the planning for future beds from health care facilities and as such the Prescribed Authorities are not empowered to consider for authorization certificates for establishment of new CBWTFs under the Rules of 2016 under which revised guidelines have been issued until and unless it is established that there is extreme necessity of establishment of new CBWTF in those cases where in the vicinity certain new hospitals and pathologies have been subsequently established and more than 10,000 beds have been covered apart from those beds which are covered by the old CBWTF already established within the coverage of 150 KM established under the 1998 Rules and thus the issuance of environmental clearance in favour of M/s Indo Tech Solution, Khari Road, at Village – Kumrauwa, Tehsil Soron, District Kasganj will be illegal and violative of the guidelines issued under the Rules of 1998 and Rules of 2016.

9. That the Prescribed Authority has been created under Rule 9 of the Bio Medical Waste Management Rules, 2016 and the word 'Prescribed Authority' has been defined under rule 2(o) of the aforesaid Rules, 2016 which means that State Pollution Control Board shall be the prescribed authority and the State Board has been defined under section 2(h) and constituted U/s 4 of the Water Act, 1974 and as such the power of Prescribed Authority conferred under the provision of Rule.10 of the aforesaid Rule, 2016 can only be exercised by the U.P. Pollution Control Board itself.

10. That the prescribed authority for the purposes of exercising the power of Bio Medical Waste Management Rules, 2016 has been created under Rule-9 of the aforesaid Rule of 2016. The extract of the provision of Rule-9 is being reproduced below:

> **Prescribed authority.** -(1) The prescribed authority for implementation of the provisions of these rules shall be the State Pollution Control Boards in respect of States and Pollution Control Committees in respect of Union territories.
>
> (2) The prescribed authority for enforcement of the provisions of these rules in respect of all health care establishments including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories and blood banks of the Armed Forces under the Ministry of Defence shall be the Director General, Armed Forces Medical Services, who shall function under the supervision and control of the Ministry of Defence. 9
>
> (3) The prescribed authorities shall comply with the responsibilities as stipulated in Schedule III of these rules.

11. That it is significant to mention here that the Central Government while framing the Bio Medical Waste Management, Rules 2016 has protected those facilities which were established under the Bio Medical Waste (Management and Handling), Rules 1998 within the radius of 150 Km in conformity with the relevant guidelines the then issued by CPCB in the year 2003 under the relevant provisions of Bio Medical Waste (Management and Handling), Rules 1998 while on the other hand under the new Rule, 2016 has fixed the distance of the radius of 75 Km not affecting the already established CBWTFs under the old rules of 1998 as mentioned above meaning thereby that the provisions of the Bio Medical Waste Management Rules, 2016 shall

remain operational prospectively with effect from the date of its publication in the official gazette as provided under rule-1(2) of Rules, 2016 itself.

12. That the central government while framing The Bio Medical Waste Management Rules, 2016 notified in official gazette, in exercise of power conferred u/s 6, 8 & 25 of The Environment (Protection) Act, 1986 except in respect of things done or omitted to be done before such supersession has protected those CBMWTFs (Common Bio Medical Waste Management Facility) already established under the provisions of Bio Medical Waste (Management and Handling) Rules, 1998 in terms of the guidelines of 2003 issued by CPCB and thereafter when The Bio Medical Waste Management Rules, 2016 came into force, the revised guidelines has been issued by CPCB for the purposes of generation, collection, reception, storage, Transportation, treatment processing and disposal of common bio-medical waste by the CBWTF (Common Bio Medical Waste Treatment Facility).

13. That under clause 5.3 of the revised guidelines issued by CPCB, it has been stipulated that the Ministry of Environment, Forest and Climate change has issued a notification of SO1142(E) dated 17.04.2015 providing therein that establishment of new Bio-Medical Waste Treatment Facility (new CBWTF) Environmental clearance from State Environment Impact Assessment Authority (SEIAA) is mandatorily required to be obtained for its establishment and thus CBWTF operator is also required to obtain environmental clearance from respective SEIAA or Ministry of Environment, Forest and Climate Change as the case may be, before establishing new CBWTF even initiation of construction work for new project.

14. That the legislative intent behind the provision of Rule 17 of Bio Medical Waste Management, Rules 2016 is to this effect that the land use for the allocation of site is exclusively vested with the State Government in view of the fact that new industrial (CBWTF) unit can only be established upon the land/area allocated for industrial purposes demarcated in the master plan approved by the State Government and

as such the selection of site for establishment of new CBWTF is solely upon the ends of State Government concerned as also provided in the guidelines issued by CPCB.

15. That under clause 6 of the guidelines issued by CPCB for establishment of new CBWTF, the concept of buffer zone has been formulated with the object of separation of distance between the source of pollution from CBWTF and receptors/ residents of the vicinity by following the principle of degree of impact with increased distance on case to case basis by demarcating certain precautionary measures as elaborated in the guidelines with the stipulation with the CBWTF shall preferably be developed in the notified industrial area in the master plan having regard to the fact that the CBWTF should be located at a place reasonably far away from the residential and sensitive area normally having distance of preferably 500 meters and the new (CBWTF should prove that it is not causing any impact on environmental pollution upon the habitation in the vicinity where new CBWTF is sought to be established.

16. That clause 6(c) of the revised guidelines issued by the CPCB as also quoted above, which contemplates that in case of establishment of new CBWTF, it is necessarily desirable to precure environmental clearances from competent authorities having regard to the fact that there should not be any CBWTF already existing within 150 Km distance as provided under the guidelines of 2003 issued by CPCB under 1998 Rules and as such the impugned authorization certificate issued by U.P. Pollution Control Board is violative of the aforesaid guidelines as well.

17. That under clause 2 of the revised guidelines issued by CPCB pertaining to establishment of new CBWTF, it has been formulated certain basic criteria for establishment of new CBWTF and the Prescribed authority (State Board) under the BMWM Rules, 2016 in the respective State, is required to prepare an inventory or review with the regard to the Bio-Medical Waste Generation at least 5

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years in coverage areas of the existing Bio-Medical Waste Treatment and disposal facility, which has not been done in issuing the impugned authorization certificate by the prescribed authority violating the guidelines of CPCB issued in this regard and as such it is evident that the State Board exercising the power of prescribed authority has ignored the requirement of necessary approvals as required in the guidelines as well as the Rules of 2016.

18. That Prescribed Authority (State Board) was under an obligation to have considered the adequacy of existing CBWTF and its capacity including the coverage area of the radius of 150 KM already established and in case of establishment of new CBWTF within the radius of 75 KM as given in Annexure-I of the revised guidelines which requires (i) coverage area, while gap analysis for assessing BMW treatment capacity requirement keeping in view the areas covered by CBWTF already in existence (ii) number of HCFs (health care facilities) (bedded and non-bedded) (iii) number of beds covered (iv) total estimated BMW generation in Kg-days (v) total BMW treated and disposed in Kg/days (vi) gap between total BMW generation and the existing BMW treatment capacity in Kg. and thus it is evident that the Prescribed Authority (State Board) has acted in contravention of the guidelines of CPCB in granting authorization certificate etc. in permitting new common Bio-Medical waste treatment and disposal facility which is being quoted below:

Annexure-I

Coverage area-wise gap analysis for assessing additional BMW treatment capacity requirement

S. No.	Coverage Area (pl. indicate areas covered by CBWTF in the State/UT)	No. of HCFs	No. of beds Covered	Total estimated BMW generation in Kg/day	Total existing treatment capacity in kg	Total BMW treated and Disposed in Kg/day	Gap between total BMW generation & the existing BMW treatment Capacity in Kg	Remarks (whether additional Treatment Capacity required or not)

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		Bed-ed	Non-Beded			Incineration	Autoclaving by shredding microwaving	Chemical disinfection	Deep burial	Any other mode of disposal			Yes	No
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Note: above gap analysis coverage area-wise is required to be prepared once in five years and should be shown or depicted in a Map of State/UT

19. That under the guidelines of CPCB, the Prescribed Authority has been mandated to conduct the gap analysis action plan for development of new CBWTFs and after the preparation of such plan pertaining to existence of old CBWTF already established new CBWTF in the entire State in order to ascertain that excessive number of CBWTFs should not be established in order to avoid pollution in the surrounding area where new CBWTF is sought to be established and as such the Prescribed Authority has been required to submit the prepared plan to MoEF and CPCB as mandated in 2016 Rules as well as under the guidelines issued by CPCB.

20. That in case the coverage area requires additional capacity in order to meet the requirement of health care facilities for allowing new CBWTF in that locality without interfering coverage area of the existing CBWTF and beds of health care facilities covered under the old CBWF which has not been taken into consideration by the prescribed authority in granting the impugned authorization certificate apart from the fact that various other new CBWTFs are sought to be established in violation of the norms and standards inclusive of approvals from the appropriate authorities by procuring Environmental Clearances and thus the action of the Prescribed Authority (State

Board) is wholly not inconformity of Rules and Guidelines issued by CPCB.

21. That the CPCB is empowered to issue guidelines as provided under definition clause of Rule 3(c) of The Bio-Medical Waste Management Rules, 2016 defining the word "authorization" which is being quoted below:

> 3(c) "authorization" means permission granted by the prescribed authority for the generation, collection, reception, storage, transportation, treatment, processing, disposal or any other form of handling of bio-medical waste in accordance with these rules and guidelines issued by the Central Government or Central Pollution Control Board as the case may be."

22. That the Prescribed Authority has also not identified the coverage area which requires new and additional treatment facility in order to bring it to the notice of the department of State Government dealing with the allocation of land assignment for providing suitable site in identified coverage area for setting up of new CBWTF in consultation with the Prescribed Authority (State Board) and as such it is evident that the Prescribed Authority (State Board) has failed to perform statutory function stipulated in 2016 Rules and the guidelines issued by CPCB having mandatory force and binding effect upon the Prescribed Authority (State Board) and no resolution for establishment of new CBWTF by the State Pollution Control Board exercising the power of prescribed authority has been passed and the order impugned so issued by U.P. Pollution Control Board thereby granting authorization certificate under Rule 10 in favour of M/s Indo Tech Solution, Khari Road, at Village – Kumrauwa, Tehsil - Soron, District - Kasganj is wholly without jurisdiction.

23. That as per guidelines of CPCB, as well as Rule 17 of 2016 Rules it has been mandated that the department of business allocation of state government is required to make land assignment by way of selection of site must seek expression of proponents of the area of the proposed land for development of new CBWTFs and while allocating the site for the purposes of establishment of new CBWTF, the department dealing with the land assignment is required to identify the

coverage area keeping in view the distance between already established CBWTF and proposed CBWTF and as such the prescribed authority has usurped upon the jurisdiction of the State Government in selection of site for establishment of new CBWTF not vested in prescribed authority by law in respect of establishment of new CBWTFs and also in process of grant of impugned authorization certificate, the prescribed authority has acted in excess of jurisdiction by granting the authorization certificate impugned in the writ petition.

24. That it is also noteworthy that the guidelines issued CPCB have also dealt with coverage area of CBWTFs for the purposes of establishment wherein it has been formulated that it is incumbent upon the prescribed authority that existing treatment capacity is not adequate in the coverage area of CBWTF already established under 1998 Rules only in those cases 10000 bed capacity is exceeding in that locality health care facilities, in such a case a new CBWTF may be allowed in order to meet the requirement of bed capacity exceeding 10000 in number in health care facility but not otherwise and thus the order impugned is unsustainable in law.

25. That it is undisputed that SPCB (State Pollution Control Board) is the prescribed authority and the Board has been created u/s 4 of the Water Act, 1974 defined u/s 2(h) of the aforesaid Act, which consists of environmentalists, academicians, Scientists, Professionals, Experts & technocrats as formulated by Techi Tangi Tara V/s Rajendra Sigh Bhandari (2018) 11 SCC 734 and thus it is evident that the impugned authorization certificate for establishment new CBWTFs has been issued not by competent authority being State Board termed as prescribed authority and as such the order impugned cannot be said to be appealable in character despite the fact the constitutionality of the provision of appellate power derived from Rule 16 of Rules, 2016 is also sought to be challenged by means of present petition apart from the fact that no resolution by State Board exercising the power of Prescribed Authority for issuance of authorized certificate in favour of M/s Indo Tech Solution, Khari Road, at Village – Kumrauwa, Tehsil - Soron, District - Kasganj.

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26. That the Prescribed Authority has been termed as SPCB and the power of SPCB can never be delegated upon any other authority other than the Chairman under Section 11-A of the Water Act, 1974 and no order/resolution have either been passed by the Board or the Chairman in the capacity of Prescribed Authority nor any resolution for issuing authorization certificate has been passed by the State Board exercising the power of Prescribed Authority as the Prescribed Authority constitutes only the State Board under rule 3(o) of Bio-Medical Waste Management Rules, 2016 but not otherwise.

27. That now apart from aforesaid analogy, it is alternatively pleaded that section 11-A of Water Act, 1974 dealing with the power of delegation is also ultra-vires to the provision of the Act as well as it is also violative of the constitutional principle having regard to the fact that the State Board as defined u/s 2 (h) and created U/s 4 of Water Act, 1974 which consists of professionally competent expert scientific persons having special knowledge and skill in the field of science and technology based upon the experience of environmental protection in environmental field comprising of environmentalists, academicians, Scientists, professionals, experts, and technocrats and thus, the special knowledge and skill of the entire board can never be delegated to any individual having regard to the fact that collective decision after due deliberation by expertise body being the State Board is taken which has been created under the environmental enactments in order to fulfill the object sought to be achieved by means of environmental enactments and thus the very object of Constitution of expert body of scientists in environmental field having autonomous character, will be defeated even by means of delegation of powers and the power of Prescribed Authority has not been exercised by State Board as Rule 3(o) of the said Rules contemplate the "UPPCB" but not otherwise.

28. That now coming to the question of resorting to appellate remedy which can only be invoked in those cases where the authorization certificate has been issued by the Prescribed Authority being the competent authority while the impugned order of authorization certificate has not been issued by the SPCB but by Chief

Environmental Officer which is not covered within the meaning of prescribed authorities as the word 'Prescribed Authority' has been defined under Rule 3(o) of Bio-Medical Waste Management Rules, 2016 which means the State Board as defined under section 2(h) created under section 4 of the Water Act, 1974 which is a specialized expert body consisting of Environmentalists, Academicians, Scientists, Professionals, Experts, and technocrats.

29. That having left with no other alternative option, the applicant is submitting the present representation before the competent authority being Central Government to the effect by taking resort to the provision of Rule 12 of Bio Medical Waste Management Rules, 2016 which contemplates that the Ministry of Central Government will review the implementation of the Bio Medical Rules in letter and spirit across the country through the state functionaries including the CPCB which has also been empowered to frame the guidelines with the object sought to be achieved under the Bio Medical Waste Management Rule 2016 and Rule 12 of the said Rule uses the word **"review"** which means according to **Black Law dictionary (1) Consideration, inspection, or re-examination of a subject or thing (2) Plenary power to direct and instruct an agent or subordinate, including the right to remand, modify, or vacate any action by the agent or subordinate** and thus it is evident that the Central Government is fully empowered to invoke its plenary power by revoking and rescinding any decision taken or to be taken by state functionaries including the U.P. Pollution Control Board exercising the power of prescribed authority but two representations dated 22.6.2021 and its reminder dated 17.8.2021 so submitted are still pending consideration to the authority concerned and the extract of Rule 12(1) of the Rules, 2016 is being quoted: ***"12. Monitoring of implementation of the rules in health care facilities (1) The Ministry of Environment, Forest and Climate Change shall review the implementation of the rules in the country once in a year through the State Health Secretaries and Chairman or Member Secretary of State Pollution Control Boards and Central Pollution Control Board***

and the Ministry may also invite experts in the field of bio-medical waste management, if required."

In view of the facts and circumstances, mentioned here-in-above, it is most respectfully prayed that your goodself may kindly be pleased to pass an order thereby refusing the proposal Environmental Clearance sought by the M/s Indo Tech Solution, Khari Road, at Village – Kumrauwa, Tehsil - Soron, District – Kasganj in violation of the guidelines issued time to time by CPCB in conformity with the provisions of relevant Rules of 1998 and Rules, of 2016 and also afford an opportunity to the applicant for personal hearing in order to demonstrate his grievance specially when he has already approached the public hearing headed by the District Magistrate Kasganj on 06.06.2022 by representing the matter in writing but in vain and any other order or appropriate direction in the facts and circumstances of the case may also pleased be passed in favour of the applicant, in order to meet the ends of justice.

Yours Sincerely,

Authorized Signatory
For & on Behalf of
JRR Waste Management Pvt. Ltd.
Block No. S-21, Shop No. 4,
Sanjay Place, Agra – 282002.

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Reply by M/s Indotech Waste Solution

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To

Date : 24.09.2022

1. The Secretary
Ministry of Environment, Forest and Climate Change
Central Secretariat, New Delhi

2. Additional Chief Secretary/Principal Secretary
Department of Environment, Forests & Climate Change.
Govt of UP.Civil Secretariat. Lucknow 226001

3. Prescribed Authority.
UP. Pollution Control Bourd Through
Its Chairman.
10-12-V, Vibhuti Khand,
Gomti Nagar, Lucknow-226010.

4. Chairman
UP. Pollution Control Board,
TC-12-V. Vibhuti Khand,
Gomti Nagar, Lucknow-226010.

5. Chairman,
State Environment Impact Assessment Authority.
At Directorate of Environment
Vineet Khand-6, Gomti Nagar,
Lucknow-226010.

6. Chairman,
State Environment Appraisal Committee-II,
at Directorate of Environment,
Vineet Khand-6, Gomti Nagar,
Lucknow -226010

7. Chairman,
State Environment Appraisal Committee-1.
at Directorate of Environment,
Vineet Khand-6, Gomti Nagar,
Lucknow -226010

Requirement For Consideration of Applicability of the Guidelines for Common Bio Medical Waste Treatment Facility 2003 & the revised Guidelines of Common Bio Medical Waste 2016 in respect of consideration of Environment Clearance at the end of the Authorities in respect of grant of E C to M/s Indotech Solution Khari Road at Village Kumraua , Tehsil -Soron , District Kasganj

Dear sir,

A letter of representation dated 03 Sept 2022 was submitted before your august office JRR WASTE MANAGEMENT Pvt. Ltd, Block No. S-21, Shop No. 4. Sanjay Place, Agra 282002 and the same was handed over to us on 07-09-2022 during the meeting at your office.

In response to the above we do hereby submit our reply/represent ion as here in under:

Sl No	Points raised/ Submitted in representation by JRR Waste Management Pvt Ltd Agra	Reply by M/s Indotech Waste Solution Kasganj
1	That the applicant in the name and style of JRR Waste Management Private Limited, Block No. S-21, Shop No. 4, Sanjay Place, Agra 282002 duly	That This CBWTF became operational in the year of 2004 under the name of M/s Dutt Enterprises after award of the

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	registered under the Companies Act with the Registrar of Companies at Kanpur and is functioning under the Memorandum of Association duly approved by the Registrar of Companies and under the resolution of the Board the present representation is being moved.	contract by the Municipal Corporation of Agra for BMW Management of the HCF of Agra. And later it was taken over by M/s JRR Waste management Pvt. Ltd. as mentioned by the Company itself and presently M/s JRR Waste Management is providing its services to the HCFs of the Following Districts of state of UP and adjoining state of MP whereas interstate transportation of BMW is not provisioned under any relevant law unless permitted specifically by CPCB and state Pollution Control Board of both of the state i.e UPPCB and MPPCB. Presently M/s JRR Waste Management Pvt Ltd is providing its services in the following districts of state of UP and MP: 1. Agra 2. Firozabad,3. Mainpuri, 4. Hathras and 5. Etah in the state of UP and 1. Morena and Bhind in the State of Madhya Pradesh. Since 1998, the CBWTF as an option for treatment of bio-medical waste also been legally introduced in India. Considering the likely impacts that may cause to the patients undergoing treatment because of operation of the captive treatment equipment within the health care facilities (HCFs), now the Bio-medical Waste Management Rules, 2016 restricts the Occupier (i.e., HCF) for ensuring treatment and disposal of generated bio-medical waste through a CBWTF, located within a distance of 75 KM. Further, these rules eased the bottleneck in upbringing the CBWTF by making department in the business allocation of land assignment in the State or UT administration responsible for providing a suitable site (s) within its jurisdiction. Revised Guidelines for Common Bio-medical Waste Treatment Facilities page 2
2	That before making his submission, the applicant is desirous to submit certain relevant and material facts in support of the grievance of the applicant for installation of CBWTF to be run by M/s Indo Tech Solution, Khari Road, at Village - Kumraua, Tehsil Soron, District Kasganj within the periphery of 150 KM already covered within the coverage area reserved for the applicant in terms of the authorization certificate issued under the provisions of Bio-Medical Waste (Management & Handling) Rules, 1998 and also renewed time to time in accordance with the	That it may be intimated that none of the area is reserved for any of the CBWTF in the state of UP by any of the prescribed authority. Mere Grant of authorisation is being misunderstood of reservation of the area of periphery of 150 km from the location of the CBWTF operated by M/s JRR Waste Management Pvt Ltd. And further it may also be intimated that the Bio-Medical Waste (Management & Handling) Rules, 1998 and its amendment are no more applicable since the BMW

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	law.	Rules 2016 has been notified.
3	That it is pointed out that bio-medical waste is generated by Hospitals, Nursing Homes, Pathological Labs etc which is required to be disposed of in terms of the Rules framed u/s 6, 8 & 25 of the Environment (Protection) Act, 1986, popularly known as Bio Medical Waste (Management and Handling). Rules 1998 as well as Bio Medical Waste Management, Rules 2016 and the Central Pollution Control Board had issued guidelines for establishment of Common Bio Medical Waste Treatment Facility (CBWTF) in the year 2003 in conformity with the relevant Rules of 1998 applicable at that point of time and subsequently when aforesaid Rule, 2016 came into existence superseding the Rule, 1998 with certain modification, the CPCB issued revised guidelines 2016 keeping in view the requirement of establishment of new CBWTFs within the radius of 75 Km in case the already established CBWIF is not in a position to meet the requirement of disposal of Bio Medical Waste and for new establishment various Statutory requirements at the end of state government as well as prescribed authority, have been formulated in the revised guidelines issued by CPCB.	That the bio-medical waste generated by HCFs shall be disposed with the least minimum travel time and within the period 48 hours. That Bio Medical Waste (Management and Handling) Rules 1998 and its subsequent amendment in 2000 and 2003 also emphasis on the time limit of 48 hrs. And the guidelines for establishment of Common Bio Medical Waste Treatment Facility (CBWTF) in the year 2003 were merely guidelines issued by the CBWTF not the part of Bio,Medical Waste (Management and Handling) Rules 1998. And the present guidelines are part and parcel of the BMW Rules 2016. As rightly said that the BMW Rules 2016 came into the existence after suppression of Bio Medical Waste (Management and Handling) Rules 1998. The reduction of distance to 75 kms was decided in the wake of present scenario of exponential increment of the number of HCFs and thus increasing the quantity of biomedical waste whereas the area of operation and capacity of the CBWTFs remained same during the period of these times. Therefore CPCB was per force to revise the guidelines.
4	That it is noteworthy that the Bio Medical Waste Management, Rules 2016 stipulates that any CBWTF (Common Bio Medical Waste Treatment Facility) already established in conformity with the old guidelines issued by CPCB under the provisions of Bio Medical Waste (Management and Handling), Rules 1998 will not stand completely superseded by new Rule, 2016 as provided in the opening paragraph of the Rule, 2016 and thus it is well settled canon of law that any action or thing done under the old Rule shall remain unaffected until and unless the old Rules are repealed in its entirety and thus the guidelines issued by CPCB in 2003 under 1998 Rules and revised guidelines of 2016. will have mandatory force having binding effect upon the authorities bestowed upon the powers for implementing the very object of Bio Medical Management Rules, 2016.	That since the BMW Rule 2016 came into force in suppression of Bio Medical Waste (Management and Handling), Rules 1998 after notification of the BMW Rules 2016 the word as mentioned in preamble are quoted as here in " Now, therefore, in exercise of the powers conferred by section 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in suppression of the Bio-Medical Waste (Management and Handling) Rules, 1998, except as respects things done or omitted to be done before such suppression, the Central Government hereby makes the following rules, namely: - 1. Short title and commencement. -(1) these rules may be called the Bio-Medical Waste Management Rules, 2016. (2) They shall come into force on the date of their publication in the Official Gazette. The meaning of word "suppression" as per Cambridge Dictionary is the act of preventing something from being expressed or known the act of ending something by force: Which makes to understand that the Bio-Medical Waste (Management and

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		Handling) Rules, 1998 becomes irrelevant no sooner BMW Rules 2016 comes into force. As recommended by the oversight committee for the state of UP, formed under the Direction of Hon'ble NGT, that the UPPCB and concerned authorities shall strictly adhere to the provisions of BMW Rules 2016.
5	That under the guidelines issued by CPCB (Central Pollution Control Board, the prescribed authority is required to conduct a gap analysis action plan is to be prepared by it for establishment of new CBWTF(Common to Medical Waste Treatment Facility) in case of grant of authorization for the purposes of generation, collection reception, storage, transportation, treatment, processing disposal of Bi medical waste in accordance with the rules and guidelines issued by CPCB (Central Pollution Control Board) and in case the prescribed authority considers necessary and desirable for allowing establishment of new CBWTF(Common Bio Medical Waste Treatment Facility) in that locality without interfering the coverage area of the existing CBWTF (Common Bio Medical Waste Treatment Facility) and the beds covered by the existing CBWTF (Common Bio Medical Waste Treatment Facility) and as such the impugned order granting authorization certificate for establishing new CBWTF without affecting the Health Care Facilities falling within the coverage area of old CBWTF and also beds covered by the already established CBWTF (Common Bio Medical Waste Treatment Facility) and also without resorting to the regulatory procedure in respect of selection of site even, as mandated under the Rule 17 of Common Bio Medical Waste and Management Rule, 2016 itself	That the gap analysis is conducted by the prescribed authority and was submitted before the Hon'ble National Green Tribunal Principal Bench in the matter of Mukul Kumar Applicant Versus State of Uttar Pradesh & Ors. Respondent(s) OA 180/2021 and the inspection of all the CBWTFs in the state of UP by the Oversight Committee to monitor compliance of provisions of BMW Rules 2016 and CPCB Guidelines headed by Hon'ble Justice SVS Rathore retired justice of Allahabad High Court. The over sight committee has made numerous recommendation and even recommended that 3. Facilitate setting-up adequate number of Common Biomedical Waste Treatment Facilities (CBWTFs) to cover entire State or all HCFs. Rightly said that without affecting the Health Care Facilities falling within the coverage area of old CBWTF and also beds covered by the already established CBWTF (Common Bio Medical Waste Treatment Facility) and also without resorting to the regulatory procedure in respect of selection of site even, as mandated under the Rule 17 of Common Bio Medical Waste and Management Rule, 2016 itself. Whereas the area of operation has been reduced to 75 Kms as mentioned in clause 2 (b) considering the period of next 10 years.
6	That it is also necessary and desirable to reiterate that as per the Guidelines of CPCB that the CBWI should be located at a place reasonably far away from residential and sensitive areas for which the selection of site should be within the space of 1 acre area as mandated by Rule 17 of Bio Medical Waste Management, Rules 2016 as quoted in the following paragraph and the power of selection site for establishment of new CBWTF, is vested with the State Government in consultation with prescribed authority (State Board)	That the our present site is reasonably far from residential and sensitive and same is shown in the project report before your august office. The plot of land Khasra No 1161 Village Kumaraua, The Soron Distt Kasganj is 1 Acre and minimum 1 km from the residential area and 16 kms from Sensitive area.
7	That by virtue of the provision of Rule 17 of the Bio Medical Waste Management, Rules 2016, which contemplates the regulatory procedure in	That the land is in conformity of the provisions of BMW Rules 2016 and CPCB Guidelines. In the state of UP all the

	selection of site in case of establishment of new CBWTF, the department in the business allocation of land assignment in the state government, shall be held responsible for providing suitable site for setting of new CBWTF in the state Government which has to select site in consultation with the prescribed authorities and their stake holders in accordance with the guidelines issued by the Central Pollution Control Board and there after new facility can only be established in conformity with the procedure provided under rule 17 of the Bio Medical Waste Management Rules 2016. The extract of the provision of the Rules 17 of the Bio Medical Waste Management Rules 2016 is being reproduced below, **17. Site for common bio-medical waste treatment and disposal facility.** -(1) Without prejudice to rule 5 of these rules, the department in the business allocation of land assignment shall be responsible for providing suitable site for setting up of common biomedical waste treatment and disposal facility in the State Government or Union territory Administration, (2) The selection of site for setting up of such facility shall be made in consultation with the prescribed authority, other stakeholders and in accordance with guidelines published by the Ministry of Environment, Forest and Climate Change or Central Pollution Control Board.	CBWTFs are installed on the land allocated by own resources of the CBWTFs operational in the state of UP. And after 2016 it has been mandatory for seeking prior Environmental Clearance for establishing the CBWTF. The mandate of seeking environmental clearance is made to ensure that all the provisions of the laid down laws are followed. Hence the Rules 17 of the Bio Medical Waste Management Rules 2016 automatically becomes complied with.
8	That under the guidelines of 2003 issued by CPCB, the coverage of the area for CBWTF is 150 KM radius under the Rules 1998 and for establishment of new CBWTF within the radius of 75 KM there must be further coverage with the stipulation of availability of additional beds exceeding 10000 beds including the planning for future beds from health care facilities and as such the Prescribed Authorities are not empowered to consider for authorization certificates for establishment of new CBWTFs under the Roles of 2016 under which revised guidelines have been issued until and unless it is established that there is extreme necessity of establishment of new CBWTF in those cases where in the vicinity certain new hospitals and pathologies have been subsequently established and more than 10,000 beds have been covered apart from those beds which are covered by the old CBWTF already established within the coverage of 150 KM established under the 1998 Rules and thus the issuance of environmental clearance in favour of Ms Indo Tech Solution, Khari Road, at Village-Kamrauma, Tehsil Soron	This becomes imperative to mention here that the Guidelines issued in 2003 are no more applicable as the new Guidelines are issued by the CPCB which are part and parcel of BMW Rules 2016. More so ever as per BMW (Handling &Management) Rules 1998 all Health care facilities were not covered as the implementation of these Rules were at infancy stage. But Now the New Rule BMWM Rules 2016 is applicable to all HCFs irrespective of their discipline which has resulted in increasing the volume of BMW in exponential manner. Further as per the annual report of UPPCB and MPPCB in the year 2020 M/s JRR Waste Management Pvt Ltd is providing its services in the following Districts Agra, Firozabad, Mainpuri, Hathras and Etah in the state of UP and Bhind and Morena in the state of MP and the beds and apart from the HCFs having bed facilities there

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	District Kasganj will be illegal and violative of the guidelines d under the Roles of 1998 and Rules of 2016.	has been many fold increase in other Type of HCFs which also generate a volume and revenue to make the CBWTF sustainable. The break up of beds covered by M/s JRF Waste Management as per the UPPCB report submitted for the year 2019 and the status report submitted before the hon'ble NGT in the matter 710/2017. SlNo | Nmae of District | Number of Beds 1 | Agra | 8708 2 | Firozabad, | 2251 3 | Mainpuri, | 889 4 | Hathras | 1488 5 | Etah | 697 6 | Bhind & Morena | 2221 | Total | 16937 Further to it that at many of the point it has been recommended by the Oversight Committee formed under the able directions of Hon'ble NGT to make adequate number of CBWTFs in term of compliance of BMWM Rules 2016. Therefore grant of EC to us shall be nowhere violating the provisos of BMW Rules 2016 and guidelines thereof.
9.	That the Prescribed Authority has been created under Rule 9 of the Bio Medical Wade Management Rules, 2016 and the word Prescribed Authority has been defined under rule 2(0) of the aforesaid Rules, 2016 which means that State Pollution Control Board shall be the prescribed authority and the State Board has been defined under section 2(h) and constituted U/s 4 of the Water Act. 1974 and as such the power of Prescribed Authority conferred under the provision of Rule 10 of the aforesaid Rule, 2016 can only be exercised by the U.P. Pollution Control Board itself.	It is very well said that the Prescribed Authority as defined under Rules 9 and the Rules 9 is reproduced as here in under; 9. Prescribed authority. -(1) The prescribed authority for implementation of the provisions of these rules shall be the State Pollution Control Boards in respect of States and Pollution Control Committees in respect of Union territories.
10.	That the prescribed authority for the purposes of exercising the power of Bio Medical Waste Management Rules, 2016 has been created under Rule 9 of the aforesaid Rule of 2016. The extract of the provision of Rule-9 is being reproduced below: Prescribed authority. -(1) The prescribed authority for implementation of the provisions of these rules shall be the State Pollution Control Boards in respect of States and Pollution Control Committees in respect of Union territories. (2) The prescribed authority for enforcement of the provisions of these rules in respect of all health care establishments including hospitals, nursing homes, clinics, dispensaries, veterinary	(2) The prescribed authority for enforcement of the provisions of these rules in respect of all health care establishments including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories and blood banks of the Armed Forces under the Ministry of Defence shall be the Director General, Armed Forces Medical Services, who shall function under the supervision and control of the Ministry of Defence. The prescribed authorities shall comply with the responsibilities as stipulated in Schedule III of these rules. The Schedule III of the BMW Rules 2016 also mandates the prescribed authority to implement the recommendation of the

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	institutions, animal houses, pathological laboratories and blood banks of the Armed Forces under the Ministry of Defence shall be the Director General, Armed Forces Medical Services, who shall function under the supervision and control of the Ministry of Defence. The prescribed authorities shall comply with the responsibilities as stipulated in Schedule III of these rules.	advisory committee. The Schedule III under the Head of 6 runs as State Pollution Control Boards or Pollution Control Committees (ix) implementation of recommendations of the Advisory Committee. And the oversight Committee formed under the able guidance of the Hon'ble NGT in the matter of 710/2017 and further in the matter of 180/2021 recommended that The Committee is also of the view that this guideline must be observed strictly and each and every facility must be directed to collect Bio medical waste from the HCFs situated within a radius of 75 kilometers of their plant. And this cannot be complied unless the EC is been granted to install a new CBWTF within the radius of 75 Kms. Hence the grant of EC to us shall not contravene with any provisions of BMW Rules 2016. More so ever CPCB Guidelines also emphasis for handing over the BMW to the CBWTFs installed in 75Kms the para runs as here in under : Since 1998, the CBWTF as an option for treatment of bio-medical waste also been legally introduced in India. Considering the likely impacts that may cause to the patients undergoing treatment because of operation of the captive treatment equipment within the health care facilities (HCFs), now the Bio-medical ; Waste Management Rules, 2016 restricts the Occupier (i.e., HCF) for ensuring treatment and disposal of generated bio-medical waste through a CBWTF, located within a distance of 75 KM. Further, these rules eased the bottleneck in upbringing the CBWTF by making department in the business allocation of land assignment in the State or UT administration responsible for providing a suitable site (s) within its jurisdiction. Revised Guidelines for Common Bio-medical Waste Treatment Facilities page 2
11	That it is significant to mention here that the Central Government while framing the Bio Medical Waste Management, Rules 2016 has protected those facilities which were established under the Bio Medical Waste (Management and Handling, Rules 1998 within the radius of 150 Km in conformity with the relevant guidelines the then issued by CPCB in the year 2003 under the relevant provisions of	It becomes to mention here in that BMW Rules 2016 were framed after due deliberations and these Rules were in suppression of previous Rules 1998 as mentioned there in the Rules itself which is being reproduced as here in under Now, therefore, in exercise of the powers conferred by section 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of

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	Bio Medical Waste (Management and Handling), Rules 1998 while on the other hand under the new Rule, 2016 has fixed the distance of the radius of 75 Km not affecting the already established CBWTFs under the old rules of 1998 as mentioned above meaning thereby that the provisions of the Bio Medical Waste Management Rules, 2016 shall remain operational prospectively with effect from the date of publication in the official gazette as provided under rule-1(2) of Rules 2016 itself.	1986), and in suppression of the Bio-Medical Waste (Management and Handling) Rules, 1998, except as respects things done or omitted to be done before such suppression, the Central Government hereby makes the following rules, namely: 1.Short title and commencement. -(1) these rules may be called the Bio-Medical Waste Management Rules, 2016. (2) They shall come into force on the date of their publication in the Official Gazette. Hence saying that those rules are not applicable to the CBWTFs operating before enactment of the BMW Rules 2016 is just an eye wash as no such exclusion is made there in the BMWM Rules 2016 anc prohibits the installation of New CBWTFs Where as the Schedule III of the BMW Rules 2016 entrust Central Pollution Control Board to Prepare Guidelines on bio-medical waste Management and submit to the Ministry of Environment, Forest and Climate Change. (v) Lay down Criteria for establishing common bio-medical waste treatment facilities in the Country And the CPCB Guidelines clearly stipulates that there shall be a CBWTF in 75 Kms radius. Hence granting us an EC does nowhere violates the provisions of BMW Rules 2016 and CPCB Guidelines thereof.
12	That the central government while framing The Bio Medic Waste Management Rules, 2016 notified in official gazette, in exercise of power conferred & 25 of The Environment (Potion Act 1986 except in respect of things done or omitted to be done before sch suppression has protected the CMWTH (Common Bio Medical Waste Management Facility) already established under the provision of His Medical Waste (Management and Handling Rules, 1998 in terms of the guidelines of 2003 issued by CPCB and thereafter when The Bio Medical Waste Management Rules, 2016 came into force, the revised guidelines has been issued by CPCB for the purposes of generation, collection, reception, storage. Transportation, treatment processing and disposal of common bio-medical waste by the CBWiF (Common Bio Medical Waste Treatment Facility	
13	That under cause 5.3 of the revised guidelines issued by CPCB, it has been stipulated that the Ministry of Environment, Ferest and Climate change has led a notification of SO1142(E) dated 17.04.2015 providing therein that establishment of new Bio-Medical Waste Treatment Facility (new CBWIF) Environmental clearance from State Environment Impact Assessment Authority (SEIAA) is mandatorily required to be obtained for its establishment and thus CBWTF operator is also required to obtain environmental clearance from respective SEIAA or Ministry of Environment, Forest and Climate Change as the case may be, before establishing new CBWTF even initiation of construction work for new project.	We have approached to the State Environment Impact Assessment Authority for the Grant of prior Environment clearance in compliance to the notification of SO1142(E) dated 17.04.2015 issued by MoEF&CC for mandate to seek prior Environment Clearance for Establishing the NEW CBWTF at Khasra No 1161 , Village- Kumaraua, Tahsil- Soron District-Kasganj and no construction activities have yet been striated at proposed site.
14.	That the legislative intent behind the provision of Rule 17 of Bio Medical Waste Management. Rules 2016 is to this effect that the land use for the allocation of site is exclusively vested with the State Government in view of the fact that new industrial (CBWTF) unit can only be established upon the land area allocated for Industrial purposes demarcated in the master	Nowhere it is mentioned that it is the sole responsibility of the state to provide the land for establishing of CBWTF, in this regard we quote here the sub clause c) under the clause 2) Criteria for development of a new Common Bio-medical Waste Treatment and Disposal Facility for a locality or region sub clause c)

	plan approved by the State Government and as such the selection of site for establishment of new CBWTF is solely upon the ends of State Government concerned as also provided in the guidelines issued by CPCB	runs as here in under: C) Alternately, a CBWTF may also be allowed to be established on a land procured by an entrepreneur in accordance with the location criteria suggested under these guidelines. Hence it is apparently clear that a CBWTF can be installed on a land procured by an entrepreneur.
15	That under clause 6 of the guidelines issued by CPCB for establishment of new CBWTF, the concept of buffer zone has been formulated with the object of separation of distance between the source of pollution from CBWTF and receptors/ residents of the vicinity by following the principle of degree of impact with increased distance on case to case basis by demarcating certain precautionary measures as elaborated in the guidelines with the stipulation with the CBWTF shall preferably be developed in the notified industrial ares in the master plan having regard to the fact that the CBWTF should be located at a place reasonably far away from the residential and sensitive area normally having distance of preferably 500 meters and the new (CBWTF should prove that it is not causing any impact on environmental pollution upon the habitation in the vicinity where new CBWI is sought to be established	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 Revised Guidelines for Common Bio-medical Waste Treatment Facilities 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

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		selecting the site for CBWTFs, in such a case, SPCBs/PCCs may refer the matter to CPCB. The Proposed site is at a distance of more than 1 km from residential area the nearest Residential area is Village Kumarua at a distance of 1.5 kms and 11 kms from the sensitive and religious place Soron .
16	That clause 6(c) of the revised guidelines issued by the CPCB as also quoted above, which contemplates that in case of establishment of new CBWF, it is necessarily desirable to precure environmental clearances from competent authorities having regard to the fact that there should not be any CBWTF already existing within 150 Km distance as provided under the guidelines of 2003 issued by CPCB under 1998 Rules and as such the impugned authorization certificate issued by UP. Pollution Control Board is violative of the aforesaid guidelines as well.	The clause 6(c) is reproduced as herein under : **6) Location criteria (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. Since this CBWTF is being established as a CBWTF not an integral part of TSDF this does not implies on the project. Hence there is no violation of CPCB Guidelines or provisions of BMW Rules 2016.
17	That under clause 2 of the revised guidelines issued by CPCB pertaining to establishment of new CBWTF, it has been formulated certain basic criteria for establishment of new CBWTF and the Prescribed authority (State Board) under the BMWM Rules, 2016 in the respective State, is required to prepare an inventory or review with the regard to the Bio-Medical Waste Generation at least 5 years in coverage areas of the existing Bio-Medical Waste Treatment and disposal facility, which has not been done in issuing the impugned authorization certificate by the prescribed authority violating the guidelines of CPCB issued in this regard and as such it is evident that the State Board exercising the power of prescribed authority has ignored the requirement of necessary approvals as required in the guidelines as well as the Rules of 2016.	That the new Guidelines are issued by the CPCB which are part and parcel of BMW Rules 2016 . As per the annual report of UPPCB and MPPCB in the year 2020 M/s JRR Waste Management Pvt Ltd is providing its services in the following Districts Agra, Firozabad, Mainpuri, Hathras and Etah in In the state of UP and Bhind and Morena in the state of MP since the year of establishment which is totally in violation of BMW Rules 2016 and BMW Rules 1998 and the beds and apart from the HCFs having bed facilities there has been many fold increase in other Type of HCFs which also generate a volume and revenue to make the CBWTF sustainable. The break up of beds covered by M/s JRR Waste Management as per the UPPCB report submitted for the year 2019 and the status report submitted before the hon'ble NGT in the matter 710/2017. The gap analysis is been recommended by the advisory Committee to establish more CBWTF. SlNo | Nmae of Distt | Number

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		of Beds
1	Agra	8708
2	Firozabad,	2251
3	Mainpuri,	889
4	Hathras	1488
5	Etah	697
6	Bhind & Morena	2221
	Total	16937

Further to it that at many of the point it has been recommended by the Oversight Committee formed under the able directions of Hon'ble NGT to make adequate number of CBWTFs in term of compliance of BMWM Rules 2016. and the beds and apart from the HCFs having bed facilities there has been many fold increase in other Type of HCFs which also generate a volume and revenue to make the CBWTF sustainable.

And the state pollution control board is duty bound to follow and comply with the recommendations of advisory committee as mentioned in schedule III of the BMW rules 2016. Hence by Granting us an Environmental Clearance does not violate any provisions of BMW Rules 2016 or Revised Guidelines.

18	That Prescribed Authority (State Board) was under an obligation to have considered the adequacy of existing CBWTF and its capacity including the coverage area of the radius of 150 KM already established and in case of establishment of new CBWTF within the radius of 75 KM as given in Annexure-I of the revised guidelines which requires (i) coverage area while gap analysis for assessing BMW treatment capacity requirement keeping in view the areas covered by CBWTF already in existence (ii) number of HCFS (health care facilities) (bedded and non bedded) (iii) number of beds covered (iv) total estimated BMW generation in Kg/days (v) total BMW treated and disposed in Kg/days (vi) gap between total BMW generation and the existing BMW treatment capacity in Kg. and thus it is evident that the Prescribed Authority (State Board) has acted in contravention of the guidelines of CPCB in granting authorization certificate etc. in permitting new common Bio-Medical waste treatment and disposal facility which is being quoted below:	In the case of OA No 180 of 2021 in re: ***Mukul Kumar vs. State of Uttar Pradesh & ors*** Hon'ble NGT vide its order dated 27.07.2021 had directed this Oversight Committee to furnish report about the compliance status in the State of Uttar Pradesh. Apart from it, a 4-member Joint Committee was also constituted by Hon'ble NGT comprising CPCB, State PCB, District Magistrate, Bareilly and the Nodal Officer Biomedical Waste Department of Medical and Health, Kaiserbagh, Lucknow, UP. The aforesaid Committee was directed to send report with regard to the allegations made in the OA. Inspections also revealed that guidelines issued regarding collection of waste by the facilities within a radius of 75 kilometers is also not being followed in letter and spirit. The Committee is also of the view that this guideline must be observed strictly and each and every facility must be directed to collect Biomedical waste from the HCFs situated within a radius of 75 kilometers of their plant. Any relaxation in such distance can be considered only in cases where no facility is available within the radius of 75
19	That under the guidelines of CPCB, the Prescribed Authority has been mandated to conduct the gap analysis action plan for development of new CBWTFs and after the	

	preparation of such plan pertaining to existence of old CBWII already established new CBWTF in the entire State in order to ascertain that excessive number of CBWTFs should not be established in order to avoid pollution in the surrounding area where new CBWTF is sought to be established and as such the Prescribed Authority has been required to submit the prepared plan to MoEF and CPCB as mandated in 2016 Rules as well as under the guidelines issued by CPCB,	kilometers and in such cases, the District Administration must also take appropriate steps for establishment of a new facility so that the limitation of 75 kilometers radius provided in the guidelines is followed in true spirit. Relaxation can be considered only till the establishment of a new facility within the prescribed area. And the state pollution control board is duty bound to follow and comply with the recommendations of advisory committee as mentioned in schedule III of the BMW rules 2016. Hence by Granting us an Environmental Clearance does not violate any provisions of BMW Rules 2016 or Revised Guidelines.
20	That in case the coverage area requires additional capacity in order to meet the requirement of health care facilities for allowing new CBWTF in that locality without interfering coverage area of the existing CBWTF and beds of health care facilities covered under the old CBWF which has not been taken into consideration by the prescribed authority in granting the impugned authorization certificate apart from the fact that various other new CBWTFs are sought to be established in violation of the norms and standards inclusive of approvals from the appropriate authorities by procuring Environmental Clearances and thus the action of the Prescribed Authority (State Board) is wholly not inconformity of Rules and guidelines issued by CPCB .	
21.	That the CPCB is empowered to issue guidelines as provided under definition clause of Rule 3 (c) of Bio Medical Waste Rules2016 defining the word authorisation which is being quoted below: (c) "authorisation" means permission granted by the prescribed authority for the generation, collection, reception, storage, transportation, treatment, processing, disposal or any other form of handling of bio-medical waste in accordance with these rules and guidelines issued by the Central Government or Central Pollution Control Board as the case may be;	The revised guidelines are issued by the CPCB only and the Guidelines says that there shall be a CBWTF with in the radius of 75 kms. And this need to be followed up in letter and spirit as per the recommendations made by the oversight committee in the matter of OA No 180 of 2021 in re: ***Mukul Kumar vs. State of Uttar Pradesh & ors***
22.	That the prescribed Authority has also not identified the Coverage area which requires new and additional treatment facility in order to bring it to the notice of the department of State Government dealing with the allocation of land assignment for providing suitable site in identified coverage area for setting up of new CBWTF in consultation with the Prescribed Authority (State Board) has failed to perform m statutory function stipulated in 2016 Rules and the guidelines issued by CPCB having mandatory force and binding effect upon the Prescribed Authority (State Board) and no resolution for establishment of new CBWIF by the State	The matter has been discussed at length in the matter OA 180 of 2021.In the case of OA No 180 of 2021 in re: Mukul Kumar vs. State of Uttar Pradesh & ors Hon'ble NGT vide its order dated 27.07.2021 had directed this Oversight Committee to furnish report about the compliance status in the State of Uttar Pradesh. Apart from it, a 4-member Joint Committee was also constituted by Hon'ble NGT comprising CPCB, State PCB, District Magistrate, Bareilly and the Nodal Officer Bolmedical Waste Department of Medical and Health, Kaiserbagh, Lucknow, UP. The aforesaid

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	Pollution Control Board exercising the power of prescribed authority has been passed and the order impugned so issued by UP Pollution Control Board thereby granting authorization certificate under Rule 10 in favour of M/s Indo Tech Solution, Khari Road, at Village-Kumawa Teball-Sonon, District Kangan is wholly without jurisdictions	Committee was directed to send report with regard to the allegations made in the OA. In pursuance of the direction given to this Committee, the Committee considered it necessary to physically inspect some of the Common Biomedical Waste Treatment Facilities (hereinafter referred to as the 'Facility') to assess the actual status in the State of Uttar Pradesh. The recommendations made by the oversight committee in the matter of OA No 180 of 2021 in re: Mukul Kumar vs. State of Uttar Pradesh & ors inspections also revealed that guidelines, issued regarding collection of waste by the facilities within a radius of 75 kilometers is also not being followed in letter and spirit. The Committee is also of the view that this guideline must be observed strictly and each and every facility must be directed to collect Biomedical waste from the HCFs situated within a radius of 75 kilometers of their plant. Any relaxation in such distance can be considered only in cases where no facility is available within the radius of 75 kilometers and in such cases, the District Administration must also take appropriate steps for establishment of a new facility so that the limitation of 75 kilometers radius provided in the guidelines is followed in true spirit. Relaxation can be considered only till the establishment of a new facility within the prescribed area.
23	That as per guidelines of CPCB, as well as Rule 17 of 2016 Rules it has been mandated that the department of business allocation of state government is required to make land assignment by way of selection of site must seek expression of proponents of the area of the proposed land for development of new CBWTFs and while allocating the site for the purposes of establishment of new CBWTF, the department dealing with the land assignment is required to identify coverage area keeping in view the distance between already established CBWTF and proposed CBWTF and as such the prescribed authority has usurped upon the jurisdiction of the state government in selection of site for establishment of new CBWTF not vested in prescribed authority by law in respect of establishment of new CBWTFs and also in process of grant of impugned authorisation certificate , the prescribed authority has acted in excess of jurisdiction by granting the authorisation certificate impugned in the writ petition .	That the gap analysis is conducted by the prescribed authority and was submitted before the Hon'ble National / Green Tribunal Principal Bench in the matter of Mukul Kumar Applicant Versus State of Uttar Pradesh & Ors. Respondent(s) OA 180/2021 and the inspection of all the CBWTFs in the state of UP by the Oversight Committee to monitor compliance of provisions of BMW Rules 2016 and CPCB Guidelines headed by Hon'ble Justice SVS Rathore retired justice of Allahabad High Court. The over sight committee has made numerous recommendation and even recommended that 3. Facilitate setting-up adequate number of Common Biomedical Waste Treatment Facilities (CBWTFs) to cover entire State or all HCFs. Rightly said that without affecting the Health Care Facilities falling within the coverage area of old CBWTF and also beds

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		covered by the already established CBWTF (Common Bio Medical Waste Treatment Facility) and also without resorting to the regulatory procedure in respect of selection of site even, as mandated under the Rule 17 of Common Bio Medical Waste and Management Rule, 2016 itself. Whereas the area of operation has been reduced to 75 Kms as mentioned in clause 2 (b) considering the period of next 10 years. Further it may be iterated upon that the prescribed authority has in no manner usurped the jurisdiction of the state Government for allocation of land for establishment of new CBWTF. In the state of UP none of the CBWTF has been allocated with the land by the State Government all CBWTFs are being operated on the private land owned by the entrepreneur. And all are been granted an authorisation by the UP state Pollution Control Board. Even JRR is also no exception to it.
24	That it is also note worthy that the guidelines issued CPCB have also dealt with Coverage area of CBWTF for the purpose of establishment where in it has been formulated that it is incumbent upon the prescribed authority that the existing treatment capacity is not adequate in the coverage area of CBWTF already established under 1998 rules only in those cases 10000 beds capacity is exceeding in that locality health care facilities , in such a case a new CBWTF may be allowed in order to meet the requirement of bed capacity exceeding 10000 in number in health care facility but not otherwise and thus the order impugned is unsustainable in law.	It is very well said that the Prescribed Authority as defined under Rules 9 and the Rules 9 is reproduced as here in under ; 9. Prescribed authority. -(1) The prescribed authority for implementation of the provisions of these rules shall be the State Pollution Control Boards in respect of States and Pollution Control Committees in respect of Union territories. (2) The prescribed authority for enforcement of the provisions of these rules in respect of all health care establishments including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories and blood banks of the Armed Forces under the Ministry of Defence shall be the Director General, Armed Forces Medical Services, who shall function under the supervision and control of the Ministry of Defence. The prescribed authorities shall comply with the responsibilities as stipulated in Schedule III of these rules. The Schedule III of the BMW Rules 2016 also mandates the prescribed authority to implement the recommendation of the advisory committee. The Schedule III under the Head of 6 runs as State
25	That it is undisputed that SPCB (State Pollution Control Board) is the prescribed authority and the Board has been created u/s 4 of the Water Act, 1974 defined w/s 2(h) of the aforesaid Act, which consists of environmentalists, academicians, Scientists, Professionals, Experts & technocrats as formulated by Techi Tangi Tara Vs Rajendra Sigh Bhandari (2018) 11 SCC 734 and thus it is evident that the impugned authorization certificate for establishment new CBWTFS has been issued not by competent authority being State Board termed as prescribed authority and as such the order impugned cannot be said to be appealable in character despite the fact the constitutionality of the provision of appellate power derived from Rule 16 of Rules, 2016 is also sought to be	

	challenged by means of present petition apart from the fact that no resolution by State Board exercising the power of Prescribed Authority for issuance of authorized certificate in favour of M's Indo Tech Solution, Kharl Road, at Village - Kumrauwa, Tehsil - Soron, District-Kasganj.	Pollution Control Boards or Pollution Control Committees (ix) implementation of recommendations of the Advisory Committee. And the oversight Committee formed under the able guidance of the Hon'ble NGT in the matter of 710/2017 and further in the matter of 180/2021 recommended that The Committee is also of the view that this guideline must be observed strictly and each and every facility must be directed to collect Bio medical waste from the HCFs situated within a radius of 75 kilometers of their plant. And this cannot be complied unless the EC is been granted to install a new CBWTF within the radius of 75 Kms. Hence the grant of EC to us shall not contravene with any provisions of BMW Rules 2016. More so ever CPCB Guidelines also emphasis for handing over the BMW to the CBWTFs installed in 75Kms the para runs as here in under :
26	That the Prescribed Authority has been termed as SPCB and the power of SPCB can never be delegated upon any other authority other than the Chairman under Section 11-A of the Water Act, 1974 and no order/resolution have either been passed by the Board or the Chairman in the capacity of Prescribed Authority nor any resolution for issuing authorization certificate has been passed by the State Board exercising the power of Prescribed Authority as the Prescribed Authority constitutes only the State Board under rule 3(0) of Bio-Medical Waste Management Rules, 2016 but not otherwise.	
27	That now apart from aforesaid analogy, it is alternatively pleaded that section 11-A of Water Act, 1974 dealing with the power of delegation is also ultra-vires to the provision of the Act as well as it is also violative of the constitutional principle having regard to the fact that the State Board as defined w/s 2 (h) and created U/s 4 of Water Act. 1974 which consists of professionally competent expert scientific persons having special knowledge and skill in the field of science and technology based upon the experience of environmental protection in environmental field comprising of environmentalists, academicians, Scientists, professionals, experts, and technocrats and thus the special knowledge and skill of the entire board can never be delegated to any individual having regard to the fact that collective decision after due deliberation by expertise body being the State Board is taken which has been created under the environmental enactments in order to fulfill the object sought to be achieved by means of environmental enactments and thus the very object of Constitution of expert body of scientists in environmental field having autonomous character, will be defeated even by means of delegation of powers and the power of Prescribed Authority has not been exercised by State Board as Rule 3(0) of the said Rules contemplate the "UPPCB" but not otherwise.	Since 1998, the CBWTF as an option for treatment of bio-medical waste also been legally introduced in India. Considering the likely impacts that may cause to the patients undergoing treatment because of operation of the captive treatment equipment within the health care facilities (HCFs), now the Bio-medical Waste Management Rules, 2016 restricts the Occupier (i.e., HCF) for ensuring treatment and disposal of generated bio-medical waste through a CBWTF, located within a distance of 75 KM. Further, these rules eased the bottleneck in upbringing the CBWTF by making department in the business allocation of land assignment in the State or UT administration responsible for providing a suitable site (s) within its jurisdiction. Hence there is no violation of any provisions of BMW Rules 2016 and CPCB Guidelines thereof. And the matter is lawful and legally validated. The Hon'ble NGT also directed in OA 180/2021 to all state authorities to strictly adhere to the compliance of CPCB Guidelines and BMW Rules 2016.
28	That now coming to the question of resorting to appellate remedy which can only be invoked in those cases where the authorization certificate has been issued by the Prescribed Authority being the competent authority while the	it may be iterated upon that the Chief Environment Officer is the person who is duly vested with the powers of competent authority. The state board constitute of many official and Chief environmental

	impugned order of authorization certificate has not been issued by the SPCB but by Chief Environmental Officer which is not covered within the meaning of prescribed authorities as the word Prescribed Authority" has been defined under Rule 3(0) of Bio-Medical Waste Management Rules, 2016 which means the State Board as defined under section 20h) created under section 4"of the Water Act, 1974 which is a specialized expert body consisting of Environmentalists, Academicians, Scientists, Professionals, Experts, and technocrats.	officer is a higher post and has ample experience of the functioning of the Board. And he is an expert of Environmental Laws.
29	That having left with no other alternative option, the applicant is submitting the present representation before the competent authority being Central Government to the effect by taking resort to the provision of Rule 12 of Bio Medical Waste Management Rules, 2016 which contemplates that the Ministry of Central Government will review the implementation of the Bio Medical Rules in letter and spirit across the country through the state functionaries including the CPCB which has also been empowered to frame the guidelines with the object sought to be achieved under the Bio Medical Waste Management Rule 2016 and Rule 12 of the said Rule uses the word "review" which means according to Black Law dictionary (1) Consideration, inspection, or re-examination of a subject or thing (2) Plenary power to direct and instruct an agent or subordinate, including the right to remand, modify, or vacate any action by the agent or subordinate and thus it is evident that the Central Government is fully empowered to invoke its plenary power by revoking and rescinding any decision taken or to be taken by state functionaries including the U.P. Pollution Control Board exercising the power of prescribed authority but two representations dated 22.6.2021 and its reminder dated 17.8.2021 so submitted are still pending consideration to the authority concerned and the extract of Rule 12(1) of the Rules, 2016 is being quoted: "12. Monitoring of implementation of the rules in health care facilities (1) The Ministry of Environment, Forest and Climate Change shall review the implementation of the rules in the country once in a year through the State Health Secretaries and Chairman or Member Secretary of State Pollution Control Boards and Central Pollution Control Board and the Ministry may also invite experts in the field of bio-medical waste management, if required."	It is very well said that the Prescribed Authority as defined under Rules 9 and the Rules 9 is reproduced as here in under ; 9. Prescribed authority. -(1) The prescribed authority for implementation of the provisions of these rules shall be the State Pollution Control Boards in respect of States and Pollution Control Committees in respect of Union territories. (2) The prescribed authority for enforcement of the provisions of these rules in respect of all health care establishments including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories and blood banks of the Armed Forces under the Ministry of Defence shall be the Director General, Armed Forces Medical Services, who shall function under the supervision and control of the Ministry of Defence. The prescribed authorities shall comply with the responsibilities as stipulated in Schedule III of these rules. The Schedule III of the BMW Rules 2016 also mandates the prescribed authority to implement the recommendation of the advisory committee. The Schedule III under the Head of 6 runs as State Pollution Control Boards or Pollution Control Committees (ix) Implementation of recommendations of the Advisory Committee. And the oversight Committee formed under the able guidance of the Hon'ble NGT in the matter of 710/2017 and further in the matter of 180/2021 recommended that the Committee is also of the view that this guideline must be observed strictly and each and every facility must be directed to collect Bio medical waste from

		the HCFs situated within a radius of 75 kilometers of their plant. And this cannot be complied unless the EC is been granted to install a new CBWTF within the radius of 75 Kms. Hence the grant of EC to us shall not contravene with any provisions of BMW Rules 2016. More so ever CPCB Guidelines also emphasis for handing over the BMW to the CBWTFs installed in 75Kms the para runs as here in under : Since 1998, the CBWTF as an option for treatment of bio-medical waste also been legally introduced in India. Considering the likely impacts that may cause to the patients undergoing treatment because of operation of the captive treatment equipment within the health care facilities (HCFs), now the Bio-medical Waste Management Rules, 2016 restricts the Occupier (i.e., HCF) for ensuring treatment and disposal of generated bio-medical waste through a CBWTF, located within a distance of 75 KM. Further, these rules eased the bottleneck in upbringing the CBWTF by making department in the business allocation of land assignment in the State or UT administration responsible for providing a suitable site (s) within its jurisdiction. Hence there is no violation of any provisions of BMW Rules 2016 and CPCB Guidelines thereof. And the matter is lawful and legally validated. The Hon'ble NGT also directed in OA 180/2021 to all state authorities to strictly adhere to the compliance of CPCB Guidelines and BMW Rules 2016. The over sight committee made recommendation which are part of the NGT order and run as follows: A direction be issued to all the authorities to ensure that guidelines for collection of Biomedical waste within radius of 75 kilometers must be strictly followed in letter and spirit. Any relaxation in this regard can be considered only in cases when there is no facility available within the distance of 75 kilometers and even in that case, the nearest facility should be permitted to collect Biomedical waste. Such relaxation should be only for the period till establishment of a new facility. All efforts should be made by the

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		authorities concerned to take immediate steps to get established a facility where no such facility is available within the radius of 75 kilometers.
In view of the facts and circumstances, mentioned here-in above, it is most respectfully prayed that your goodself may kindly be pleased to pass an order thereby refusing the proposal Environmental Clearance sought by the M/s Indo Tech Solution, Khari Road, at Village - Kumrauwa, Tehsil - Soron, District - Kasganj in violation of the guidelines issued time to time by CPCB in conformity with the provisions of relevant Rules of 1998 and Rules, of 2016 and also afford an opportunity to the applicant for personal hearing in order to demonstrate his grievance specially when he has already approached the public hearing headed by the District Magistrate Kasganj on 06.06.2022 by representing the matter in writing but in vain and any other order or appropriate direction in the facts and circumstances of the case may also pleased be passed in favour of the applicant, in order to meet the ends of justice.		In the case of OA No 180 of 2021 in re: ***Mukul Kumar vs. State of Uttar Pradesh & ors*** Hon'ble NGT vide its order dated 27.07.2021 had directed this Oversight Committee to furnish report about the compliance status in the State of Uttar Pradesh. Apart from it, a 4-member Joint Committee was also constituted by Hon'ble NGT comprising CPCB, State PCB, District Magistrate, Bareilly and the Nodal Officer Biomedical Waste Department of Medical and Health, Kaiserbagh, Lucknow, UP. The aforesaid Committee was directed to send report with regard to the allegations made in the OA. In pursuance of the direction given to this Committee, the Committee considered it necessary to physically inspect some of the Common Biomedical Waste Treatment Facilities (hereinafter referred to as the 'facility') to assess the actual status in the State of Uttar Pradesh. And the Committee made recommendations as follows: A direction be issued to all the authorities to ensure that guidelines for collection of Biomedical waste within radius of 75 kilometers must be strictly followed in letter and spirit. Any relaxation in this regard can be considered only in cases when there is no facility available within the distance of 75 kilometers and even in that case, the nearest facility should be permitted to collect Biomedical waste. Such relaxation should be only for the period till establishment of a new facility. All efforts should be made by the authorities concerned to take immediate steps to get established a facility where no such facility is available within the radius of 75 kilometers.

In view of the above we are to say that "Since as per Schedule III of BMW Rules 2016 the prescribed Authorities are duty bound to comply with the recommendations of the advisory committee to comply with the recommendations made by the advisory committee as well the recommendations or direction made by Hon'ble NGT. Since the proposed site for establishing a new CBWTF at khasra number 1161 Village- Kumarua, Tehsil- Soron, District- Kasganj is 92 kms from M/s JRR Waste Management Pvt Ltd and there is no CBWTF with in the vicinity of 75 Kms radius.

Therefore by giving us Environmental Clearance, Consent to Establish, CTO and Authorisation under BMW Rules 2016 or any other applicable rules does not violate any provisions of BMW Rules 2016.

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NGT Order – 75Km

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Item No. 10 (Court No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH

(By Video Conferencing)

Original Application No. 180/2021

(With reports dated 03.12.2021 and 08.12.2021)

Mukul Kumar — Applicant

Versus

State of Uttar Pradesh & Ors. — Respondent(s)

Date of hearing: 07.01.2022

CORAM: **HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON**
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Applicant: Mr. Vivek Singh, Advocate
Respondent(s): Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB

ORDER

The ISSUE

1. The issue for consideration is remedial action against non compliance of Bio-Medical Waste (BMW) Rules, 2016, read with Guidelines for handling and treatment and disposal of waste generated during treatment/diagnosis/quarantine of Covid-19 patients, issued by CPCB, revised from time to time.

General violations of BMW Rules

2. Though the present application has been filed in respect of violations by the waste management facilities in District Shahjahanpur, UP, such

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violations need to be remedied wherever found throughout India. Some of the violations alleged are:

- Dumping of Covid-19 waste in open areas inside the hospitals.
- Stray animals scattering such waste all around.
- Burning of waste leading to breathing problem in the patients.
- Unscientific collection and transportation of waste.
- Failure to sanitize and disinfect the vehicles parked in the hospitals.
- Long range of area for handling by individual Facility.
- Similar facility catering to several hospitals simultaneously.
- Only one vehicle collecting the entire waste beyond its capacity.
- Not collecting the waste on daily and regular basis.
- Untrained staff handling Bio-medical waste unscientifically.
- Non-compliance of barcode and GPS requirement.
- Use of contracted vehicles by the Facilities.
- Not washing disinfecting empty waste containers.
- Absence of adequate monitoring.
- Not maintaining proper record.
- Disposal in general bins meant for municipal waste.
- Failure to create awareness about the precautions to be taken by the handlers, workers and the citizens.

Consideration by the Tribunal and earlier directions applicable to all States/UTs

3. On 27.07.2021, this Tribunal considered the grievance of the applicant in the light of earlier orders and the statutory Rules on the subject and found it necessary to ascertain the status of compliance in the

context of the present grievance and also generally throughout the country to determine what further directions are necessary under Section 15 of the NGT Act, 2010. The operative part of the order is reproduced below:

> *"11. Accordingly, we direct as follows:*
>
> i) *District Magistrate, Bareily may update District Environment Plan by including the subject of compliance of BMW Rules in the light of para 9 above.*
>
> ii) ***A four-member joint Committee comprising CPCB, State PCB, District Magistrate, Bareilly and the Nodal Officer, Biomedical Waste Department of Medical and Health, Kaiserbagh, Lucknow, UP. may ascertain the status of compliance of BMW Rules, 2016, orders of this Tribunal dated 23.04.2021 in O.A. No. 72/2020 and order dated 19.03.2021 in O.A. No. 110/2020 and the CPCB Guidelines on the subject. The Committee may also look into the GPS data of the vehicles used by the Facility. The joint Committee may furnish its report within two months by e-mail at judicial-nat@nov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.***
>
> iii) ***The Oversight Committee constituted by this Tribunal to monitor compliance of directions of this Tribunal on environmental issues in the State of UP, headed by Justice SVS Rathore, former Judge of the Allahabad High Court, may furnish a report about the compliance status in the State of UP within two months by e-mail in same manner as in above direction.***
>
> iv) ***CPCB may compile information about compliance status of Rules, orders of this Tribunal referred to earlier and CPCB guidelines by organizing VC interaction with the PCBs/PCCs and Health Departments of all the States/UTs. Such Video conference may be held within one month and report furnished to the Tribunal within three months by e-mail in same manner as in above direction."***

Discussion in earlier order, gaps in compliance as noted and directions for improvement and monitoring at National level and at level of States

4. Before considering the reports filed by the Joint Committee, the Oversight Committee and the CPCB, we may reproduce discussion in the said order to appreciate the background of the matter:

> *"2. The applicant has referred to media reports to the effect that the Facility in question is non-compliant with the BMW Rules read with the Guidelines for handling and treatment and disposal of waste generated during treatment/diagnosis/quarantine of Covid-19 patients, issued by CPCB, revised from time to time. It is further stated that as per media reports, **huge dumps of Covid-19 waste including PPE kits /gloves/other biomedical waste were dumped in an open area inside the premises of a 300 beds government Covid hospital in Bareilly. These heaps also include swab collection kits, IV tubes and other such biomedical waste in huge numbers. Kits found disposed of inside and outside the hospital were not from the hospital facilities but collected from other places and dumped outside and inside the hospital premises. Stray animals were found foraging the waste and also scattering it around. PPE kits were being burnt within the hospital premises, without following guidelines for proper disposal. The smoke emanating from the same caused serious breathing problems to the patients inside the 300 bed Covid hospital. The biomedical waste generated from Districts Bareilly, Rampur, Pilibhit and Badauan is being collected and disposed of by Respondent No. 7 unscientifically without being transported to proper destination for scientific handling. Small vehicles are being used by Respondent No. 7 to collect biomedical waste from various private and Government hospitals, clinics, Covid-treatment Centres in Districts Bareilly, Rampur, Pilibhit, Moradabad and Badauan. Big Truck is then sent to Shahjahanpur. The smaller vehicles, in which the waste is collected from the surrounding Districts, never go to the Facility to be sanitized and disinfected and are parked in the Government hospital premises. The GPS data from the data tracker in the smaller vehicles will confirm that these vehicles never go to the Facility and are thus not disinfected and sanitized. They do not even complete their cycle of collecting waste from HCF and directly taking them to the plant in Shahjahanpur. The State Authorities are permitting biomedical waste to be collected over a radius of 150 kms from other Districts like Moradabad, Badauan, Rampur and Pilibhit and to be transferred etc. in the premises of a Government Hospital in Bareilly and then taken to the CBTWF which is located in Shahjahanpur. The CBTWF Shahjahanpur is located 85 kms away from Bareilly. This is very hazardous to residents in Bareilly. Bareilly has three medical colleges, one 300 bed Super Specialty Government Hospital (which was declared as Covid Hospital), one District Hospital and one mental hospital and several health clinics and nursing homes, all of which generate biomedical waste.***

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3. The applicant has further stated that as per the license granted to Respondent No. 7, they are entitled to collect waste from a radius of 75 kms. However, the license conditions are being violated and waste collected over a radius of 150 kms is being collected and transported. Rampur is 125 kms away from the CBTWF facility in Shahjahanpur. Rampur District has more than 300 Health Care Facilities, including two Government Hospitals, seven community health centres, five primary health centres. The community health centres and the primary health centres are each 30-40 kms away from the District hospitals. Only one vehicle is being used to collect all the biomedical waste generated in Rampur. There is only one vehicle being used in Badauan, Pilibhit and Moradabad respectively. Each of these Districts have over 300 registered Health Care Facilities. These districts are 125-150 kms away from the Shahjahanpur facility. It is not possible to collect waste from all premises every day but the vehicles are not sent for sanitization and do not complete their route which can be verified from the GPS data required to be maintained by the respondents. The vehicles are parked and waste is off-loaded to the Truck in Bareilly.

4. The applicant has further stated that under Rule 4, it is the duty of the occupier of the facility to ensure that biomedical waste is handled without any adverse effect on human health and environment. Rule 4 further mandates that every occupier should ensure that there is no secondary handling or inadvertent scattering of spillage by animals. Rule 4(c) further provides that biomedical waste is to be directly transported from the premises of hospital etc. to the facility. Rule 4(g) enjoins the occupier to ensure that training is provided to all health care workers. Rule 4(l) mandates that occupiers are to ensure the occupational safety of the health care workers and other involved in handling of biomedical waste by providing appropriate and adequate personal protective equipments. Rule 5 states that the duties of the operator of the CBWT Facility. Rule 7 mandates that the biomedical waste is not to be disposed of in the premises of the occupier i.e. hospitals etc. Rule 8 mandates that no untreated biomedical waste is mixed with other waste. The operator is to ensure compliance with Bar Code and GPS requirements. Under Clause 12(b) of the Revised Guidelines for CBWTF, the vehicles are required to be owned by the Facility. The CBWTF cannot use contracted vehicles. Every time a vehicle is unloaded, the empty waste containers are required to be washed properly and disinfected under the guidelines. Under Rule 12, the State Government is to ensure compliance with the Rules by the CBWTF. Under Rule 14, records relating to collection, storage, transportation, handling etc. are required to be maintained by the operator.

5. It is further stated that CPCB has also developed Covid-19 waste tracking software named "Covid19BMW" to monitor Covid-19 related biomedical waste and to compile the data through electronic system. The software tracks Covid-19 related bio-waste at the time of generation, collection and

disposal. Guidelines for handling, treatment and disposal of waste generated during treatment/ diagnosis/ quarantine of Covid-19 patients, have been issued by CPCB. The said guidelines were revised in July 2020 pursuant to the directions issued by this Tribunal in O.A. No. 72/2020. As per the guidelines, separate record is to be maintained for waste generated from Covid-19 wards. Further, Covid-19 waste generated from quarantine centres etc. is to be handed to the waste collector engaged by the CBTWF operator at the doorstep. Under clause (d) of the guidelines, the duties of the CBWTF are prescribed. Guidelines for monitoring compliance of CBWTF by State PCBs/PCCs, have been issued by the CPCB. The said guidelines were issued pursuant to directions to this Tribunal in O.A. No. 110/2020, In re: News item published on 01.07.2020 in the local daily named "The Hindu" titled "Ramky Group accused of dumping biomedical waste in the open in Hosur."

6. The applicant has also referred to order of this Tribunal dated 23.04.2020 in O.A. No. 72/2020, In Re: Scientific Disposal of the biomedical waste arising out of Covid – 19 treatment-compliance of BMW Management Rules, 2016. Operative part of order is as follows:-

> *"Disposal of COVID-19 waste in general bins so as to be part of municipal waste or unscientific handling sewage and other liquid waste without safeguards can also be hazardous. There is also need to incorporate best practices in the light of further experience and new thoughts emerging from time to time, apart from continued supervision and monitoring, compiling data in an online format, use of electronic /digital manifest system to track and log COVID-19 waste from all sources, preventing its accidental spillage, analyzing the data for strategic planning and the feedback by creating necessary software, to the extent viable.*
>
> *There is also need for creating awareness about the precautions and steps to be taken by all handlers and workers as well as citizens, making a model plan, to be adopted locally by the Panchayat, Sub-division, District and State authorities with such further changes as may be necessary in local conditions. Health of all operators has been protected and preventive measures taken. There is need for orientation/training of persons responsible for compliance in Local Bodies and Health department by an online mechanism besides providing them with adequate protective gear. CPCB has to take lead and coordinate with media as well as the concerned Central/State departments.*
>
> *Let the Chief Secretary of States/UTs by coordinating the activities of State's concerned departments like of Urban Development, Health, Irrigation & Public Health also closely monitor the*

scientific storage, transport, handling, management and disposal of COVID-19 waste as its unscientific handling poses a grave threat environment and health of people. At the national level, let a high level task team of Ministry of MoEF&CC, Health UD, Jal Shakti, Defence and CPCB supervise the handling and scientific disposal of COVID-19 waste in accordance with the guidelines.

Let the State Departments of Environment and PCBs/PCCs ensure compliance of Biomedical Waste Management Rules, 2016 and furnish action taice report to CPCB and CPCB take further steps and furnish a consolidated report to this Tribunal of the steps taken and the ground status *as on 31.5.2020. The report may be furnished by 15.06.2020."*

7. The matter was further considered in the light of CPCB and oversight committee report and further follow up action was directed vide order dated 18.01.2021 as follows:

"8.In view of above, further follow up action may be taken by all the States and UTs, which may be further monitored by the CPCB. ***The Chief Secretaries of all the States/UTs may, while reviewing the COVID situation, also review the status of compliance of the COVID related Bio-medical Waste Management at least once in every month, till the situation so requires.***

xxx.....xxx.....xxx

11. The report is accepted and further action may be taken in terms of the recommendations by the concerned authorities in the State of UP, which may be monitored by the Chief Secretary, UP. ***Apart from the action to be taken in the State of UP, all the States/UTs may take further follow up action in terms of para 8 above which may be reviewed by the Chief Secretaries of all the States/UTs and also monitored by the CPCB at the national level."***

8. It may also be mentioned that the issue of compliance of BMW Rules was considered by this Tribunal in OA 710/2017, Shailesh Singh v. Sheela Hospital & Trauma Centre, Shahjahanpur & Ors. The Tribunal directed preparation of District Environment Plans and bridging the gaps found in compliance of the Rules, after reviewing the progress in terms of earlier orders. Order dated 18.01.2021 in the said matter held as follows:

"5. .....As already noted, vide order dated 15.7.2019, direction was issued for preparation of District Environment Plans as per Articles 243G, 243W and 243ZD read with Schedules 11 and 12 of the Constitution. The District Magistrate as head of the District Planning Committee was to monitor compliance of environmental norms, including Bio

Medical Waste Management Rules once every month and send a report to the Chief Secretary. Relevant part of the order is extracted below:

> *"We find it necessary to add that in view of Constitutional provisions under Articles 243 Q, 243 W, 243 ZD read with Schedules 11 and 12 and Rule 15 of the Solid Waste Management Rules, 2016, it is necessary to have a District Environment Plan to be operated by a District Committee (as a part of District Planning Committee under Article 243 ZD) with representatives from Panchayats, Local Bodies, Regional Officers, State PCB and a suitable officer representing the administration, which may in turn be chaired and monitored by the District Magistrate. Such District Environment Plans and Constitution of District Committee may be placed on the website of Districts concerned. The monthly report of monitoring by the District Magistrate may be furnished to the Chief Secretary and may be placed on the website of the District and kept on such websites for a period of one year. This may be made operative from 1.08.2019."*

xxx.....xxx.....xxx

11. From the above it is seen that ***there are huge gaps in the compliance of authorization regime. In some of the States, compliance is ranging from 17% to 38% only. We also note underutilization of the common bio-medical facilities at many places. Adequacy of facilities and their siting may need review. Such facilities must obtain requisite Environmental Clearance (EC). Recycling of waste will only be through authorized recyclers. As observed earlier, it is utmost necessary to ensure that hazardous bio-medical waste is not mixed with the general waste. CPCB needs to review the compliance status from time to time, atleast once in every quarter and issue directions based on the observations from the reports received.***

12. CPCB may ensure that for strict compliance of the rules, the compensation regime is duly applied against the defaulters, following due process. Standards of handling of BMW need to be duly complied. ***The authorities must ensure that waste is disposed of only through authorized agencies, common facilities are located as per siting guidelines and they must have EC. There should be no pilferage by unauthorized recyclers. Adequate number of common bio-medical facilities should be set up. The Chief Secretaries of all the States/UTs may oversee compliance atleast every quarter in terms of direction of this Tribunal vide order dated 16.01.2019 in O.A. No. 606/2018 followed by further orders. The Chief Secretaries may inter-alia ensure that authorization is secured by every health care facility in their respective jurisdiction and also***

there is adherence to the norms. Similarly, the District Magistrates may, at their level, take necessary steps in their Districts, in accordance with the District Environmental Plans. As found by the Oversight Committee for UP, ETPs are either not provided or are not functional in various health care facilities as required under the Rules. Compliance in this regard may be ensured in all States/UTs. While permitting deep burials, it may be ensured that ground water contamination does not take place.

13. Apart from the above general directions applicable to all the States/UTs, the UP State PCB may look into the compliance status of the Hospitals, who are parties in O.A. Nos. 710/2017, 711/2017, 712/2017 and 713/2017, and give a report to the Oversight Committee for UP, headed by Justice S.V.S. Rathore, a former Judge High Court of Allahabad within two months."

9. The District Environment Plan prepared for Bareilly, filed by Oversight Committee in OA 360/2018, Shree Nath Sharma v. Union of India & Ors., does not make any mention on details of Bio-medical waste on quantification, regulation enforcement, Common treatment facilities, and others. District Magistrate, Bareilly needs to get proper management plan on the subject."

Present Consideration

5. We now consider the compliance status as now reported in UP as well as other States/UTs to determine whether any further directions are called for.

Status of compliance in respect of respondent No.7 Facility at Shahjahanpur for five districts Bareilly, Shahjahanpur, Badaun, Pilibhit and Rampur as found by the joint Committee

6. We first refer to the report dated 03.12.2021 by the four-member joint Committee after inspection of a Facility in District Shahjahanpur which caters to five districts Bareilly, Shahjahanpur, Badaun, Pilibhit and Rampur. The Committee has made following observations and recommendations:

"4.0 Observations:

1. *During visit Facility was found operational.*
2. *Board indicating address and symbol for bio hazard was found on main entry gate.*

3. *The Facility has infrastructure to collect BMW from HCFs, hospital, Pathology labs located at t Bareilly, Shahjahanpur, Rampur, Badaun and Pilibhit.*
4. ***As reported, Facility has Ten (10) vehicles for collection of BMW. The CBWTF has installed GPS and partially adopted the bar coding for handling of Bio medical waste.***
5. *Additionally, **one dedicated vehicle deployed for collection of COVID waste since the epidemic started and being disposed as per the CPCB guideline.***
6. *All vehicles engaged in BMW collection and transportation equipped with GPS. Summary (April —August, 2021) of tracker app used to manage the vehicles movement is annexed as annexure VIII.*
7. ***The waste collected from different HCFs was not appropriately segregated as per the category of waste which indicates the poor coordination between the collector and generator of the BMW.***
8. ***No record could be produced by the CBWTF for prophylactic immunization to the staff against the Hepatitis B and Tetnus.***
9. ***The CBWTF has not provided record for providing training to all of his worker involved in handling of BMW. at the time of inspection.***
10. ***The worker engaged in the handling of BMW not fully equipped with occupational safety gears as well as adequate personal protective equipment.***
11. ***The fire extinguisher installed in the Facility was found in order.***
12. ***The website of the CBWTF is not fully develop as per the BMWM, Rule 2016.***
13. ***The Facility has incinerators capacity of 150 Kg/hr and autoclave capacity of 50 Kg/batch (1 batch = 60-75 minute). Capacity of shredder is 50 kg/ hour. Operating hour for shredder is 1-1.5 hours.***
14. ***The Facility has PLC based operating incineration system, which is equipped with, venturi scrubber, packed bed scrubber, mist eliminator, droplet separator, activated carbon filter and ID fan flue gas cooling system as Air Pollution Control System (APCS) and emission from incinerator is emitted through stack of height approx. 30 m.***
15. ***As per the source emission monitoring report, carried out during inspection, the Particulate Matter (PM) concentration i.e. 48.8 mg/Nm³ which conform tc notified standard (Standard of PM is 50 mg/Nm³).***
16. ***The CBWTF has made provision for measurement of pressure in primary chamber in terms of water column pressure (by means of U- tube manometer or digital display provision connected to PLC) to ensure the negative draft of water column to avoid leakage of gaseous emissions and safety as well but it was out of order.***
17. ***The Facility is using diesel as fuel in incineration. Log book for the same was made available.***

18. *During visit it was found that the temperature in the primary and secondary chamber was conforming to notified standards.*
19. *As per the document provided by CBWTF and certificate of M/s S.K. India Therm, Sonepat, Haryana, secondary chambers of incinerator is achieving 2 second residence time. (Annexure IX)*
20. *The incinerator was having the automatic emergency vent.*
21. *The Facility has Effluent Treatment Plant (ETP) for treatment of wastewater generated from Facility. ETP comprises Equalization tank- Dosing tank- Settling tank-Tube Settler-Activate Carbon Filter. During inspection, ETP was operational. As informed, treated effluent is being recycled in the horticulture. As per analysis report of ETP prepared by CPCB all the parameters monitored were found complying with the notified standard.*
22. *Ash from incinerator and sludge from ETP is being sent to TSDF i.e. M/s Bharat Oil & Waste Management Ltd, Kanpur Dehat site for which log book was found in order.*
23. *The Facility has 01 no DG set with capacity 62.5 KVA. DG set attached with appropriate height of stack and is equipped with acoustic enclosure*
24. *The CBWTF has 02 no of bore well and equipped with Electromagnetic flow meter and having valid NOCs from CGWA up to 24.10.2021.*
25. *Team has also visited the 300 bedded Government COVID 19 Hospital operating at Bareilly on Sept 8th, 2021 along with other members. The matter related to the Hon'ble NGT order dated 27.07.2021 in which poor management of Biomedical Waste Management mentioned, has been discussed with the In charge Officer of the Hospital . He appraised the fact in light of said order and facilitated us to visit the hospital and explained the existing infrastructure for management of COVID 19 BMW. The statement given by him is annexed as annexure — X.*
26. *The hospital is well equipped with the desired infrastructure as per the BMWM 2016 Rule. During visit no COVD 19 patient seen in the hospital (Photo 17-19). It was informed by them the entire the BMW received is being regularly managed by the Facility.*
27. *Compliance status of BMWM Rules, 2016 in HCFs under the jurisdiction of Regional Office, SPCB Bareilly is annexed as annexure XI.*
28. *For preparation of revised District Environment Management Plan for District Bareilly, District Magistrate Bareilly issued directions to concerned department for providing necessary information to District Forest Officer, Bareilly vide letter No 440/29-5(District Environment Plan) dated 30.07.2021 is annexed as annexure-XII. Presently all information collected & preparation of revised District Environment Management Plan under progress.*

5.0 Recommendations:

1. ***The Facility requires to ensure periodic monitoring of Dioxin and Furans from approved laboratory to ensure the efficiency of APCD w.r.t to these parameters.***
2. ***Establish Bar coding system for handling of the BMW.***
3. ***The Facility requires to assist the BMW generators in training conducted by them for efficient and proper management of Biomedical Waste.***
4. ***The Facility should maintain medical examination record including immunization of their workers involve in handling of BMW for protection against the disease.***
5. ***The Facility requires to maintain website indicating authorization, treatment and annual repo in public domain.***
6. ***The CBWTF should make proper provision for measurement of pressure in primary chamber in terms of water column pressure (by means of U- tube manometer or digital display provision co***
7. ***nnected to PLC) to ensure the negative draft in primary chamber to avoid leakage of gaseous emissions and safety.***
8. ***UPPCB shall issue direction to the member units of the Facility to ensure proper segregation of waste in strict compliance of the BMW Rules, 2016.***
9. ***Facility should develop separate space for incinerator control Panel as well as Online continuous emission monitoring System display."***

Report of the Monitoring Committee in respect of UP State

7. The Monitoring Committee constituted by this Tribunal has also filed its report on 03.12.2021 after physical inspection of some of the CBWTFs in UP (21 in no.) in different districts. The Committee noticed several violations and has made following recommendations:

"In view of observations made above, we recommend as under:

1) ***Health Department and State PCB are the key Departments for ensuring compliance of these Rules by various stakeholders, but they don't seem to have geared up their field units for this. They should be directed to strengthen their monitoring mechanism in coordination with and co-operation from each other to ensure that the field officers enforce the provisions of these Rules effectively in letter and spirit.***
2) ***Rules provide for maintenance of Registers/Log-books on the sites of various activities in the campus, either in physical or digital form by the Facility, but quite few of them do not comply with it. ROs, UPPCB should be directed to make frequent random checks of the facilities to ensure that their functioning is as per norms.***

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3) A direction be issued to all the authorities to ensure that guidelines for collection of Biomedical waste within radius of 75 ktlometers must be strictly followed in letter and spirit. Any relaxation in this regard can be considered only in cases when there is no facility available within the distance of 75 ktlometers and even in that case, the nearest facility should be permitted to collect Biomedical waste. Such relaxation should be only for the period till establishment of a new facility. All efforts should be made by the authorities concerned to take immediate steps to get established a facility where no such facility is available within the radius of 75 ktlometers.

4) Practice of barcoding was adopted in some of the facilities during the period of Covid-19, but generally it is not being followed by them at present. Medical and Health Department has appointed vendors for this purpose. They should be directed to issue necessary directions to all the field officers to ennure that all the HCFs and operators use only barcoded bags for waste collection.

5) Safety of the workers involved in the collection and treatment of Biomedical waste is of great concern, therefore, directions should be issued to all the facilities to ensure sufficient stock of safety gadgets within the premises of the facility and also maintain proper stock and distribution register. Such stock must be sufficient to cater the need for at least 15 days. The Regional Officers, UPPCB should be directed to make frequent random checks of stock and distribution register and to ensure that the same are being used by the workers.

6) Medical and Health Department of the State Government should be directed to prescribe objective criteria, in terms of various medical tests, for declaring a worker, working in the CBWTFs, medically fit by any doctor during the initial and annual checkups.

7) A direction must be issued to the concerned health authorities of the State of Uttar Pradesh to direct all Health Care Facilities to handover only segregated waste to the Biomedical waste collectors.

8) Directions should also be issued to all such facilities to ensure adequate plantation in the facility premises and if it is possible then on the adjacent plots also to minimize the carbon emission.

9) A direction should also be issued to all operators of all the facilities to make arrangement of, at least, separate compartments, if not separate rooms, for storage of different colour bags containing BMW.

10) Direction needs also to be issued to all the operators for use of prescribed fuel only as provided in Schedule – II of the BMW Rules, 2016

11) All the district Magistrates should be directed to take up the issue of collection and treatment of BMW in the monthly meeting regarding environment.

12) All the operators should be directed to bring to the notice of RO UPPCB any difficulty, if any, being faced by them regarding proper functioning of the facility as per Rules and guidelines so that the said issue may be raised and

resolved in the monthly meeting of the District Magistrates."

CPCB report giving bird's eye view of compliance status and data Pan India

8. Report dated 08.12.2021 has been filed by the CPCB compiling information about the compliance status in all the States/UTs. The report mentions following Key Performance Indicators:

> *"1. Inventory of all Healthcare Facilities and biomedical waste generation.*
>
> *2. Authorization to all Healthcare Facilities including non-bedded HCFs.*
>
> *3. Facilitate setting-up adequate number of Common Biomedical Waste Treatment Facilities (CBWTFs) to cover entire State or all HCFs.*
>
> *4. Constitution of State Advisory Monitoring Committee and District Level Monitoring Committee*
>
> *5. Implementation status of Barcode system.*
>
> *6. Monitoring of Healthcare Facilities other than hospitals/clinics such as Veterinary Hospitals, Animal Houses, AYUSH Hospitals etc.*
>
> *7. Monitoring infrastructure of SPCBs/PCCs.*
>
> *8. Training and Capacity Building of officials of SPCBs/PCCs and Healthcare Facilities.*
>
> *9. Installation of OCEMS by CBMWTs as a self-monitoring tool and transmission of data with servers of SPCBs/ CPCB.*
>
> *10. Preparation of Annual Compliance Status Reports.*
>
> *11. Compliance by Common Facilities (emission/discharge standards, barcoding, proper operation, etc.).*
>
> *12. Compliance by Healthcare Facilities (Segregation, pre-treatment, on-site storage, barcoding and other provisions etc.)"*

Gaps noticed

9. The gaps observed have been mentioned as follows:

- *Healthcare Facilities are operational without authorization*

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- *Coverage of Common Biomedical Waste Treatment Facilities (CBWTFs) for all Healthcare Facilities (bedded & non-bedded)*
- *Adequate no. of CBWTFs*
- *Deep Burial Pits for disposal of biomedical waste*
- *Assessment of available treatment capacity (common as well as captive) and additional requirement*
- *District wise data on biomedical waste management*
- *Implementation of Barcode System*
- *OCEMS installation and transmission of data to CPCB by CBWTFs and captive incinerators.*
- *COVID-19 Biomedical Waste Management."*

Data of waste management scenario in the country

10. Data of waste management scenario in the country is reported to be as follows:

No. of HCFs	*:3, 51,622*
No. of bedded HCFs	*:1,13,186*
No. of non-bedded HCFs	*:2,37,938*
No. of beds	*:25,44,116*
No. of CBWTFs	*:205* +*
No. of HCFs granted authorization	*:1,60,735*
No. of HCFs having Captive Treatment Facilities	*:17,202*
No. of Captive Incinerators Operated by HCFs	*:125*
Quantity of bio-medical waste generated in Tonnes/day	*:656*
Quantity of bio-medical waste treated in Tonnes/day	*:586*
No. of HCFs violated BMW Rules	*:22,261*
No. of Show-cause notices/Directions issued to defaulter HCFs	*:13,389.**

11. **State-wise waste generation** is as follows:

S. No.	Name of States/UTs	COVID 19 BMW (Tons)
1	Andaman & Nicobar	2,984
2	Andhra Pradesh	16,92,555
3	Arunachal Pradesh*	79,090
4	Assam	2,72,979
5	Bihar	2,37,853
6	Chandigarh	4,60,358
7	Chhattisgarh	1,10,222

8	DD & DNH	5,840
9	Delhi	29,47,842
10	Goa	49,551
11	Gujarat	35,13,379
12	Haryana	23,36,542
13	Himachal Pradesh	1,95,722
14	Jharkhand	53,967
15	Jammu & Kashmir	3,18,583
16	Karnataka	22,21,956
17	Kerala	40,16,695
18	Ladakh	0
19	Lakshadweep	2,140
20	Madhya Pradesh	17,28,799
21	Maharashtra	63,36,872
22	Manipur	45,092
23	Meghalaya	58,270
24	Mizoram	21,512
25	Nagaland	24,997
26	Odisha	13,19,125
27	Puducherry	3,00,559
28	Punjab	8,84,647
29	Rajasthan	8,78,627
30	Sikkim	26,423
31	Tamil Nadu	33,63,187
32	Telangana	7,01,384
33	Tripura	3,226
34	Uttarakhand	3,68,175
35	Uttar Pradesh	27,85,683
36	West Bengal	23,30,993

12. **Data of authorizations in different States is as follows:**

S. No.	Name of States/UTs	Total no. Health Care Facilities (HCFs)	Total no. of HCFs applied for authorization	Total no. of HCFs granted authorization	Total no. of HCFs in operation without Authorization
1	Andaman & Nicobar	238	238	106	Nil
2	Andhra Pradesh	10502	4613	4600	428
3	Arunachal Pradesh	235	15	308	Nil
4	Assam	1444	440	271	946
5	Bihar	24996	3003	9969	15027
6	Chandigarh	876	65	65	Nil
7	Chhattisgarh	5764	3331	3075	Nil
8	DD & DNH	171	171	171	Nil
9	Delhi	10423	1247	1379	Nil
10	Goa	779	401	139	419
11	Gujarat	32990	3167	3139	3552
12	Haryana	6320	6320	5703	157
13	Himachal Pradesh	8832	7689	6805	1143
14	Jharkhand	1990	757	235	39
15	Jammu and Kashmir	6904	1091	916	5813
16	Karnataka	41709	18956	18112	6021
17	Kerala	17122	13736	13348	2471
18	Ladakh	INF	2	Nil	333
19	Lakshadweep	48	48	47	Nil

20	Madhya Pradesh	8901	7233	7037	1668
21	Maharashtra	64266	8184	8143	75
22	Manipur	737	737	737	Nil
23	Meghalaya	973	831	831	142
24	Mizoram	144	59	41	18
25	Nagaland	726	480	480	Nil
26	Odisha	3676	493	512	56
27	Puducherry	267	267	247	Nil
28	Punjab	12554	5632	4763	2314
29	Rajasthan	8364	2166	1980	811
30	Sikkim	273	273	273	Nil
31	Tamil Nadu	25026	24508	24364	518
32	Telangana	7273	4717	4594	238
33	Tripura	1890	345	345	Nil
34	Uttarakhand	4442	3921	3438	521
35	Uttar Pradesh	31474	INP	26030	5444
36	West Bengal	8525	8525	8525	Nil

13. **Data of gaps in waste generation and treatment** is as follows:

S. No.	Name of the State/ UT	Total Quantity of BMW generated (kg/day)	Total Quantity of BMW Treated and Disposed (kg/day)	Gap in treatment of bio-medical waste Kg/day
1	Andaman Nicobar	536.36	465	71.36
2	Andhra Pradesh	25029.3	25029.3	0
3	Arunachal Pradesh	353.53	353.53	0
4	Assam	8235.97	5314.22	2921.75
5	Bihar	27846.15	10201.3	17644.85
6	Chandigarh	5729	5729	0
7	Chhattisgarh	7234.31	7234.31	0
8	Daman &Diu and Dadra	450	450	0
9	Delhi	23200.09	23200.09	0
10	Goa	1272.68	1272.68	0
11	Gujarat	49492	49492	0
12	Haryana	19217	19217	0
13	Himachal Pradesh	3545.78	3545.78	0
14	Jharkhand	8406.7317	8406.7317	0
15	J & K	5941.81	5941.81	0
16	Karnataka	82604	38951	43653
17	Kerala	40408	40207	201
18	Ladakh	43.35	43.35	0
19	Lakshadweep	1137	1137	0
20	Madhya Pradesh	20008.91	19003.55	1005.36
21	Maharashtra	82146.35	82111.82	34.53
22	Manipur	921.9	888.5	33.4
23	Meghalaya	1556.95	1556.95	0
24	Mizoram	863.13	863.13	0
25	Nagaland	891.8	652.5	239.3
26	Odisha	15303.76	11570.56	3733.2
27	Puducherry	4360	4360	0
28	Punjab	16998.16	16998.16	0
29	Rajasthan	18911.56	18911.56	0
30	Sikkim	477.56	477.56	0
31	Tamil Nadu	35269.74	35269.74	0
32	Telangana	23810	23810	0
33	Tripura	3852.58	3852.58	0
34	Uttarakhand	7383.94	7383.94	0

35	Uttar Pradesh	64038	64038	0
36	West Bengal	43513.39	43513.39	0

14. Details of healthcare facilities and captive treatment facilities are as follows:

"State -wise details of number of healthcare facilities is given below:

S. No.	Name of the State/UT and	Total no. of Bedded Health Care Facilities (HCFs)	Total no. of Non-bedded Health Care Facilities (HCFs)	Total no. Health Care Facilities (HCFs)	No. of captive treatment facilities
1	Andaman Nicobar	52	186	238	7
2	Andhra Pradesh	5930	4572	10502	Nil
3	Arunachal Pradesh	136	98	235	308
4	Assam	777	667	1444	422
5	Bihar	4821	20175	24996	3
6	Chandigarh	50	826	876	Nil
7	Chhattisgarh	2529	3235	5764	1483
8	Daman & Diu and Dadra & Nagar Haveli	45	126	171	Nil
9	Delhi	1184	9239	10423	1
10	Goa	148	631	779	165
11	Gujarat	11654	21336	32990	Nil
12	Haryana	3168	3152	6320	Nil
13	Himachal Pradesh	585	8247	8832	5006
14	Jharkhand	1175	815	1990	202
15	J & K	1548	5373	6904	Nil
16	Karnataka	8404	32402	41709	1713
17	Kerala	2027	15095	17122	51
18	Ladakh	333	56		2
19	Lakshadweep	10	38	48	Nil
20	Madhya Pradesh	4064	4837	8901	2
21	Maharashtra	19932	44334	64266	240
22	Manipur	96	641	737	545
23	Meghalaya	182	791	973	81
24	Mizoram	64	77	144	144
25	Nagaland	205	521	726	5
26	Odisha	1445	2232	3676	2884
27	Puducherry	96	171	267	3
28	Punjab	4009	8545	12554	Nil
29	Rajasthan	5703	2661	8364	1219
30	Sikkim	34	241	273	185
31	Tamil Nadu	7300	17726	25026	Nil
32	Telengana	3792	3481	7273	Nil
33	Tripura	137	1753	1890	
34	Uttarakhand	1368	3074	4442	2377
35	Uttar Pradesh	17188	14286	31474	10
36	West Bengal	2769	5756	8525	Nil

37	DGAFMS	226	542	768	146

15. **Online Continuous Emission Monitoring System (OCEMS) said to be functional in 153 CBWTFs** as follows:

S. No.	Name of the State/UT and	No. of CBWTFs that have installed
1	Andaman Nicobar	Nil
2	Andhra Pradesh	12
3	Arunachal Pradesh	Nil
4	Assam	1
5	Bihar	4
6	Chandigarh	1
7	Chhattisgarh	2
8	Daman &Diu and Dadra & Nagar	INP
9	Delhi	2
10	Goa	0
11	Gujarat	20
12	Haryana	11
13	Himachal Pradesh	2
14	Jharkhand	2
15	J & K	3
16	Karnataka	25
17	Kerala	1
18	Ladakh	Nil
19	Lakshadweep	Nil
20	Madhya Pradesh	13
21	Maharashtra	29
22	Manipur	Nil
23	Meghalaya	0
24	Mizoram	Nil
25	Nagaland	Nil
26	Odisha	1
27	Puducherry	1
28	Punjab	5
29	Rajasthan	8
30	Sikkim	Nil
31	Tamil Nadu	10
32	Telengana	11
33	Tripura	Nil
34	Uttarakhand	2
35	Uttar Pradesh	21
36	West Bengal	6

16. **Suggested Way forward** is as follows:

> *"i. SPCBs/PCCs ensure to compile the information at District level as required under prescribed format.*
>
> *ii. SPCBs/PCCs shall coordinate with Urban Local Bodies and Municipalities for management of domestic biomedical waste as per Solid Waste Management Rules, 2016 for further channelization of domestic biomedical waste to Common Biomedical Waste Treatment Facilities.*
>
> *iii. SPCBs/PCCs should assess the adequacy of the deep burial pits used by the healthcare facilities and ensure their restrictions up-to rural or remote areas and their compliance to deep burial standards as prescribed under BMWM Rules, 2016.*
>
> *iv. SPCBs/PCCs should compile the treatment capacity of CBWTFs as well as for captive treatment facilities so that actual capacity available for the Country for treatment of biomedical waste could be assessed.*
>
> *v. SPCBs shall ensure that Recyclable waste collected by CBMWTFs should be treated properly and provided to registered recyclers only in order to conserve the resources.*
>
> *vi. Adequacy of treatment capacity of existing CBWTFs and their compliance status be assessed by the SPCBs/PCCs to review the requirement of additional treatment facility for the State / Union Territory."*

Our Analysis

17. We have heard learned Counsel for the parties and considered the issue. learned Counsel for the applicant inter-alia submitted that though the report does not give complete picture of violations, even if the report is taken at face value, there are patent and serious violations for which the statutory regulators do not appear to be taking any remedial action to the serious detriment of public health and environment. Though this Tribunal has directed monitoring at the level of the Chief Secretaries in the States in coordination with Health and Irrigation and Public Health and Environment Departments at State level and at National level by the MoEF&CC in coordination with , Health, UD, Jal Shakti, CPCB, there is nothing to show such monitoring as rampant and serious violations are

continuing as found in reports of the joint Committee, Monitoring Committee for UP and pan India status shown by the CPCB report.

18. As per report of the joint Committee **there is only one vehicle for Covid-19 waste collection from 876 HCFs mentioned in the report in five Districts,** catered to by the CBWTF in question. It is impossible for one vehicle to collect waste from Covid-19 from all the said Facilities spread over in five districts. **Even for other medical waste, there are only 10 vehicles.** Thus, it is impossible for the number of vehicles engaged to collect waste from five districts and treated on the same day. He has thus submitted that the media reports on burning of such waste in open or throwing of such waste in open and unscientific handling of waste is creating hazard to the public health stand established for which remedial action is required.

19. We find substance in the submission. Apart from the said submissions on behalf of the applicant, **the joint Committee itself has found inadequacy of the Facility to handle the job expected from it. There is thus patent violation of environmental norms and failure of the statutory regulators to remedy the situation.** Similarly, **the report of the Oversight Committee has found the State PCB as well as Health Department are not properly geared up on the subject. Their monitoring mechanism is inadequate. The maintenance of record is not as per norms. The collection and treatment of Bio-medical waste is deficient. There are no adequate safeguards for the workers involved in collection and treatment of the waste**

20. **The report of the CPCB shows that though complete information is not compiled, there is need for improvement of coordination processes of the State PCBs/PCCs with Urban Local**

Bodies/Municipalities and generators of bio-medical waste. The deep burial pits used by the Facilities are also not adequate. Segregation of bio-medical waste from general waste and scientific treatment thereof needs to be improved.

Rereferring to the number of Districts provided in order dated 05.07.2021 in OA No. 360/2018, *Shree Nath Sharma vs. Union of India & Ors.*, and statistics provided on Bio-medical waste management in order dated 18.01.2021 in OA No. 710/2017, *Shailesh Singh vs. Sheela Hospital & Trauma Centre, Shahjahanpur & Ors.*, it is observed that no. of captive and common biomedical waste facilities when compared to no. of healthcare facilities, the resultant gap shows need for careful review at the level of CPCB and MoEF&CC and issue necessary directions for rectifying the situation. Table indicating the statistics is given below:

S. No	*Name of State*	*No. of District*	*Total No. of HCFs*	*No. of HCFs having Captive Treatment Facilities*	*Total no. of CBWTFs (As per AR 2019)*	*Gap in treatment of bio-medical Waste (Kg/day)*
1.	*Andaman & Nicobar*	3	183	7	0	71.36
2.	*Assam*	34	1043	422	1	2921.75
3.	*Andhra Pradesh*	13	10225	0	12	0
4.	*Arunachal Pradesh*	25		308	0	0
5.	*Bihar*	38	24996	3	4	17644.85
6.	*Chandigarh*	1	890	0	1	0
7.	*Chhattisgarh*	28	5374	1483	4	0
8.	*DD & DNH*	3		0	*Waste handover to Gujarat Facility*	0
9.	*Delhi*	11	10277	1	2	0
10.	*Goa*	2		165	0	0

11.	Gujarat	33	31360	0	20	0
12.	Haryana	22	6193	0	11	0
13.	Himachal Pradesh	12	8800	5006	2	0
14.	Jammu & Kashmir	20	6606	0	3	0
15.	Jharkhand	24	-	202	4	0
16.	Karnataka	31	-	1713	27	43653
17.	Kerala	14	13869	51	1	201
18.	Ladakh	2	-	2	-	0
19.	Lakshadweep	1	46	0	0	0
20.	Madhya Pradesh	52	8527	2	14	1005.36
21.	Maharashtra	36	63642	240	31	34.53
22.	Manipur	16	712	545	1	33.4
23.	Meghalaya	11	903	81	0	0
24.	Mizoram	11	654	144	0	0
25.	Nagaland	12	-	5	Nil	239.3
26.	Odisha	30	3624	2885	5	3733.2
27.	Puducherry	4	387	1	1	0
28.	Punjab	22	9871	0	5	0
29.	Rajasthan	33	8583	1219	8	0
30.	Sikkim	1	287	185	0	0
31.	Tamil Nadu	38	23935	0	8	0
32.	Telangana	33	6542	0	11	0
33.	Tripura	8	1743	-	0	0
34.	Uttarakhand	13	3582	2377	2	0
35.	Uttar Pradesh	75	25411	10	18	0
36.	West Bengal	23	8509	0	6	0
37.	DGAFMS	-	-	146	-	-
	Total	738	286774	17203	202	69537.75

Need for Emergent Remedial Action

21. Since there are huge gaps in compliance of environmental norms in handling and disposal of bio-medical waste, including Covid-19 waste, causing health hazard to the citizens, emergent and effective measures are inevitable to remedy the situation. While broad gaps have already been indicated in collection, handling, transportation, and remediation, micro management is a matter of continuous monitoring at several levels in the Government. In the light of data now furnished and continuing gaps, it will be appropriate to direct rigorous monitoring at District, State and National levels by joint Committee representing the concerned authorities in coordination with all stake holders.

22. We find that the MoEF&CC has constituted Central Monitoring Committee (CMC) to review the implementation of the BMW Rules vide order dated 22.11.2021, headed by Joint Secretary, Ministry of Health and Family Welfare with representatives of other Departments, States and other experts. The Committee meets only once in a year. Unsatisfactory state of affairs on the subject of implementation noticed above calls for more frequent meetings atleast for some time till the situation improves. Adequacy of Facilities, working of Committees, their infrastructure are issues to be closely monitored not only at National level but also at State and District level.

Directions

23. Accordingly, we direct the above CMC to meet urgently within two weeks to consider the above state of affairs and prepare an effective monitoring strategy to ensure that there are adequate number of Facilities,

with appropriate infrastructure and their functioning is reviewed on regular basis at District and State level. If any Committee is functioning at State/District level, they may also monitor compliance. For proper monitoring we constitute following Committees at State and District levels who may work in tandem with Committee already constituted, if any:

State Level:

1. Secretary, Health – Chairman
2. Nominee of Secretary Urban Development/Local Bodies – Member
3. Nominee of State Disaster Management Authority – Member
4. Member Secretary, State PCB – Member
5. Director, Environment – Member

The Member Secretary, State PCB will act as nodal agency for coordination and compliance.

A. District Level:

1. District Magistrate – Chairman
2. CMO – Member
3. Regional Officer, State PCB – Member
4. Nominee of SSP/DCP – Member
5. Principal, Government Medical College or other reputed Medical College in the area

The Regional Officer, State PCB will act as nodal agency for coordination and compliance.

24. The State and District Level Monitoring Committees will be free to co-opt any other experts/agency for its assistance. The said Committees

may also meet within two weeks in the first instance and thereafter the State Committee may once in a month and the District Committee once in a fortnight initially till the situation improves and at longer interval thereafter as may be found necessary. The CMC may hold a meeting through video conferencing with the State level Monitoring Committees within one month to consider the action plans to bridge the gaps in monitoring and compliance. For effective monitoring, the Committees may consider availing services of retired Principals/Heads of the Departments/other experts from Government Medical Colleges or other institutions so as to ensure that a panel is available to assist in effective monitoring including undertaking periodical visit to the CBWTFs, coordinating awareness/training programmes and holding joint meetings at State/District Levels to review the compliance status. The Committees may ensure remedial and coercive measures if there are violations such as number of vehicles employed being inadequate or waste found scattered or thrown in open or deficiencies in collection, transportation, handling and disposal. The Committee may place their respective proceedings on their respective webaites.

25. The CMC may compile a national report as on 30.04.2022, based on reports received from the State Level Committees who may give their reports after compiling reports from the Districts which may be uploaded on its website.

The application is disposed of but if any grievance survives, the aggrieved party will be free to take remedies in accordance with law.

A copy of this order be forwarded to Secretaries, Health, MoEF&CC, GoI, CPCB, Chief Secretaries of all the States/UTs, State PCBs/PCCs and District Magistrates by e-mail for compliance. The Authorities to whom

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copy of this order is being forwarded may circulate a copy of this order to all other concerned authorities for proper coordination/compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

January 07, 2022
Original Application No. 180/2021
DV

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No. of Beds Covered by IRR Waste

Existing Scenario of Bio-medical Waste Generation

Wolkem

Sr. No.	Name of Regional Office	Name of District	Total No Of HCFs		No Of Beds	No. of HCF having treatment Captive facility	No. of HCF Member of CBWTF or Deep Burial	No. of HCFs not having disposal Mechanism	Estimated BMW Generated (kg/day)	If not having authorization then action taken		
			Bedded HCFs	Non Bedded HCFs						Notice	Show cause	Prosecution
2	3	4	5	6	7	8	9	10	11	12	13	14
	Agra	Agra	633	85	5137	0	395	0	1327	77	0	1
		Etah	71	17	687	0	68	0	230	15	0	0
		Kasganj	60	29	575	0	89	0	151	11	0	0
		Hathras	98	87	1488	0	186	0	293	40	0	0
	Mathura	Mathura	379	125	4633	0	504	0	1614	10	0	1
	Firozabad	Firozabad	140	17	2251	0	157	0	450	43	0	1
		Etawa	74	10	1246	0	84	0	249	5	0	0
		Mainpuri	81	1	859	0	62	0	278	10	0	0
	Agra	Agra	857	252	6703	0	930	0	2400	164	0	0
	Bulandshahar	Bulandshahar	268	78	3855	0	344	0	733	59	0	0
		Sahaspur	138	17	1759	0	156	0	391	23	0	0
	Lucknow	Lucknow	779	489	22585	1	1238	0	4541	90	1	0
		Sitapur	155	9	2878	0	165	0	507	6	0	0
		Bahraich	186	32	2452	0	216	0	590	5	0	0
		Lakheempur	142	22	2024	0	171	0	356	9	0	0
	Rahbareli	Rahbareli	175	695	2110	0	777	0	523	428	0	0
		Sultanpur	162	61	2495	0	263	0	499	56	0	0
		Amethi	124	49	1795	0	183	0	359	49	0	0
		Pratapgarh	187	102	1865	0	259	0	374	118	0	0
	Unnao	Unnao	191	38	2655	0	226	0	531	68	0	0
		Hardoi	165	45	3170	0	230	0	551	70	0	0
	Gorakhpur	Gorakhpur	518	556	5619	1	1075	0	2098	501	1	0
		Kushinagar	186	139	2044	0	334	12	409	166	0	0
		Maharajganj	98	49	1255	0	139	7	251	51	3	0
		Deoria	224	127	2072	0	351	6	414	175	0	0
	Basti	Basti	137	71	2589	0	208	33	499	27	0	2
		Siddharth Nagar	98	52	1325	0	193	20	350	14	0	0
		Sant Kabir Nagar	87	38	1276	0	95	16	252	5	0	0
		Balrampur	82	54	1406	0	138	16	216	12	0	0

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Existing Scenario of Bio-medical Waste Generation

Wolkem

S. N.	Circle	Name of Regional Office	Name of District	Total No Of HCFs		No Of Beds	No of HCF having treatment Captive facility	No of HCF Member of CBWTF or Deep burial	No. of HCFs not having disposal Mechanism	Estimated BMW Generated (kg/day)	If not having authorization then action taken		
				Bedded HCFs	Non Bedded HCFs						Notice	Show cause	Prosecution
1	2	3	4	5	6	7	8	9	10	11	12	13	14
55	6	Azamgarh	Azamgarh	287	220	5172	0	515	0	1143	131	0	0
56			Mau	116	40	2083	0	156	0	428	57	0	0
57			Ballia	154	68	1934	0	272	0	455	103	0	0
58		Varanasi	Varanasi	500	220	12622	0	720	0	1539	0	0	0
59			Chandauli	100	18	2050	0	216	0	245	0	0	0
60			Bhadohi	122	39	1740	0	161	0	402	0	0	0
61			Gazipur	205	56	3459	0	261	0	470	0	0	0
62			Jaunpur	312	112	4256	0	424	0	410	0	0	0
63		Ayodhya	Ayodhya	154	6	2179	0	160	0	373	26	0	0
64			Ambedkar Nagar	91	24	1015	1	114	0	203	18	0	0
65			Gonda	122	3	1633	0	125	0	302	8	0	0
66			Bahraich	131	5	1781	0	136	0	339	9	0	0
67			Shravasti	26	13	366	0	39	0	73	8	0	0
68	7	Bijnour	Bijnour	284	160	3176	0	404	0	599	25	0	0
69			Amroha	165	154	1991	0	339	0	353	49	0	0
70		Moradabad	Moradabad	340	640	4939	0	980	0	1022	62	0	1
71			Rampur	137	248	1720	0	385	0	295	60	0	0
72			Sambhal	102	162	1306	0	264	0	557	121	0	0
73		Bareilly	Bareilly	410	202	9720	4	608	0	1642	401	0	0
74			Pilibhiet	91	110	1190	0	201	0	233	9	0	0
75			Shahjanpur	195	77	2443	0	232	0	431	5	0	0
Total				14454	9428	253927	10	23872	109	52500	4087	17	6

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Existing CBWTF Installed Capacity in Uttar Pradesh

Installed Capacity of Common Biomedical Waste Treatment Facility

1	2	3	4	5	6	7	8	9	10	11	12	13
1			500		500 kg/day	400 kg/day	900 kg/day	4000	10 with GPS	Installed & Connected	31.12.2023	operational
2			250		250 kg/day	400 kg/day	650 kg/day	2500	5 with GPS	Installed & Connected	31.12.2024	operational
3			300		200 kg/day	200 kg/day	400 kg/day	1200	4 with GPS & Penalgram	Installed not Connected	31.12.2023	operational
4			700		200 kg/day	200 kg/day	400 kg/day	4000	10 with GPS & Penalgram	Installed & Connected	31.12.2023	operational
5			600		200 kg/day	300 kg/day	500 kg/day	4000	10 with GPS & Penalgram	Installed & Connected	31.12.2022	operational
6			200		200 kg/day	200 kg/day	400 kg/day	2000	5 with GPS	Installed & Connected	31.12.2023	operational
7			1000		200 kg/day	200 kg/day	400 kg/day	4000	20 with GPS & Penalgram	Installed & Connected	31.12.2024	operational
8			500		200 kg/day	50 kg/shift	100 kg/hr	2500	11 with GPS	Installed & Connected	31.12.2024	operational
9			400		200kg/hr	50 kg/shift	100 kg/hr	2500	5 (GPS in 1 vehicle)	Installed & Connected	29.03.2021	Closed by Board

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CURRENT SCENARIO OF AVAILABLE CBMWTF IN NEARBY DISTRICT

S. No	Name of CBWTF	Address	Covering District and Total Beds		Radius	Total Treatment Capacity
1	Bio Medical Waste Disposal Agency	Khasra No 622, Rava-Neem –Gaon Road, Village Pandwa, Mantt, District Mathura	Mathura	4633	92 Km	Incinerator-200kg/hr, Autoclave-50Kg/shift, Shredder-100Kg/hr
			Aligarh	6737		
			Kashganj	905		
			Eta	697		
			Firozabad	2251		
			Sambhal	1306		
			Hathras	1488		
			TOTAL	16711		
2	Dutt Enterprises Ltd	Khasra No.670, Mauja-Darhera, Tehsil-Atmadpur, Agra	Agra	8708	92 Km	Incinerator-200kg/hr, Autoclave-50Kg/shift, Shredder-100Kg/hr
			Mainpuri	889		
			Firozabad	-		
			Hathras	-		
			Bhind& Morena	1517		
			TOTAL	11168		
3	SP Green Light Environment Waste Management LLP	Saalpur Nava diya Meeranpur Katra, Tilhar Shajahanpur	Bareilly	9726	104 Km	Incinerator-150kg/hr, Autoclave-430ltr/shift, Shredder-50Kg/hr
			Pilibheet	1190		
			Moradabad	4939		
			Rampur	1720		
			Amroha	1991		
			J.P.Nagar	-		
			Shajahanpur	2443		
			TOTAL	22009		

Source: UPPCB Report on BMW status as on 20.01.2020

As per the direction of SEIAA, the matter was listed in 653rd SEAC meeting dated 12.05.2022. The committee went through the MoEFCC, GoI OM F. No. 20/2/2020-IISUD dated 01.04.2022 and opined that the letter should be sent to Member Secretary UP Pollution Control Board to provide the gap analysis in the light of above Office order dated 01/04/2022 and also go through the complaint letter dated 07/05/2022 of Adv. Himanshu Saxena, Office no 10, Sector 15, Naya Ahmedabad. Factual report is to be submitted in view of the above complaint.

The Secretariat sent a letter no. 245/Parya/6497/2022, dated 28/05/2022 to Member Secretary, UP Pollution Control Board, Lucknow to provide factual report in compliance of MoEF&CC OM dated 01/04/2022 and complaint letter dated 07/05/2022 of Adv. Himanshu Saxena. Member Secretary, UP Pollution Control Board provides factual/gap analysis report vide letter dated 03/06/2022 mentioning is as follows:

प्रस्तावित इकाई मे0 पुनः चक्रण प्रा0 लि0 द्वारा 75 किमी0 परिधि के अन्दर जनपद विभिन्न अपशिष्ट का निस्तारण किया जाना प्रस्तावित है जिसमें जनपद मुरादाबाद, सम्भल, बदायूं, अलीगढ़, हाथरस, एटा, कासगंज एवं बुलन्दशहर आच्छादित है।

इकाई द्वारा बोर्ड में प्रेषित सूचना एवं बोर्ड में उपलब्ध अभिलेखों के आधार पर उक्त आच्छादित जनपदों में पाया मेडिकल वेस्ट का विवरण निम्नवत् है:

क्रम सं0	जनपद	बेडेड एचसीएफ	नॉन-बेडेड एचसीएफ	बेड की संख्या	आच्छादित फैसिलिटी
1	मुरादाबाद	481	707	6699	• सुशील गंगवे मेडिकल (सर्वे किए) • गंगवाल (सर्वे किए)
2	सम्भल	111	252	1034	• मे0 पुनः चक्रण प्रा0 लि0 (सर्वे किए)
3	बदायूं	147	30	1928	–
4	अलीगढ़	474	387	6512	–
5	हाथरस	148	207	1622	–
6	एटा	122	128	1319	–
7	कासगंज	61	102	1043	–
8	बुलन्दशहर	293	293	4482	–
	कुल बेड	1257	2056	27899	
	उक्त विभिन्न अपशिष्ट की मात्रा किग्रा0 में	1028 किग्रा0	6974.75 किग्रा0	कुल –708055 किग्रा0	

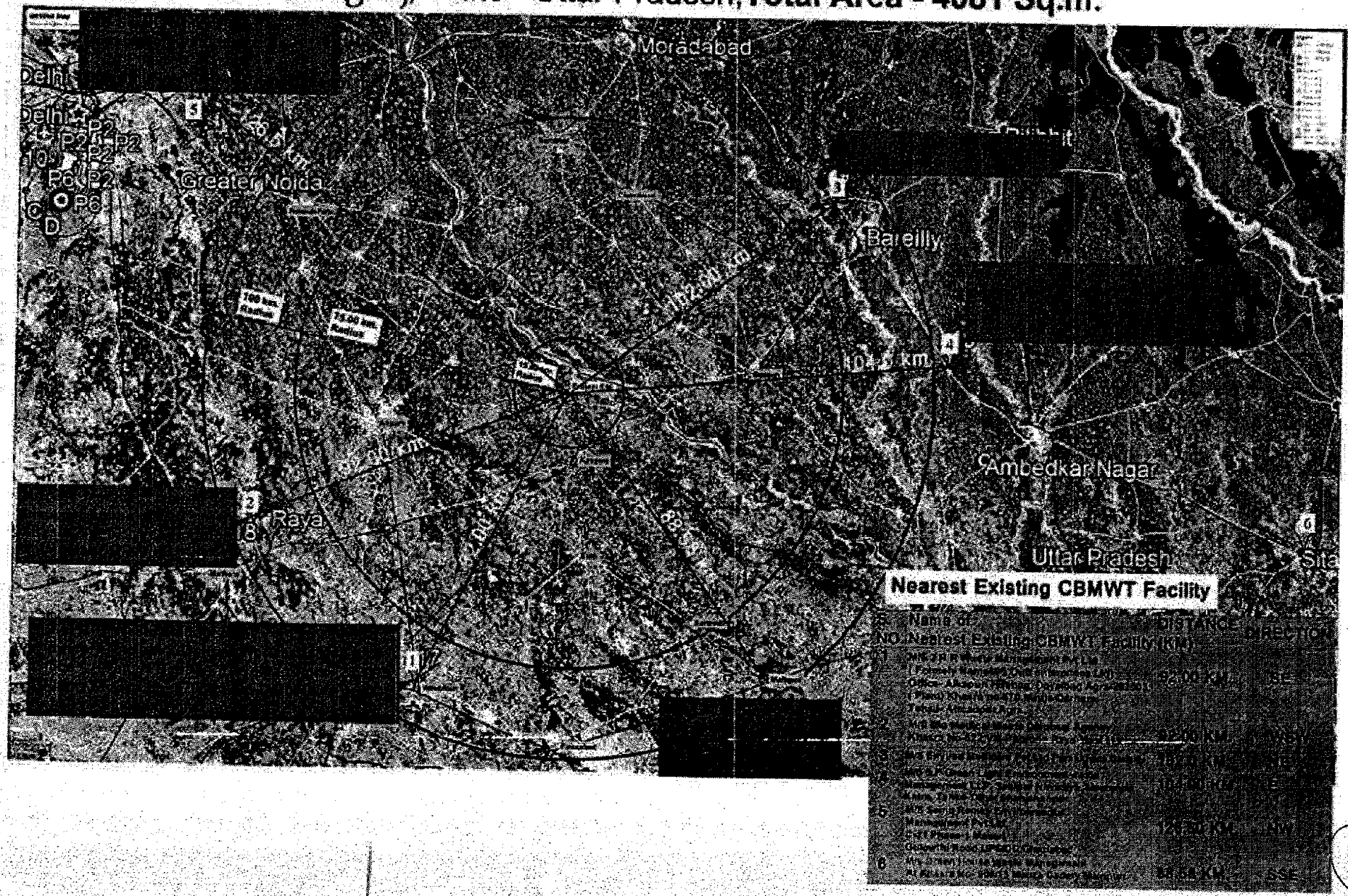
वर्ष में उपलब्ध अभिलेखों को दृष्टिगत रखते हुए केन्द्रीय प्रदूषण नियंत्रण बोर्ड की गाईडलाइन्स के अनुसार प्रस्तावित इकाई मे0 पुनः चक्रण प्रा0 लि0 के 75 किमी0 परिधि में गैप एनालिसिस निम्नानुसार है:

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Annexure -II

Nearby BMW Facility

Common Bio-Medical Waste Treatment Facility 75 km. & 100 km. for **M/s. IndoTech Waste Solution,** Village :- Kumrauwa, Post- Kumrauwa Tehsil & Distt.- Kasganj, State - Uttar Pradesh, **Total Area - 4081 Sq.m.**



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Annexure -III

Point wise clarification/proposal with respect to revised guidelines for CBMWTF, 2016 of CPCB.

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To

The Member Secretary
State Environment Impact Assessment Authority UP
Paryavaran Bhawan,
Directorate of Environment,
Vineet Khand, Gomti Nagar,
Lucknow 226010

Point wise Clarification/Compliance proposal for the proposed Common Biomedical Waste Treatment and Disposal Facility with respect to the BMW Rules 2016 and revised guidelines for CBMWTF, 2016 of CPCB

Dear Sir

Reference may please be made to the requirement of additional documents for grant of Environment Clearance to our proposed CBWTF at khasra number 1161 Village- Kumaraua, Block Soron Tehsil and District- Kasganj, UP.

The point wise clarification/complacence to the previsions of the BMW Rules 2016 and revised guidelines for CBMWTF, 2016 of CPCB is as appended here in below:

S.No.	BMW Rules 2016 and Subsequent Amendments	Compliance
Duties of the operator of a common bio-medical waste treatment and disposal facility		
1.	Take all necessary steps to ensure that the bio-medical waste collected from the occupier is transported, handled, stored, treated and disposed of, without any adverse effect to the human health and the environment, in accordance with these rules and guidelines issued by the Central Government or, as the case may be, the central pollution control board from time to time;	We shall Take all necessary steps to ensure that the bio-medical waste collected from the occupier is transported, handled, stored, treated and disposed of, without any adverse effect to the human health and the environment, in accordance with these rules and guidelines issued by the Central Government or, as the case may be, the central pollution control board from time to time;
2.	ensure timely collection of bio-medical waste from the occupier as prescribed under these rules;	We shall ensure timely collection of bio-medical waste from the occupier as prescribed under these rules.
3	establish bar coding and global positioning system for handling of bio- medical waste within one year;	We Shall establish global positioning system for handling of bio- medical waste no sooner we become operational bar coding system with in due course of time.
4	inform the prescribed authority immediately regarding the occupiers which are not handing over the segregated bio-medical waste in accordance with these rules;	We shall inform the prescribed authority immediately regarding the occupiers which are not handing over the segregated bio-medical waste in accordance with these rules in case we notice such things.
5	provide training for all its workers involved in handling of bio-medical waste at the time of induction and at least once a year	We shall provide training for all our workers involved in handling of bio-medical waste at the time of induction and on routine basis so

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	thereafter;	as the rules are complied with.
6	assist the occupier in training conducted by them for bio-medical waste management;	We shall assist all member HCFs a conducting training for their staff by them for bio-medical waste management.
7	undertake appropriate medical examination at the time of induction and at least once in a year and immunise all its workers involved in handling of bio-medical waste for protection against diseases, including Hepatitis B and Tetanus, that are likely to be transmitted while handling bio-medical waste and maintain the records for the same;	We shall ensure appropriate medical examination of the worker at the time of induction and at least once in a year and all worker involved in handling of bio-medical waste shall be immunised for protection against diseases, including Hepatitis B and Tetanus, that are likely to be transmitted while handling bio-medical waste and maintain the records for the same.
8	ensure occupational safety of all its workers involved in handling of bio-medical waste by providing appropriate and adequate personal protective equipment;	We shall ensure that all measure are taken in respect of occupational safety by all our workers by using appropriate protective equipment such as Face Mask, gloves , apron and gumboots etc.
9	report major accidents including accidents caused by fire hazards, blasts during handling of biomedical waste and the remedial action taken and the records relevant thereto, (including nil report) in Form I to the prescribed authority and also along with the annual report;	We shall ensure all accidents including remedial action taken thereof are reported to the proscribed authority if in case it takes place. Nil accident report also be sent to the prescribed authority.
10	maintain a log book for each of its treatment equipment according to weight of batch; categories of waste treated; time, date and duration of treatment cycle and total hours of operation;	We shall maintain log book for each of the treatment equipment according to weight of batch; categories of waste treated; time, date and duration of treatment cycle and total hours of operation;
11	allow occupier , who are giving waste for treatment to the operator, to see whether the treatment is carried out as per the rules;	We shall allow the member HCFs to see whether the treatment is carried out as per the rules;
12	shall display details of authorisation, treatment, annual report etc on its web-site;	The details of authorisation, treatment, and annual report etc shall be displayed on our web-site;
13	after ensuring treatment by autoclaving or microwaving followed by mutilation or shredding, whichever is applicable, the recyclables from the treated bio-medical wastes such as plastics and glass, shall be given to recyclers having valid consent or authorisation or registration from the respective State Pollution Control Board or Pollution Control Committee;	We shall hand over the plastic waste an glass after due treatment to the authorised recycler.
14	supply non-chlorinated plastic coloured bags to the occupier on chargeable basis, if required;	We shall supply Non-chlorinated bags to our Member HCF to use in the handling of BMW at the cost as per their demand.
15	common bio-medical waste treatment facility shall ensure collection of biomedical	Our CBWTF shall remain operational for collection of BMW on all the days including

	waste on holidays also;	holidays.
16	maintain all record for operation of incineration, autoclave for a period of five years; and	We shall preserve all record pertaining to operation of incineration, autoclave for a period of five years
17	Upgrade existing incinerators to achieve the standards for retention time in secondary chamber and Dioxin and Furans within two years from the date of this notification.	Being the new CBWTF we shall be installing a new incinerator which shall have 2 seconds retention time in secondary chamber and confirm with the standards for controlling Dioxin and Furans.
7. Treatment and disposal		
1	Bio-medical waste shall be treated and disposed of in accordance with Schedule I, and in compliance with the standards provided in Schedule-II by the health care facilities and common bio-medical waste treatment facility	We shall ensure that the Bio-medical waste is treated and disposed of in accordance with Schedule I, and in compliance with the standards provided in Schedule-II by the health care facilities and common bio-medical waste treatment facility.
2	Occupier shall hand over segregated waste as per the Schedule-I to common bio-medical waste treatment facility for treatment, processing and final disposal: Provided that the lab and highly infectious bio-medical waste generated shall be pre - treated by equipment like autoclave or microwave.	We shall only collect segregated BMW as per Schedule-I so as the treatment, processing and final disposal becomes easier and smooth:
3	No occupier shall establish on-site treatment and disposal facility, if a service of `common biomedical waste treatment facility is available at a distance of seventy-five kilometer.	
4	In cases where service of the common bio-medical waste treatment facility is not available, the Occupiers shall set up requisite biomedical waste treatment equipment like incinerator, autoclave or microwave, shredder prior to commencement of its operation, as per the authorisation given by the prescribed authority.	Not applicable to us being the CBWTF
5	Any person including an occupier or operator of a common bio medical waste treatment facility, intending to use new technologies for treatment of bio medical waste other than those listed in Schedule I shall request the Central Government for laying down the standards or operating parameters.	We shall approach CBCB or any appropriate authority in case we intend to use any new technology, other than listed in schedule I of BMW Rules 2016, for treatment of BMW.
6	On receipt of a request referred to in sub-rule (5), the Central Government may determine the standards and operating parameters for new technology which may be published in Gazette by the Central	Not applicable to us

	Government.	
7	Every operator of common bio-medical waste treatment facility shall set up requisite biomedical waste treatment equipments like incinerator, autoclave or microwave, shredder and effluent treatment plant as a part of treatment, prior to commencement of its operation.	We shall install all requisite equipment's for the treatment of Bio Medical waste before commencement of our operations : Static Dry Incinerator : 200 Kg/per hr Autoclvae : 250 Kg per batch Shredder : 150 Kg /hr ETP : 5 KLD DG Set : 62.5 KVA
8	Every occupier shall phase out use of non-chlorinated plastic bags within two years from the date of publication of these rules and after two years from such publication of these rules, the chlorinated plastic bags shall not be used for storing and transporting of bio-medical waste and the occupier or operator of a common bio-medical waste treatment facility shall not dispose of such plastics by incineration and the bags used for storing and transporting biomedical waste shall be in compliance with the Bureau of Indian Standards. Till the Standards are published, the carry bags shall be as per the Plastic Waste Management Rules, 2011.	We shall use only Non Chlorinated bags from the commencement of our operation as CBWTF.
9	After ensuring treatment by autoclaving or microwaving followed by mutilation or shredding, whichever is applicable, the recyclables from the treated bio-medical wastes such as plastics and glass shall be given to such recyclers having valid authorisation or registration from the respective prescribed authority.	We shall hand over the plastic waste an glass after due treatment to the authorised recycler.
10	The Occupier or Operator of a common bio-medical waste treatment facility shall maintain a record of recyclable wastes referred to in sub-rule (9) which are auctioned or sold and the same shall be submitted to the prescribed authority as part of its annual report. The record shall be open for inspection by the prescribed authorities.	We shall maintain a proper record of recyclable wastes sold to the authorised recycler and the same shall be submitted to the prescribed authority. And the same record shall be produced before the inspecting team while on inspection.
11	The handling and disposal of all the mercury waste and lead waste shall be in accordance with the respective rules and regulations	The mercury waste shall be handled by the occupier i.e HCFs in accordance with the respective rules and regulations.
8. Segregation, packaging, transportation and storage		
1	No untreated bio-medical waste shall be mixed with other wastes.	The Bio medical Waste shall be stored as per colour code of the waste
2	The bio-medical waste shall be segregated into containers or bags at the point of	The Bio medical Waste Shall be collected from end point in clour coded non

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	generation in accordance with Schedule I prior to its storage, transportation, treatment and disposal.	chlorinated bags duly packed as per schedule I of the Rules and transported in the same manner.
3	The containers or bags referred to in sub-rule (2) shall be labeled as specified in Schedule IV	This will be done by the member HCF
4	Bar code and global positioning system shall be added by the Occupier and common bio-medical waste treatment facility in one year time.	The GPS shall be installed on each and every vehicle no sooner we start our operations and Bar Code for BMW shall also be initiated simultaneously.
5	The operator of common bio-medical waste treatment facility shall transport the bio-medical waste from the premises of an occupier to any off-site bio-medical waste treatment facility only in the vehicles having label as provided in part 'A' of the Schedule IV along with necessary information as specified in part 'B' of the Schedule IV	We shall transport the BMW from the end point of the member HCFs in dedicated closed vehicles as per rules.
6	The vehicles used for transportation of bio-medical waste shall comply with the conditions if any stipulated by the State Pollution Control Board or Pollution Control Committee in addition to the requirement contained in the Motor Vehicles Act, 1988 (59 of 1988), if any or the rules made there under for transportation of such infectious waste.	We shall transport the BMW from the end point of the member HCFs in dedicated closed vehicles as per rules.
7	Untreated human anatomical waste, animal anatomical waste, soiled waste and, biotechnology waste shall not be stored beyond a period of forty-eight hours: Provided that in case for any reason it becomes necessary to store such waste beyond such a period, the occupier shall take appropriate measures to ensure that the waste does not adversely affect human health and the environment and inform the prescribed authority along with the reasons for doing so.	The BMW collected from member HCFs shall be treated and disposed off according to the provisions of BMW and no untreated waste shall be stored beyond 48 hrs. In case of any emergent situation we shall take all precautionary measures to ensure that the untreated Bio Medical waste is stored in closed rooms and permission is obtained from the prescribed authority.
8	Microbiology waste and all other clinical laboratory waste shall be pre-treated by sterilisation to Log 6 or disinfection to Log 4, as per the World Health Organisation guidelines before packing and sending to the common bio-medical waste treatment facility	Not Applicable to us as it is the duty of member HCF
10. Procedure for Authorisation		
1	Every occupier or operator handling bio-medical waste, irrespective of the quantity	That we shall make an application for authorisation in form II and application for

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	shall make an application in Form II to the prescribed authority i.e. State Pollution Control Board and Pollution Control Committee, as the case may be, for grant of authorisation and the prescribed authority shall grant the provisional authorisation in Form III and the validity of such authorisation for bedded health care facility and operator of a common facility shall be synchronised with the validity of the consents.	air /water consent to the prescribed authority. The operation of CBWTF shall commence only after obtaining of authorisation and consent.
2	In case of any change in the bio-medical waste generation, handling, treatment and disposal for which authorisation was earlier granted, the occupier or operator shall intimate to the prescribed authority about the change or variation in the activity and shall submit a fresh application in Form II for modification of the conditions of authorisation.	In case there is any change we shall intimate to the prescribed authority. And shall submit a fresh application if in case it is required.
13. Annual Report		
1	Every occupier or operator of common bio-medical waste treatment facility shall submit an annual report to the prescribed authority in Form-IV, on or before the 30th June of every year.	We shall submit our annual report within time on Form IV every year.
4	The Annual Reports shall also be available online on the websites of Occupiers, State Pollution Control Boards and Central Pollution Control Board.	The annual shall be displayed on our website.
14. Maintenance of Records		
1	Every authorised person shall maintain records related to the generation, collection, reception, storage, transportation, treatment, disposal or any other form of handling of bio-medical waste, for a period of five years, in accordance with these rules and guidelines issued by the Central Government or the Central Pollution Control Board or the prescribed authority as the case may be.	We shall maintain all records elated to the generation, collection, reception, storage, transportation, treatment, disposal or any other form of handling of bio-medical waste, for a period of five years, in accordance with the BMW Rules and guidelines issued by the Central Government or the Central Pollution Control Board or the prescribed authority.
2	All records shall be subject to inspection and verification by the prescribed authority or the Ministry of Environment, Forest and Climate Change at any time.	We shall produce all documents for inspection an verification of the inspection team.
15. Accident Reporting		
1	In case of any major accident at any institution or facility or any other site while handling bio-medical waste, the authorised person shall intimate immediately to the prescribed authority about such accident	All accidents shall be reported to the prescribed authority within 24 hours of such incidence and remedial action taken there of in form I.

	and forward a report within twenty-four hours in writing regarding the remedial steps taken in Form I.	
2	Information regarding all other accidents and remedial steps taken shall be provided in the annual report in accordance with rule 13 by the occupier.	We shall intimate in annual report also about the incidence of any accidents.
Revision 4 & 5 Guidelines for Handling, Treatment and Disposal of Waste Generated during Treatment/ Diagnosis/Quarantine of COVID-19 Patients 17th July, 2020 & 26th April 2022		
b) Duties of Common Biomedical Waste Treatment Facility (CBWTF):		
1	Report to SPCBs/PCCs about receiving of waste from COVID-19 isolation wards / Quarantine Camps / Quarantined homes / COVID-19 Testing Centers;	The report of the Covid-19 waste shall be submitted to the prescribed authority as per norms.
2	Operator of CBWTF shall ensure regular sanitization of workers involved in handling and collection of biomedical waste;	The regular sanitization of workers involved in handling and collection of Covid-19 biomedical waste
3	Workers shall be provided with adequate PPEs including three layer masks, splash proof aprons/gowns, nitrile gloves, gum boots and safety goggles;	All workers shall be provided with adequate PPEs including three layer masks, splash proof aprons/gowns, nitrile gloves, gum boots and safety goggles.
4	Use dedicated vehicle to collect COVID-19 ward waste. It is not necessary to place separate label on such vehicles;	We shall Use dedicated vehicle to collect COVID-19 ward waste. It is not necessary to place separate label on such vehicles;
5	Vehicle should be sanitized with sodium hypochlorite or any appropriate chemical disinfectant after every trip.	The vehicle used for the use of transportation of covid-19 waste should be sanitized with sodium hypochlorite or any appropriate chemical disinfectant after every trip.
6	COVID-19 waste should be disposed-off immediately upon receipt at facility.	We shall dispose off the Covid-19 Waste immediately upon receipt at facility.
7	In case it is required to treat and dispose more quantity of biomedical waste generated from COVID-19 treatment, CBWTF may operate their facilities for extra hours, by giving information to SPCBs/PCCs.	We shall inform to the UPPCB in case more operational hours are required to treat and dispose more quantity of biomedical waste generated from COVID-19.
8	Operator of CBWTF shall maintain separate record for collection, treatment and disposal of COVID-19 waste.	We shall maintain separate record for collection, treatment and disposal of COVID-19 waste.
9	Do not allow any worker showing symptoms of illness to work at the facility. May provide adequate leave to such workers and by protecting their salary	We shall not allow any any worker showing symptoms of illness to work at the facility and adequate leave shall be granted to him in case needed by protecting their salary.
10	CBWTF operator shall register on 'COVID19BWM' Tracking App developed by CPCB and also ensure registration of Waste Handler (with vehicle) for entering the data of COVID-19 biomedical waste received and disposed.	We shall register our CBWTF on Covid-19 app or any such app as directed by the prescribed authority.
11	Provide training to Waste handlers on infection prevention measures, hand	We shall provide training to Waste handlers on infection prevention measures, hand

	hygiene, respiratory etiquettes, social distancing, use of PPE, etc. via videos and demonstrations etc. translated in local language. Sanitation workers more than 50-yr of age should be posted for management of non-COVID waste.	hygiene, respiratory etiquettes, social distancing, use of PPE, etc using various mode of demonstration.

Further to it, we shall also comply with any other directions issued by the prescribed authority.

This is submitted for your kind information and necessary action please.

Thanking you

Minutes of the 689th Meeting of the SEIAA, UP held on 10.01.2023

4. **Existing Formaldehyde Manufacturing Unit with the Production Capacity of 160 TPD At Plot No. C-8, UPSIDC Industrial Area, Khalilabad, District -Sant Kabir Nagar, U.P., Shri Amit Gupta, M/s Gorakhnath Formulations Pvt. Ltd. File No. 6436/Proposal No. SIA/UP/IND3/ 64317/2021 (632th SEIAA)**

SEIAA noted that the above project was taken in its 632nd meeting in which SEIAA observed that PP / consultant has not submitted compliance report of earlier CtE and CtO through UPSPCB and no action has been initiated u/s 15 read with section-19 of EPA, 1986. SEIAA noted that no communication has been received from PCB. Hence SEIAA opined that a letter be send to UPPCB for getting the status of prosecution.

5. **Letter of Mr. Ajeet Gupta-बायो मेडिकल वेस्ट निस्तारण के संदर्भ में माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली के ओ0ए0 नं0–180/2021 के निर्णय आदेश दिनांक 07.01.2022 में दिये गये निर्देशों के अनुसार उत्तर प्रदेश में चिकित्सा एवं स्वास्थ्य विभाग उत्तर प्रदेश द्वारा अनुपालन न पर्यावरणीय नियमों एवं सेंट्रल पॉल्यूशन कण्ट्रोल बोर्ड नई दिल्ली की गाइडलाइन 2016 का उल्लंघन कर पर्यावरण संक्रमित/दूषित किये जाने के संदर्भ में शिकायत पत्र।**

SEIAA gone through the letter of Shri Ajeet Gupta, Lucknow dated 11.11.2022 regarding the above subject and opined to refer the letter to UPPCB and both SEAC's.

6. **Letter of Mr. Suresh Chandra Yadav dated 03.11.2022 regarding presentation of incorrect data.**

SEIAA noted that the above letter has already been taken in its 672nd meeting.

7. **Commercial Project "Platinum Mall" at Plot No. T-6, IBB-2, Shushant Golf City, District - Lucknow, of M/s Platinum Mall Pvt. Ltd. File No. 7212/6590/Proposal No. SIA/UP/MIS /287849/2022**

SEIAA gone through the letter of the project proponent dated 11.11.2022 and noted that the above project was taken in its 656th in which SEIAA has referred back the project to SEAC-1 for deliberation. Hence the project will be considered after receiving the comments.

8. **Complaint against Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District- Kasganj, M/s Indo Tech Waste Solution. M/s Indo Tech Waste Solution. File No. 6191/Proposal No. SIA/UP/MIS/60737/2021**

SEIAA gone through the letter of Director Punahchakran dated 30.11.2022 regarding the above subject and opined that the complaint shall be sent to UPPCB for comments and till then issuance of EC granted to the above project be kept on hold.

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Annex-11

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प्रेषक,

निदेशक,
पर्यावरण निदेशालय, उ0प्र0,/
विनीत खण्ड-1, गोमती नगर, लखनऊ-226010

सेवा में,

सदस्य सचिव,
उ0प्र0 प्रदूषण नियंत्रण बोर्ड,
लखनऊ।

पत्रांक : 1137 /पर्या./सामान्य/2022 दिनाँक 18 जनवरी, 2023

विषयः- Complaint against Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District- Kasganj, M/s Indo Tech Waste Solution. File No. 6191/Proposal No. SIA/UP/MIS/60737/2021 के संबंध में।

महोदय,

कृपया उपरोक्त प्रस्ताव पर राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण, उ0प्र0 की बैठक दिनांक 10.01.2023 मे विचार कर निम्नवत् निर्णय लिया गया :-

SEIAA gone through the letter of Director Punahchakran dated 30.11.2022 regarding the above subject and opined that the complaint shall be sent to UPPCB for comments and till then issuance of EC granted to the above project be kept on hold.

प्राधिकरण की बैठक दिनांक 10.01.2023 मे लिये गये निर्णय के आलोक मे सम्बन्धित कार्यवृत्त एवं पत्र Director, Punahchakran दिनांक 30.11.2022 की प्रति संलग्न कर इस अनुरोध के साथ प्रेषित है कि उक्त के सम्बन्ध मे आवश्यक कार्यवाही करवाने का कष्ट करें।

संलग्नक- यथोक्त।

भवदीया,

(श्रुति शुक्ला)
उप निदेशक/नोडल,
एस0ई0आई0ए0ए0

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Annex. R

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उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

पत्रांक संख्या– 6402/ /पी-4/NOC-104/2023 दिनांक– 28/02/23

सेवा में,

उप निदेशक/नोडल,
एस0ई0आई0ए0ए0,
पर्यावरण निदेशालय,
द्वितीय खण्ड–2, गोमती नगर, उ0प्र0, लखनऊ।

विषय–Complaint against Common Bio-medical Waste Treatment Facility at Village- Kumrana, Block-Soron, Tehsil & District-Kasganj, M/s Indo Tech Waste Solution, File No. 6191/ Proposal No. SIA/UP/MIS/ 60737/2021 के संबंध में।

महोदया,

कृपया उपरोक्त विषयक अपने पत्र संo 1137/पर्या0/सहायक/2022 दिनांक 18.01.2023 का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा डायरेक्टर मैo पुनःचक्रण प्राइवेo, बदायूं, सम्पत के पत्र दिनांक 30.11.2022 के अनुक्रम में आवश्यक कार्यवाही करने का अनुरोध किया गया है। उक्त के संबंध में क्षेत्रीय अधिकारी, अलीगढ़ के पत्र संo 2912/ NOC–3081/2023 दिनांक 14.02.2023 द्वारा प्रस्तुत आख्या प्राप्त हुई है। आख्या के अनुसार बोर्ड मुख्यालय के पत्र संo–170660 दिनांक 18.01.2023 के द्वारा पर्यावरणीय स्वीकृति के अनुक्रम एवं प्राप्त शिकायतों के कारण स्थापनार्थ सहमति आवेदन को अस्वीकृत कर दिया गया है।

केन्द्रीय प्रदूषण नियंत्रण बोर्ड, नई दिल्ली की Revised Guidelines for Common Bio-medical Waste Treatment Facility के अनुसार–

a) A CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 KM, existing CBWTF in the locality (located within the respective State/UT) may be allowed to cater the healthcare units situated upto 150 KM radius w.r.to its location provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules.

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

क्षेत्रीय अधिकारी, अलीगढ़ की आख्या के अनुसार मैo इण्डो टेक सोल्यूशन (अक्षांश–27.957556 व देशान्तर–78.603814), खसरा संख्या–1161, ग्राम–कुमराना, तहसील व जनपद–कासगंज से शिकायतकर्ता की दूरी मैo पुनःचक्रण प्राइवेo, (अक्षांश–28.277772 व देशान्तर–78.433335), प्लाट नं0–ई–25, 26, यूपीसीडा, औद्योगिक क्षेत्र, बदायूं, सम्पत की सीधी दूरी लगभग–40 कि0मी0 है। शिकायतकर्ता मैo पुनःचक्रण प्राइवेo, प्लाट नं0–ई–25, 26,

TC. 12V Vibhuti Khand,
Gomti Nagar, Lucknow-226010
e-mail: info@uppcb.com
Web Site: www.uppcb.com

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यूपीसीडा, औद्योगिक क्षेत्र, बबराला, सम्भल को बोर्ड मुख्यालय के पत्र सं0–138096 दिनांक 26.04.2022 के माध्यम से स्थापनार्थ सहमति प्रदान की गयी है तथा राज्य स्तरीय पर्यावरणीय संघात मूल्यांकन प्राधिकरण उ0प्र0 के पत्र दिनांक 13.07.2022 के द्वारा पर्यावरणीय स्वीकृति जारी की गयी है।

क्षेत्रीय अधिकारी, अलीगढ़ की आख्या के अनुसार मै0 इण्डो टेक सोल्यूशन, खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज के द्वारा अभी तक उनके कार्यालय में पर्यावरणीय स्वीकृति प्राप्त नहीं करायी गयी है एवं उनके कार्यालय के अभिलेखानुसार जैव चिकित्सा उपचार व्यवस्था के सम्बन्ध में Gap Analysis सम्बन्धी सूचना उपलब्ध नहीं करायी गयी है।

क्षेत्रीय अधिकारी, अलीगढ़ की आख्या के अनुसार मै0 इण्डो टेक सोल्यूशन, खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज के द्वारा सक्षम अधिकारी से प्राप्त भू–उपयोग प्रमाण पत्र उनके कार्यालय में प्राप्त नहीं कराया गया है।

क्षेत्रीय अधिकारी, अलीगढ़ की उपरोक्त प्रस्तारवार आख्या सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु संलग्न कर प्रेषित है।

संलग्नक–उपरोक्तानुसार।

भवदीय

(अजय कुमार शर्मा)
सदस्य सचिव

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क्षेत्रीय कार्यालय, उ0प्र0प्रदूषण नियंत्रण बोर्ड,
जे–1, ज्ञान सरोवर कालोनी, रामघाट रोड, अलीगढ़–202001

पत्रांक : 2912/NOC-3001/2023 दिनांक : 14.02.2023

सेवा में,

मुख्य पर्यावरण अधिकारी (मुख्त–4)
उ0प्र0 प्रदूषण नियन्त्रण बोर्ड,
लखनऊ।

विषय– **Complaint against Common Bio-Medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District-Kasganj, M/s Indo Tech Waste Solution File No. 6191/Proposal No. SIA/UP/Mis/60737/2021 के सम्बन्ध में**

महोदय,

कृपया उपरोक्त विषयक अपने पत्र संख्या–एस87758/सी–4/एन.ओ.सी.–104/23 दिनांक 25.01.2023 का संदर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से निदेशक पुन:चक्रण के प्रत्यावेदन दिनांक 20.11.2022 पर प्रस्तरवार आख्या चाही गयी है। उक्त के अनुपालन में प्रस्तरवार आख्या निम्नवत् है:–

- टिप्पणी की आवश्यकता नहीं है।
- निदेशक मै0 पुन: चक्रण प्रा0लि0, प्लॉट नं.–ई–25,26, यूपीसीडा, औद्योगिक क्षेत्र, बबराला, सम्भल के द्वारा प्रस्तावित कॉमन बॉयो मैडीकल वेस्ट ट्रीटमेन्ट फैसिलिटी मै0 इण्डो टेक सोल्यूशन, खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज की शिकायत की गयी है।
- पूर्व में मै0 इण्डो टेक सोल्यूशन, खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज द्वारा स्थापनार्थ हेतु दिनांक 04.12.2022 को निवेश मित्र व्यवस्था के अन्तर्गत ऑनलाइन स्थापनार्थ सहमति आवेदन प्राप्त हुआ था। बोर्ड मुख्यालय के पत्र संख्या–170660 दिनांक 18.01.2023 के द्वारा पर्यावरणीय स्वीकृति के अभाव एवं प्राप्त शिकायतों के कारण स्थापनार्थ सहमति आवेदन को अस्वीकृत कर दिया गया है। उक्त के बाद इकाई का स्थापनार्थ सहमति आवेदन दिनांक 19.01.2023 को प्राप्त हुआ। उक्त आवेदन पत्र पर वांछित सूचना हेतु दिनांक 23.01.2023 को प्रेक्षा की गयी तथा प्रेक्षा की निर्धारित समयावधि के बाद पर्यावरणीय स्वीकृति अपलोड न किये जाने के कारण क्षेत्रीय कार्यालय, अलीगढ द्वारा स्थापनार्थ सहमति आवेदन पत्र को अस्वीकृत किये जाने की संस्तुति की गयी है (छायाप्रति संलग्न)। वर्तमान में उक्त इकाई का स्थापनार्थ सहमति आवेदन बोर्ड मुख्यालय स्तर पर विचाराधीन है।
- प्रस्तावित कॉमन बॉयो मैडीकल वेस्ट ट्रीटमेन्ट, फैसिलिटी मै0 इण्डो टेक सोल्यूशन (अक्षांश– 27.957868 व देशान्तर–78.608814), खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज से शिकायकर्ता की इकाई मै0 पुन: चक्रण प्रा0लि0, (अक्षांश– 28.277772 व देशान्तर–78.433336) प्लॉट नं.–ई–25,26, यूपीसीडा, औद्योगिक क्षेत्र, बबराला, सम्भल की सीधी दूरी लगभग–40 कि0मी0 है। मै0 पुन: चक्रण प्रा0लि0, प्लॉट नं.–ई–25,26, यूपीसीडा, औद्योगिक क्षेत्र, बबराला, सम्भल को बोर्ड मुख्यालय के पत्र संख्या–138098 दिनांक 20.04.2022 के माध्यम से स्थापनार्थ सहमति प्रदान की गयी है, जबकि मै0 इण्डो टेक सोल्यूशन, खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज का स्थापनार्थ सहमति आवेदन बोर्ड मुख्यालय स्तर लम्बित है।

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- केन्द्रीय प्रदूषण नियन्त्रण बोर्ड, दिल्ली की Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities के अनुसार –

"A CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 KM, existing CBWTF in the locality (located within the respective State/UT) may be allowed to cater the healthcare units situated upto 150 KM radius w.r.to its location provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules"

शिकायतकर्ता की इकाई मै0 पुनः चक्रण प्रा0लि0, प्लॉट नं.–ई–25,26, यूपीसीडा, औद्योगिक क्षेत्र, बवराला, सम्भल से मै0 इण्डो टेक सोल्यूशन खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज की सीधी दूरी लगभग–40 कि0मी0 है।

- कार्यालय अभिलेखानुसार शिकायकर्ता की इकाई मै0 पुनः चक्रण प्रा0लि0, प्लॉट नं.–ई–25,26, यूपीसीडा, औद्योगिक क्षेत्र, बवराला, सम्भल को राज्य स्तरीय पर्यावरणीय संघात मूल्यांकन प्राधिकरण उ0प्र0 के पत्र दिनांक 13.07.2022 के द्वारा पर्यावरणीय स्वीकृति जारी की गयी है तथा मै0 इण्डो टेक सोल्यूशन खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज के द्वारा अभी तक इस कार्यालय में पर्यावरणीय स्वीकृति प्राप्त नही करायी गयी है।
- केन्द्रीय प्रदूषण नियन्त्रण बोर्ड, दिल्ली की Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities में प्रस्तावित जैव चिकित्सा उपचार व्यवस्था के सम्बन्ध में Gap Analysis सम्बन्धी सूचना उपलब्ध कराये जाने हेतु उल्लेखित किया गया है। मै0 इण्डो टेक सोल्यूशन खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज द्वारा कार्यालय अभिलेखानुसार प्रस्तावित जैव चिकित्सा उपचार व्यवस्था के सम्बन्ध में Gap Analysis सम्बन्धी सूचना उपलब्ध नहीं है।
- उक्त इकाई मै0 इण्डो टेक सोल्यूशन खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज के Final Enviormental Impect Assessment Report & Enviromental Management Plan के अनुसार बॉयो मैडीकल वेस्ट का स्टेटस दिनांक 20.01.2020 का दर्शाया गया है, जिसमें निकटतम चार Common Bio-medical Waste Treatment and Disposal Facilities का विवरण दिया गया है, जबकि उक्त Enviormental Impect Assessment Report & Enviromental Management Plan वर्ष–2022 का दर्शाया गया है।
- केन्द्रीय प्रदूषण नियन्त्रण बोर्ड, दिल्ली की Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities के अनुसार

a) A CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 KM, existing CBWTF in the locality (located within the respective State/UT) may be allowed to cater the healthcare units situated upto 150 KM radius w.r.to its location provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules.

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

मे0 इण्डो टेक सोल्यूशन खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज द्वारा कार्यालय अभिलेखानुसार प्रस्तावित जैव चिकित्सा उपचार व्यवस्था के सम्बन्ध में Gap Analysis सम्बन्धी सूचना उपलब्ध नही है, जिस कारण इस बिन्दु पर सूचना देना संभव नही हो पा रहा है।

- कार्यालय अभिलेखानुसार मे0 इण्डो टेक सोल्यूशन खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज के द्वारा सक्षम अधिकारी से प्राप्त भू–उपयोग प्रमाण पत्र इस कार्यालय में प्राप्त नही कराया गया है।
- इस बिन्दु पर क्षेत्रीय कार्यालय, अलीगढ़ के स्तर से कार्यवाही अपेक्षित नही है।

अतोत्तर अवगत कराना है कि पूर्व में मे0 इण्डो टेक सोल्यूशन, खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज का निरीक्षण इस कार्यालय द्वारा दिनांक 23.12.2022 को किया गया था। निरीक्षण आख्या की छायाप्रति संलग्न है।

उक्त आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित है।

संलग्नक : उपरोक्तानुसार।

भवदीय

14/02/23

कृते क्षेत्रीय अधिकारी (प्र0)

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मै0 इण्डोटेक वेस्ट सॉल्यूशन, खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज के स्थापनार्थ सहमति आवेदन पत्र के सम्बन्ध में आख्या।

उपरोक्त इकाई का स्थापनार्थ सहमति पत्र कार्यालय में दिनांक 19.01.2023 को आनलाइन के माध्यम से प्राप्त हुआ। कार्यालय द्वारा आनलाइन वांछित सूचना प्रेषित करने हेतु दिनांक 23.01.2023 को क्लेरीफिकेशन लगाया गया था। इकाई द्वारा राज्य स्तरीय पर्यावरणीय प्रभाव संघात प्राधिकरण, उ0प्र0 से प्राप्त पर्यावरणीय स्वीकृति अपलोड नहीं की गयी है।

उक्त प्रस्तावना को दृष्टिगत रखते हुए इकाई के स्थापनार्थ सहमति आवेदन पत्र को लम्बित न रखते हुए अस्वीकृत किये जाने की संस्तुति सहित आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रस्तुत है।

(जितेन्द्र कुमार शर्मा)	(जितेन्द्र कुमार)	(उपेन्द्र प्रसाद)	(अजय कुमार)	(डॉ0 जे0पी0 सिंह)
प्रयोगशाला सहायक	अनुश्रवण सहायक	अवर अभियन्ता	सह0पर्या0 अभियन्ता	क्षेत्रीय अधिकारी (प्र0)

गुरुग्राम पर्यावरण अधिकारी (ब्लॉक-4) गढ़ैया

मैसर्स : इंडेक वेस्ट साल्यूषन, खसरा संख्या-1161, ग्राम-कुमरौआ, तहसील व जनपद-कासगंज की स्थापेंजा हेतु स्थापनार्थ सहमति आवेदन पर निर्णय लिये जाने के सम्बन्ध मे क्षेत्रीय कार्यालय द्वारा सूचनाओं का संक्षिप्त विवरण एवं आंकलन सम्बन्धित आख्या :

1.	उद्योग का नाम	मैसर्स इण्डोटेक वेस्ट साल्यूशन, खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज
2.	आवेदन की तिथि	04.12.2022
3.	अन्तिम सूचना प्राप्ति की दिनांक	12.12.2022
4.	सर्वेक्षक का नाम	डॉ0 जे0पी0 सिंह, क्षेत्रीय अधिकारी (प्र0) अजय कुमार, सहायक पर्यावरण अभियन्ता उपेन्द्र प्रसाद, अवर अभियन्ता जितेन्द्र कुमार, अनुश्रवण सहायक जितेन्द्र कुमार शर्मा, प्रयोगशाला सहायक
5.	स्थल सर्वेक्षण का दिनांक	23.12.2022
6.	सर्वेक्षण के समय उपस्थित व्यक्ति	श्री चन्द्रजीत सिंह
7.	नयी इकाई कार्यरत इकाई / विस्तारीकरण डायवर्सीफिकेशन / शिफ्टिंग	नई इकाई
8.	प्रोजेक्ट की कुल लागत	लगभग रुपये 1.72 करोड़
9.	लघु, मध्यम या वृहद	लघु
10.	प्रस्तावित स्थल	खसरा संख्या–1161, ग्राम–कुमरौआ, तहसील व जनपद–कासगंज
	• औद्योगिक आवेदन पत्र औद्योगिक क्षेत्र का नक्शा	आवेदन के साथ संलग्न।
	• अन्य	
	1. भू प्रयोग प्रमाण पत्र (धारा 143 जेड.आर.एल.ए.)	आवेदित (छायाप्रति आवेदन के साथ संलग्न है)।
	2. सत्यापित लोकेशन मैप	आवेदन के साथ संलग्न
11.	कार्यस्थल प्रतिबन्धित क्षेत्र आगरा, मथुरा या दूनवर्ती सीमा के अन्तर्गत है या नहीं।	नहीं।
12.	1. निकटतम आबादी की दूरी, दिशा तथा	प्रस्तावित परियोजना के पूरब दिशा मे लगभग–2.5 कि0मी0 दूरी पर ग्राम–भंडोस स्थित है, उत्तर–पूरब दिशा में लगभग–80 मीटर दूरी पर ईंट भट्ठा तत्पश्चात नगला बल्देव लगभग–950 मीटर दूरी पर स्थित है, पश्चिम दिशा में लगभग–1.18 कि0मी0 दूरी पर ग्राम–कुमरौआ स्थित है, उत्तर दिशा लगभग–526 मीटर दूरी पर पेट्रोल पम्प स्थित है तत्पश्चात लगभग–1.11 कि0मी0 दूरी पर ग्राम–पचलाना स्थित है तथा उसी दिशा में लगभग–1.30 कि0मी0 दूरी पर मै0 श्री महीनार सिंह हाईयर सेकेण्ड्री स्कूल, पचलाना स्थित है, दक्षिण दिशा में लगभग–1.22 कि0मी0 पर ईंट भट्ठा स्थित है एवं दक्षिण–पश्चिम दिशा में लगभग–120 कि0मी0 दूरी पर मै0 रामश्री महाविद्यालय, नगला महारी तत्पश्चात् लगभग–1.29 कि0मी0 दूरी पर ग्राम–नगला महारी स्थित है।

13.	1. हाईवे से दूरी	
	2. रेलवे से दूरी	कोई नहीं।
	3. हाईटेन्शन लाइन से दूरी	कोई नहीं।
	4. धार्मिक सामाजिक स्थल, बाग बगीचों से दूरी एवं अन्य विवरण (2 कि.मी. त्रिज्या क्षेत्र में सम्बन्धित से अनापत्ति)	—
14.	1. मुख्य उत्पाद (मात्रा सहित)	ट्रीटमेन्ट एण्ड डिस्पोजल ऑफ बी0एम0डब्लू0–120 टन/माह
	2. सह उत्पाद (मात्रा सहित)	कोई नहीं।
15.	मुख्य कच्चे माल का विवरण (मात्रा सहित)	बायो मेडीकल वेस्ट
16.	उत्पादन तिथि (प्रस्तावित)	31 दिसम्बर, 2025
17.	जल प्रदूषण स्रोत एवं रोकथाम की व्यवस्था लागत सहित	घरेलू उत्प्रवाह निस्तारित किया जाना है, जिसका निस्तारण सैप्टिक/सोकपिट टैंक के माध्यम से किया जाना है एवं औद्योगिक उत्प्रवाह के शुद्धिकरण हेतु 5 कि0ली0/दिन क्षमता का ई0टी0पी0 स्थापित किया जाना प्रस्तावित है।
18.	वायु प्रदूषण स्रोत एवं रोकथाम, चिमनी की ऊँचाई एवं वायु प्रदूषण संयन्त्र का विवरण	भस्मक (Static Dry Incinerator)– 200 किग्रा0/घण्टा, आटोक्लेव (Horizontal Cylindircal Autoclave)– 2500 लीटर/घण्टा या 250 किग्रा0/बैच, श्रेडर (Shredder)– 150 किग्रा0/घण्टा, इफ्ल्यून्ट ट्रीटमेंट प्लाण्ट (Effluent Treatement Plant)–5 किली0/दिन, 1नग डी0जी0 सेट क्षमता–62.5 के0वी0ए0 की स्थापना किया जाना प्रस्तावित है।
19.	हैजार्डस कैमिकल्स के नाम, भण्डारण, हैण्डलिंग उत्पादन आदि। हैजार्डस अपशिष्ट की मात्रा एवं निस्तारण	आवेदन पत्र में दी गयी सूचना के अनुसार ट्रीटमेन्ट एण्ड डिस्टपोजल ऑफ बायो मेडीकल वेस्ट –120 टन/माह
20.	क्राइसिस मैनेजमेंट प्लान/रिअसेसमेंट/सेफ्टी रिपोर्ट	प्रेषित नहीं।
21.	उद्योग एक्शन प्लान के अन्तर्गत है या नहीं।	प्रेषित नहीं।
22.	हरित पाटेटका का प्रस्ताव	प्रेषित नहीं।
23.	शपथ पत्र दिया गया है अथवा नहीं	नहीं।
24.	कार्यरत इकाईयों की अनुपालन आख्या	प्रस्तावित
25.	जिला पर्यावरण समिति की आख्या	आवश्यक नहीं।
26.	प्रस्तावित योजना एवं प्रदूषण नियन्त्रण व्यवस्था के कार्यान्वयन कार्यक्रम।	प्रस्तावित इकाई एक बायो मेडीकल वेस्ट डिस्पोजल एवं ट्रीटमेन्ट से उत्सर्जित फ्लू गैसों के निस्तारण हेतु भूतल से 30 मीटर ऊँची चिमनी की स्थापना किया जाना प्रस्तावित है।
27.	कार्यरत सह इकाई द्वारा जल अधिनियम/वायु अधिनियम, उपकर अधिनियम के अन्तर्गत देय शुल्क के भुगतान की स्थिति	लागू नहीं।
	स्थापनार्थ सहमति शुल्क देयता	प्रस्तावित उद्योग का विनियोजन 01 करोड से 10 करोड

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		के मध्य है। उद्योग द्वारा स्थापनार्थ सहमति मद में रू0 7500=00 जमा किया गया है। आनलाइन जमा स्थापनार्थ सहमति शुल्क विनियोजन के अनुसार रू0 10,000=00 जमा किया जाना था, जिसके सापेक्ष रू0 7500=00 आनलाइन जमा किये गये है, जो अपूर्ण प्रतीत होता है।
	सहमति शुल्क (जल) देयता	लागू नहीं।
	सहमति शुल्क (वायु) देयता	लागू नहीं।
	जल उपकर देयता (प्रेषित बिल के समक्ष)	लागू नहीं।
28.	अन्य विशेष उल्लेख	1. कार्यालय अभिलेखानुसार प्रस्तावित उद्योग की पर्यावरणीय स्वीकृति प्राप्त करने के सम्बन्ध में लोक सुनवाई दिनांक 06.06.2022 को जिलाधिकारी महोदया, कासगंज की अध्यक्षता में सम्पन्न हुई थी। लोक सुनवाई के दौरान उपस्थित जनमानस द्वारा जो भी आपत्तियां/सुझाव दर्ज कराये गये थे एवं इकाई द्वारा प्रस्तावित परियोजना के बारे में जो भी विस्तृत प्रजेन्टेशन दिया गया था। उसके आधार पर आख्या पर्यावरणीय स्वीकृति के सम्बन्ध में निर्णय लिये जाने हेतु सदस्य सचिव महोदय, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ को इस कार्यालय के पत्र संख्या–871 दिनांक 25.06.2022 के माध्यम से समस्त संलग्नकों जैसे–फोटोग्राफ, वीडियोग्राफ एवं समाचार पत्र में प्रकाशन की प्रति के साथ बोर्ड मुख्यालय को प्रेषित किया गया था, जिसके सम्बन्ध में बोर्ड मुख्यालय द्वारा की गयी कार्यवाही/राज्य स्तरीय पर्यावरणीय प्रभाव संघात प्राधिकरण द्वारा पर्यावरणीय स्वीकृति के सम्बन्ध में कोई सूचना कार्यालय में उपलब्ध नहीं है। आवेदक द्वारा कार्यालय में दी गयी सूचना के अनुसार राज्य स्तरीय पर्यावरणीय प्रभाव संघात प्राधिकरण की 670 वी बैठक के प्रेजेन्टेशन की विस्तृत कार्यवृत्ति की प्रति उपलब्ध करायी गयी है, जिसके बिन्दु संख्या–7 पर उक्त प्रस्तावित परियोजना के सम्बन्ध में जारी निर्देशों का विवरण दिया गया है (छायाप्रति संलग्न है)। प्रस्तावित परियोजना के लोक सुनवाई से पूर्व लिखित रूप में इस कार्यालय में दिनांक 27.05.2022 को श्री राजेश कुमार, निदेशक, मै0 पुनः चक्रण प्रा0लि0, प्लाट संख्या–ई–25 व ई–26, औद्योगिक क्षेत्र, तहसील–बबराला, जनपद–सम्भल द्वारा लिखित रूप में अवगत कराया गया था कि मेरा उक्त सी0बी0डब्लू0टी0एफ0 को स्थापना हेतु उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ द्वारा आनलाइन पत्र संख्या–138098 दिनांक 26.04.2022 के माध्यम से स्थापनार्थ सहमति जारी किया गया है, जो प्रस्तावित परियोजना सी0बी0डब्लू0टी0एफ0 खसरा संख्या–1161, ग्राम–कुमरौआ, सोरों, तहसील व जनपद–कासगंज में स्थापित किये जा रहे

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सी0बी0डब्लू0टी0एफ0 से लगभग 40 कि0मी0 की दूरी पर स्थित है, जो नियमानुसार नहीं है। बोर्ड मुख्यालय को प्रेषित पर्यावरणीय स्वीकृति के सम्बन्ध में आयोजित लोक सुनवाई की कार्यवृत्ति की छायाप्रति संलग्न है। निरीक्षण के समय प्रस्तावित स्थल पर स्थापना सम्बन्धी कोई कार्य होता हुआ नहीं पाया गया।

लोक सुनवाई की कार्यवृत्ति दिनांक 25.06.2022 को बोर्ड मुख्यालय प्रेषित किये जाने के उपरान्त मै0 ग्रीन हाउस वेस्ट मैनेजमेन्ट, खसरा संख्या–906/13, मौजा–गडेरी, तहसील व जनपद–मैनपुरी द्वारा की गयी शिकायत कार्यालय आयुक्त महोदय, अलीगढ़ मण्डल, अलीगढ़ द्वारा इस कार्यालय में दिनांक 27.06.2022, प्राप्त हुआ है, जिसमें उल्लेख किया गया है कि सी0बी0डब्लू0टी0एफ0 को पर्यावरणीय स्वीकृति प्रदान न किया जाये।

कार्यालय ग्राम पंचायत, पचलाना, जनपद–कासगंज के ग्राम प्रधान द्वारा उ0प्र0 शासन को प्रेषित पत्र जो कार्यालय जिलाधिकारी, कासगंज के पत्र संख्या–1352 दिनांक 26.08.2022 के माध्यम से कार्यालय को प्रेषित किया गया है, जिसमें ग्राम प्रधान, पचलाना द्वारा विभिन्न समस्याओं को दृष्टिगत रखते हुए प्रस्तावित परियोजना का विरोध किया गया है तथा पर्यावरणीय स्वीकृति न जारी किये जाने का उल्लेख किया गया है, जिसके सम्बन्ध में सूचना कार्यालय के पत्र दिनांक 30.08.2022 के माध्यम से अपर जिलाधिकारी, कासगंज को प्रेषित किया गया है (छायाप्रति संलग्न है)। बोर्ड मुख्यालय के पत्र संख्या–एच81183 दिनांक 14.09.2022 द्वारा प्रस्तावित परियोजना के विरूद्ध में मै0 जे0आर0आर0 वेस्ट मैनेजमेन्ट प्रा0लि0, आगरा द्वारा प्रेषित पत्र की छायाप्रति संलग्न कर आवश्यक कार्यवाही/आख्या उपलब्ध कराये जाने हेतु निर्देशित किया गया है एवं बोर्ड मुख्यालय के पत्र संख्या–एच82378 दिनांक 27.09.2022 जो इस कार्यालय में दिनांक 03.10.2022 को प्राप्त हुआ है के साथ श्री नरेश पाल प्रधान एवं समस्त ग्रामवासी, झावर, तहसील व जनपद–कासगंज द्वारा प्रस्तावित परियोजना के विरोध में की गयी शिकायत की प्रति प्रेषित की गयी है। उक्त समस्त पत्रों को संलग्न कर इस कार्यालय के पत्र दिनांक 21.12.2022 के माध्यम से बोर्ड मुख्यालय को प्रस्तावित परियोजना के सम्बन्ध में पर्यावरणीय स्वीकृति हेतु आयोजित लोक सुनवाई दिनांक 06.06.2022 की कार्यवृत्ति जो इस कार्यालय के पत्र दिनांक 25.06.2022 के माध्यम से बोर्ड मुख्यालय प्रेषित की गयी है, की प्रति संलग्न कर सूचना बोर्ड मुख्यालय को प्रेषित की गयी है। क्योंकि पर्यावरणीय स्वीकृति के सम्बन्ध में निर्णय राज्य स्तरीय पर्यावरणीय प्रभाव आघात प्राधिकरण उ0प्र0 द्वारा ली जानी है।

9.	क्षेत्रीय कार्यालय समिति की संस्तुति	उपरोक्त के परिप्रेक्ष्य में प्रस्तावित सी0बी0डब्लू0टी0एफ0 खसरा संख्या–1161, ग्राम–कुमरौआ, सोरॉ, तहसील व जनपद–कासगंज (अक्षांतर–27.957858 एवं देशान्तर–78608814) द्वारा आनलाइन स्थापनार्थ सहमति के सम्बन्ध में बोर्ड मुख्यालय स्तर से नियमानुसार निर्णय लिये जाने की संस्तुति सहित आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित है।

संलग्नक – उपरोक्तानुसार।

(जितेन्द्र कुमार शर्मा)	(जितेन्द्र कुमार)	(उमेन्द्र प्रसाद)	(अजय कुमार)	(डॉ0 जे0पी0 सिंह)
प्रयोगशाला सहायक	अनुश्रवण सहायक	अवर अभियन्ता	सह0पर्या0अभि0	क्षेत्रीय अधिकारी (प्र0)

मुख्य पर्यावरण अधिकारी (वृत्त–4)

six monthly compliance status will be presented by project proponent before the nominated authority in the District.

7. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
8. 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.

Rest all the content of Environmental Clearance letter no. 514/Parya/SEAC/4367/2018 dated 24.11.2018 shall remain same. Area mentioned in the previous EC is being transferred only. If there is a change in geo-coordinates of the area then EC will be null and void

2. **Proposed Project of Comman Biomedical Waste Management Ficility at Khasra No.-1161, Village- Kumroua, Block- Saron, Tehsil & District- Kasganj, U.P., M/s Indo Tech Waste Solution File no- 6191**

SEIAA noted that the above project was taken in its 689 meeting in which SEIAA opined that the complaint letter of Director Punahchakran dated 30.11.2022 shall be sent to UPPCB for comments and till then issuance of EC granted to the above project be kept on hold. A letter from UPPCB, letter no. 2912/NOC-3061/2023, dated 14.02.2023 has been received. SEIAA opined to refer the letter to SEAC for review/comments.

3. **Proposes of Common Biomedical Waste Treatment Facility at Gata No-, 739, Village- Babhani Tappa Vainiya, Tehsil-Itwa, District-Siddarth Nagar, Uttar Pradesh, M/s Dinesh Kumar Singh Contractor File no- 7367-7132**

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022, SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with general and specific condition adding specific condition as follows:-

1. To install online motoring system of incinerator.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. The unit shall strictly comply with the CPCB guidelines for setting up the Common Bio-Medical Waste Treatment Facility (CBWTF).
4. Proponent shall strictly comply the design criteria for incinerator, autoclave, shedder and all other requirements including bar-coding etc. as per the CPCB guidelines.
5. The unit shall strictly ensure mercury waste management at health care facility as per the CPCB guidelines.
6. The unit shall establish Standard Operating Procedure for waste collection, handling transportation, treatment and disposal as per Biomedical Waste Management Rules 2016.
7. Zero Liquid Discharge (ZLD) status shall be maintained all the time.

AJAY KUMAR SHARMA

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12. Common Bio-Medical Waste Treatment Facility at Village –Kumraua, Block – Soron, Tehsil & District- Kasganj, U.P., M/s Indo Tech Waste Solution., "File No. 6191/ Proposal No. SIA/UP/MIS/60737/2021

The Secretariat informed the committee that the matter was earlier discussed in 696th SEIAA meeting dated 21/02/2023 wherein:

SEIAA noted that the above project was taken in its 689 meeting in which SEIAA opined that the complaint letter of Director Punahchakran dated 30.11.2022 shall be sent to UPPCB for comments and till then issuance of EC granted to the above project be kept on hold. A letter from UPPCB, letter no. 2912/NOC-3061/2023, dated 14.02.2023 has been received. SEIAA opined to refer the letter to SEAC for review/comments.

As per the decision of SEIAA, the matter was listed in 733rd SEAC meeting dated 03/03/2023. The committee has gone through the compliant letter dated 30/11/2022 of M/s Punahchakran Private Limited and UPPCB letter dated 20/02/2023 along with its report and opined that the aforesaid letters is being shared with project proponent with the direction to submit point wise factual reply on the issues raised in above letters. If the reply is received from project proponent then the matter will be listed in next SEAC meeting proposed on 15/03/2023.

13. Integrated Industrial Township "Trans Ganga City" Sankarpur Sarai, Kauhwapur, Manbhauna Villages, District- Unnao Shri Neeraj Khare, M/s Uttar Pradesh State Industrial Development Authority., File No. 7533/7122/ Proposal No. SIA/UP/INFRA2/414041/2023

The consultant informed the committee that they are strictly following the rules, regulations and other instructions of QCI/NABET. A presentation was made by the project proponent along with their consultant M/s Hubert Enviro Care systems (P) Ltd. The committee discussed the matter and directed the project proponent to submit following information:

1. Certified compliance report from IRO, Lucknow, MoEFCC, Govt. of India for the existing environment clearance issued by SEIAA, U.P.
2. Plan for green buffer zone between industrial and other development area.
3. NOC from Irrigation Department regarding the industries proposed in the project.

The matter will be discussed after submission of online information on prescribed portal.

14. "Building Stone (Sand stone) Mining Project" at Arazi No.-1424, Village- Digara, Tehsil & District- Jhansi, Shri Manish Jain, Area 4.04 ha., 7614/SIA/UP/MIN/297313/2023

The project proponent informed the committed that the environmental clearance for the above project was issued by SEIAA, U.P. vide letter no. 1484/Parya/SEAC/2212/2014/AD(H), dated 03/12/2015 for the leased area 4.04 ha and mineable quantity 0.25 MTPA. The project proponent was submitted the revised environmental clearance application to the DEIAA, Jhansi to 01/09/2017 for the change of mineable quantity from 0.25 MTPA to 3,00,000 m3/annum as per mining plan approved by Mining Department and environmental clearance for the above project was issued by DEIAA, Jhansi vide letter no. 82//Parya/DEIAA/2017-18, dated 13/11/2017 for the leased area 4.04 ha (10 acres) and mineable quantity 3,00,000 m3/annum for the period of 11/12/2021.

Directorate of Geology and Mining Department approved the revised mining plan for the remaining lease period i.e. 2022 to 2025 vide letter no. 2022/10/15/155258, dated 13/01/2023 and the mineable quantity is reduced from 3,00,000 m^3/annum to 2,00,000 m^3/annum. The project proponent submit the online amendment application through online Parivesh Portal for the remaining mining lease period and revised quantity on 04/02/2023.

The consultant informed the committee that they are strictly following the rules, regulations and other instructions of QCI/NABET. A presentation was made by the project proponent along with their consultant M/s Environmental Research and Analysis, Lucknow (U.P). The project proponent requested the committee to amend the project proposal as per details given below:

1. On-line proposal No.	SIA/UP/MIN/297313/2023

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INDO TECH WASTE SOLUTIONS

Khasra No.-1161, Village – Kumroua, Block – Saron
Tehsil & District – Kasganj, Uttar Pradesh
Office: Kheri Road Shop No.2, Sector -98, Faridabad, Haryana – 121002
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To
The Chairman
State Level Expert Appraisal Committee -1 (SEAC-1)
State Environment Impact Assessment Authority
Directorate of Environment
Vineet Khand Gomti Nagar Lucknow

Date: 05-03-2023

Reply to the Complaint dated 30-11-2022 submitted by M/s Punahchakran Private Limited a project proponent for CBWTF at BabralaDistrict- Sambhal, UP submitted on 01-12-2022

Reference : Application for setting aside the recommendation to grant environment clearance to M/s Indotech Waste Solution, Common-Bio Medical Waste Treatment Facility at Village- Kumraua, Block- Soron, Tehsil & District- Kasganj. [File No: 6191 and Proposal No: SIA/UP/MIS/60737/2021]

Respected Sir,
With due regards and respect may we have the privilege to submit our reply to the Complaint dated 30-11-2022 submitted by M/s Punahchakran Private Limited a project proponent for CBWTF at Babrala on 01-12-2022 which is addressed to the Member Secretary SEIAA UP.

Nevertheless to mention here that we were granted Environment Clearance on 14-11-2022. On the recommendations of State Level Expert Appraisal Committee for Environment Clearance (SEAC-1) in its 695th Meeting held on 19.10.2022 and same was ratified and accepted by SEIAA in its 670th Meeting held on 14.11.2022, and we were granted the Environment Clearance. And to address the complaint of M/s Punahchakran our case was listed in 689th Meeting of State Level Environment Impact Assessment Authority, UP (SEIAA) held on 10.01.2023 after the gap of 57 days and the issuance of EC to the applicant's project was kept on hold taking cognizance of the highly belated/ back-dated and malafide complaint dated 30.11.2022 by Punahchakran (P) Ltd., after the EC was already granted earlier in time.

The parawise reply to the above cited complaint is as here in under:

Description of compliant	Reply by us
The present complaint is being filed on behalf of M/s Punahchakran Pvt Ltd, through its director Mr. Rajesh Kumar. [Hereinafter referred to as "the applicant The company of the applicant is proposing to set up a common bio-medical waste treatment facility at Plot No. E-25/26 UPSIDC, Industrial Area, Babrala, Tehsil- Gunnour, District- Sambhal, UP and has been duly accorded environment clearance for the same by SEIAA UP bearing EC identification no EC228032UP160005 dated 13.07.2022 [Copy	The application was submitted on 11-08-2021 , 18-02-2022 and 28-03-2022 whereas we applied on 22/01/2021 & 12/02/2021 for Environment Clearance. The genesis of the case are appended as herein below your kind information and clarification please.

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enclosed herewith as Annexure 01]	

Table for important dates to draw your kind attention so as to deliver the natural justice to us.

PARTICULARS	INDO TECH WASTE SOLUTUONS	PUNAHCHAKRAN PRIVATE LIMITED
ONLINE APPLICATION FOR CBWTF	22/01/2021 & 12/02/2021	11/08/2021 [Without allotment and legal right over Land]
TOR APPLICATION/ GRANTED: SEAC SEIAA LETTER ISSUED BY SEIAA	 09/03/2021 21/05/2021 11/06/2021	 NOT HELD NOT HELD STANDARD TOR GRANTED- 17/08/2021 online [Without allotment and legal right over Land]
EIA REPORT	27/11/2021	18/02/2022
PUBLIC HEARING CALL	30/11/2021	NOT APPLICABLE
PUBLIC HEARING DATE (Delayed by Regional Officer by 7 months on some or other pretext)	06/06/2022	NOT APPLICABLE
SUBMISSION OF EC application (Form B)	22/07/2022	18/02/2022
RECOMMENDATION OF EC BY SEAC	19/10/2022	5/04/2022 & 16/06/2022
EC GRANTED BY SEIAA	14/11/2022	05/07/2022
EC CERTIFICATE	NOT UPLOADED	13/07/2022
CONSENT TO ESTABLISH:	19/01/2023 (REJECTED for WANT of EC)	26/04/2022 (ACCEPTED and granted WITHOUT EC)

Description of compliant	Reply by us
The grievance in the present application is regarding a Common Bio-Medical Waste Treatment Facility proposed to be established at Village Kumraua, Block - Soron, Tehsil & District-Kasganj (UP) [Hereinafter referred to as the "said CBWTF"].	We also have the grievances of similar nature which also need to be redressed to deliver the justice and to upheld the law of natural justice.
The said CBWTF, is stated to have been allowed to be set up in contravention of the guidelines for sitting criteria without fulfilling the pre-requisites provided in the "Bio-Medical Waste Management Rules, 2016 and subsequent amendments to it and has	The Environment Clearance granted to us is no where in contravention of any prevailing law of the land and is in compliance to the provisions of the BMW Rules 2016 and Revised Guidelines for CBWTF. Which says that legally introduced

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been recommended for grant of Environment Clearance vide 670th minutes of SEIAA UP meeting held on 14.11 2022. [Copy of minutes enclosed as Annexure 02]	in India. Considering the likely impacts that may cause to the patients undergoing treatment because of operation of the captive treatment equipment within the health care facilities (HCFs), now the Bio-medical Waste Management Rules, 2016 restricts the Occupier (i.e., HCF) for ensuring treatment and disposal of generated bio-medical waste through a CBWTF, located within a distance of 75 KM. Further, these rules eased the bottleneck in upbringing the CBWTF by making department in the business allocation of land assignment in the State or UT administration responsible for providing a suitable site (s) within its jurisdiction. Revised Guidelines for Common Bio-medical Waste Treatment Facilities page 2 And same has been iterated upon by Hon'ble NGT in its many orders. Further it may please be noted that our application for Grant of EC was already under process when M/s Punahchakran Pvt Ltd applied for grant of Clearance. Thence the Grant of Environment clearance for M/s Punahchakran Pvt Ltd need to be reconsidered and rescinded.
The Bio-Medical Waste Management Rules 2016, subsequently amended in 2018, puts an embargo on the establishment of another Bio-Medical Waste Treatment Facility, if a bio-medical waste treatment and disposal facility is available within a distance of 75 Kms. This is the major grievance of the applicant since he has already obtained environment clearance for the establishment of its CBWTF Facility. The CBWTF facility proposed to be developed by M/s Indo tech waste solutions is situated at an aerial distance of approx. 38 kms from the applicant's unit [Google map depicting aerial distance between the applicant's site and the said CBWTF enclosed herewith as Annexure 03]	It is the fact as brought out by the complainant that its an embargo of granting Environment Clearance for establishing of another CBWTF hiding the vary fact the application for Environment Clearance of M/s Indo Tech Waste Solution is already under process and consideration for Grant of Environment Clearance before the competent authority which is located just with in the radius of 38 kms from the proposal of M/s Punahchakran Pvt Ltd. Therefore our case for Grant of Environment Clearance is in accordance with the law frame and does not violate or contravene any provisions of the BMW Rules 2016 and Revised CPCB guidelines. Whereas the consideration of the case of M/s Punahchakran is in Contravention and violation of the provisions of BMW Rules

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	2016 and revised CPCB Guidelines. And need to be reconsidered for grant of Environment Clearance.
The impugned Environment Clearance issued to M/s Indo tech waste solutions is liable to be set aside since there has been an active concealment of material facts by the said CBWTF in the EIA report and affidavit submitted for appraisal before the Hon'ble SEAC and SEIAA UP. The proponent M/s Indo Tech Waste Solutions has categorically denied the presence of any bio-medical waste treatment facility in its 75 km radius in the TOR Compliance embodied in the EIA report. Furthermore, M/s Indo Tech Waste Solution has in the reply to query raised in the minutes of meeting of SEAC-1 dated 07.09.2022 again misled the authorities by furnishing the incorrect factual data regarding the existing and proposed bio-medical waste facility in the 75 kms radius. In its letter dated 24.09.2022 addressed to member secretary SEIAA, UP in response of query generated by the 683 Minutes of SEAC-I, the said CBWTF stands in clear denial of the fact of presence of the bio-medical facility of the applicant. It is worth mentioning that the unit of applicant has been accorded environment clearance on 13.07.2022 while the said CBWTF unit has made its EIA application on 01.08.2022 and this clearly establishes the wilful concealment of the fact of acknowledgment of the applicant's CBWTF unit. (Copy of letter enclosed as Annexure 04)	**That the impugned Environment Clearance Granted to M/s Punahachakran Pvt Ltd Babrala is liable to be set aside as this is contravention of the BMW Rules 2016 and Revised CPCB Guidelines. Since the distance in between our proposed site (an application for grant of Environment Clearance was already in process since 07 Months ahead) and the Site of M/s Punahchakran Pvt Ltd is merely 38 kms and this vary fact was hidden by M/s Punahchakran Pvt Ltd while submitting its application and Gap analysis with mala fide intention to conceal the fact willfully to mislead the SEIAA and SEAC for unlawful gain and favour.** **Where as we have submitted the bed's Data based upon the Data of UPPCB dated 21-02-2020 and shall be treated as Gap Analysis. The same Gap Analysis has been submitted by UPPCB before the Honourable NGT.** **Further more it may be iterated upon that we have mentioned about only the CBWTFs in operation at the time of submitting our application i.e 22/01/2021 & 12/02/2021 and whereas M/s Punahchakran Pvt Ltd submitted its application on 11/08/2021. As none can assume before 07 months that some other also will pop up in and apply for Environment Clearance by hiding the facts and misleading the authorities for unlawful gain and favour. Therefore this allegation is totally false with malice, that we have denied the presence of the proposal of M/s Punahchakran Pvt Ltd as it was nowhere in picture when we submitted application for Environment Clearance. M/s Punahchakran Pvt Ltd has willful concealed the vary fact of our application**
Furthermore, under the guidelines issued by Central Pollution Control Board (CPCB), the prescribed authority is required to conduct a gap analysis and action plan is to be prepared by it for the establishment of new CBWTFs in case of grant of authorization for the purposes of generation, reception, transportation, storage, treatment, processing disposal of Bio medical waste in accordance with the rules and guidelines issued by the CPCB. The impugned	

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environment clearance has been recommended without resorting to the regulatory procedure in respect of selection of site as mandated under the Rule 17 of Common Bio-Medical Waste and Management Rule, 2016 and subsequent amendments thereof.	for EC which was under process and was 07 months ahead while submitting its application for Grant of Environment Clearance and the similar concealment was also done in the gap analysis also. Hence M/s Punahchakran Pvt Ltd is to held the guilty of willful concealment of the facts to mislead the authority for unwarranted, unlawful favour and gain. Therefore the impugned Environment Clearance granted to M/s Punahchakran Pvt Ltd is in violation of Rule 17 of the BMW Rules 2016 as it has been recommended without resorting to the regulatory procedure in respect of selection of site as mandated under the Rule 17 of Bio-Medical Waste Management Rule, 2016 and subsequent amendments thereof and Revise CPCB Bguidelines for5 CBWTF. On the false and concealed facts.
The impugned Environment Clearance is also violative of the MoEFCC OM dated 01.04.2022 (Copy of the OM enclosed as Annexure 5)The said OM has been issued to the member secretary, CPCB, UPPCB and chairman SEIAA, UP wherein it strictly emphasized to follow the provisions stipulated under the Bio-Medical Waste Management Rules, 2016 and revised CPCB guidelines while giving clearance to Common Bio-Medical Waste Treatment Facility (CBWTF) through gap-analysis particularly in the state of Uttar Pradesh. However, the said CBWTF proposed to be established by M/s Indo Tech Waste Solution stands in clear violation of the said OM since the gap-analysis has never been conducted in the requisite and prescribed format as directed by the MOEFCC OM dated 01.04.2022	**All the provisions of BMW Rules 2016 and Revised guidelines for CBWTF have been honoured and followed in our case whereas in the case of M/s Punahchakran Pvt Ltd Babrala the provisions of BMW Rules 2016 and Revised Guidelines have been flouted at various points . The Gap Analysis submitted by us was submitted based upon the data of UPPCB dated 27-02-2020.** **The application was submitted for Environment Clearance by M/s Punahchakran Pvt Ltd 07 months later to the application of our application hence as per provisions of BMW have been flouted by M/s Punahchakran Pvt Ltd while selecting the site within 38 Kms radius form our proposed sites. Further while preparing the gap analysis for M/s Punahchakran Pvt Ltd our name is hidden categorically and willfully for unlawful gain.**
The Indo Tech waste Solution has furnished the authorities with the UPPCB Report on Bio Medical waste status as on 20.01.2020 which as on date holds no relevance since	Since we submitted our application for grant of Environment Clearance on 22/01/2021 & 12/02/2021 therefore we were to rely upon the data of the UPPCB

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the application of 'precautionary principle of environmental law should be applied and the evaluation should be made on the basis of relevant data and not the old database.	submitted as on 21-02-2020 and since than the Health care industry has phenomenal growth of 25% and further it will continue to attain the growth thus the base data of UPPCB still has relevance as the number of beds have also increased since than and the ambit of the BMW has also been widen by the regulatory authority as provisioned in BMW Rules 2016.
That it is also noteworthy that the guidelines issued by CPCB also deals with coverage area of CBWTFS for the purpose of establishment wherein it has been formulated that it is incumbent upon the prescribed authority that if the existing treatment capacity is not adequate in the coverage area of CBWTF already established under 1998 rules only in those cases if 10000 bed capacity is exceeding in that locality health care facilities, in such a case a new CBWTF may be allowed in order to meet the requirement of bed capacity exceeding 10000 in number health care facility but not otherwise and thus the recommendation to grant environment clearance to the said CBWTF is unsustainable. The plea to rescind the impugned environment clearance is also tenable on the ground that the land use of the CBWTF proposed to be established by M/s Indo Tech waste Solutions is not consistent with the surroundings.	Since the site selection of M/s Punahchakran Pvt Ltd is in contravention of the provisions of BMW rules 2016 and on the false an fabricated facts by concealing the vary facts of existence of our proposal which 07 months ahead and already under process of Grant of Environment Clearance. And at the time of application as per records there was no CBWTF located or proposed within the radius of 75 Kms and number of beds was 49888. And as per the gap analysis submitted by M/s Punahchakran Pvt Ltd the number of Beds are 35022 where as in gap analysis submitted by M/s Punahchakran the number of beds have been shown as 27099. Therefore our plea to rescind the Impugned Environment Clearance Granted to M/s Punahchakran Pvt Ltd is tenable on various grounds which are false and fabricated for unlawful gain. The truth will be revealed and unerathend if the documents submitted by M/s Punahchakran Pvt Ltd are inspected , investigated and verified by an Independent committee to ascertain the facts as brought out in the table above. Further we have already submitted our application for Change of Land use which has been put on hold by us as our Environment Clearance was put on hold. We assure that we shall submit the Change of Land Use within 1 month time form the grant of Environment Clearance. **It also become pertinent to mention here**

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	that the Change of project in the case of M/s Punhachakrna has been done after Grant of Environment Clearance which is in contravention to the rules. Therefore the Environment Clearance granted to M/s Punahchakran is tenable for rescind as it is totally based upon the false and fabricated facts.
The applicant has made a significant capital investment in its project situated at Babrala, Industrial Area of Uttar Pradesh and also if the CBWTF of M/s Indo Tech Waste Solution is allowed then it would lead to proliferation of waste treatment technologies and would in turn cause adverse impact on the environment. In view of the facts and circumstances, mentioned here in above, it is most respectfully prayed that your goodself may kindly be pleased to rescind the environment clearance sought by M/s Indo Tech Waste Solution which stands in violation of the guidelines issued time to time by CPCB in conformity with the provisions of relevant rules of Bio-Medical Waste Management 2016, subsequently amended in 2018.	The vary fact is that M/s Punahchakran has made an investment for installation of an industrial unit for Fabrication of ETP/STP/WP not for the installation of CBWTF which may be verified from the original allotment letter of UPSIDA for allotment of land and has submitted false and forged documents to mislead the authority for unlawful gain and favour. Therefore in view of the facts as brought out the Environment Clearance granted to M/s Punahchakran Pvt Ltd is not only tenable to be rescinded but ab intio void and invalid as it been obtained on the false and fabricated truths and this contributes to conspiracy to commit an criminal act of misleading the government authority for unlawful gain by submitting the false and fabricating documents. **(The documents are in public domain http://environmentclearance.nic.in/) and original documents of allottment of land can be had from UPSIDA.** And same has been established in an enquiry held at the office of the Additional Chief Secretary Environment and Forest Govt of UP.

Therefore in the view of the facts brought out here in above the Environment Clearance granted to M/s Punahchakran is tenable to rescind as it is void and invalid ab intio being obtained on the false , forged and fabricated truths and this contributes to conspiracy to commit criminal act of misleading the government authority for unlawful gain an favour by submitting the false, forge and fabricating documents.

Further as the letter of environment clearance was delayed beyond the prescribed time limit of 15 days from the Grant Environment Clearance I.e 14-11-2021 on some or other pretext. We made numerous representation before SEIAA but our requests were fallen on deaf ears

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and thus we were per force to approach Honourable Additional Chief Secretary (Environment) for the justice .

The Honourable Additional Chief Secretary (Environment) was pleased to establish a committee headed by Special Secretary (Environment) to inquest into the matter and deliver the justice to the aggrieved.
In the enquiry it has established that M/s Punahchakran Pvt Ltd is the guilty of submitting false and forged documents and wilfully concealed the facts and misled the Govt Authorities for unlawful gain and favour.

Therefore , you are requested not only to rescind the Environment Clearance Granted to M/s Punahchakran Pvt Ltd but also to initiate legal proceedings for misleading the Govt authorities resulting in loss of manpower and time as deemed fit

This is submitted for your kind information and further necessary action to reinstate the Environment Clearance granted to us.

Thanking You
With Regards

INDO TECH WASTE SOLUTION

Rathan Kumar
Indotech Waste Solutions

Copy to : The Member Secretary SEIAA, Directorate of Environment Vineet Khand, Gomti Nagar,Lucknow, Uttar Pradesh

(181) 181

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सेवा में

दिनांक : 05-03-2023

अध्यक्ष

राज्य स्तरीय पर्यावरण आंकलन समिति उत्तर प्रदेश

पर्यावरण निदेशालय विनीत खंड -1 गोमती नगर लखनऊ 226010

Complaint against Common Bio Medical Waste Treatment Facility at Village Kumraua Block -Soron Teh & Distt Kasganj M/s Indotech Waste Solution File No. 6191/Proposal no. SIA/UP/MIS/ 60737/2021 के सम्बन्ध में

आदरणीय महोदय,

कृपया सददस्य सचिव उत्तर प्रदेश प्रदूषण नियंत्रण बॉर्ड के सदस्य सचिव महोदय के पत्र G 40218/C -4/NOC -104/2023 दिनांक 20-02-2023 का पत्र जो उप निदेशक/नोडल अधिकारी एस० ई० आई० ए० ए० पर्यावरण निदेशालय को संबोधित है , का संदर्भ ग्रहण करने का कष्ट करें। संदर्भित पत्र को दिनांक 03 -03-2023 को संपन्न हुई बैठक में हमारे साथ साझा किया गया था।

उक्त के सम्बन्ध में वांछित हमारी आख्या निम्नवत है।

कृपया उपरोक्त विषयक अपने पत्र सं0 1137 / पर्या0/ सामान्य / 2022 दिनांक 18.01.2023 का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा डायरेक्टर मै० पुनःचक्रण प्रा०लि०, बबराला, सम्भल के पत्र दिनांक 30.11.2022 के अनुक्रम में आवश्यक कार्यवाही कराने का अनुरोध किया गया है। उक्त के संबंध में क्षेत्रीय अधिकारी, अलीगढ़ के पत्र सं0 2912/ NOC-3061 / 2023 दिनांक 14:02:2023 द्वारा प्रस्तरवार आख्या प्राप्त हुई है। आख्या के अनुसार बोर्ड मुख्यालय के पत्र सं0-170660 दिनांक 18.01.2023 के द्वारा पर्यावरणीय स्वीकृति के अभाव एवं प्राप्त शिकायतों के कारण स्थापनार्थ सहमति आवेदन को अस्वीकृत कर दिया गया है।	आपका ध्यान इस ओर आकृष्ट कराना अति आवश्यक एवं समीचीन हो जाता है कि मैसर्स इन्डो टेक वेस्ट सोलूशन्स कासगंज को 19/10/2022 को, SEAC-1 द्वारा अपनी 695वीं बैठक में पर्यावरण स्वीकृति (EC) के लिए अनुमोदन किया गया था जिसे मानते हुए SEIAA के द्वारा 14.11.2022 को आयोजित 670 वीं बैठक में पर्यावरण स्वीकृति (EC)प्रदान की गई थी। परन्तु बड़े ही खेद का विषय है मैसर्स इंडो टेक वेस्ट सॉल्यूशन को SEIAA के द्वारा पर्यवरण स्वीकृति (EC)प्रदान करने के उपरांत भी आज दिनांक तक 105 दिन व्यतीत हो जाने पर भी पर्यवरण स्वीकृति का पत्र निर्गत नहीं किया गया है। जिसका कारण मात्र सम्बंधित अधिकारीयों को ही पता है। और हमारे द्वारा विहित नियमों के आधार पर पर्यावरणीय स्वीकृति को दिया जाना माना जाता है (deemed to be granted) मानकर SEIAA के द्वारा दिए गए अनुमोदन को संलग्न कर

DD(D) SC 10.3.23 DDA(S) 10/3/23

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	स्थापनार्थ सहमति हेतु आवेदन किया गया था अतः यह कहना कि पर्यावरणीय स्वीकृति के अभाव में स्थापनार्थ सहमति के अस्वीकार कर दिया गया है अनौचित्यपूर्ण है। यहाँ यह भी ध्यातव्य है कि मैसर्स पुनःचक्रण ही नहीं अपितु सभी CBWTFs को बिना पर्यावरणीय स्वीकृति के ही स्थापनार्थ सहमति प्रदान की गयी है। जहाँ तक शिकायतों का सम्बन्ध है हमारे द्वारा जन सुनवाई में प्राप्त सभी शिकायतों का निराकरण स्थल पर ही कर दिया गया था। तथा JRR वेस्ट मैनेजमेंट प्रा लि एवं ग्राम प्रधान पचलाना की शिकायत का बिंदुवार उत्तर आपके कार्यालय में जमा कर दिया गया था। अतः अब शिकायतों का कोई औचित्य प्रतीत होता है।
केन्द्रीय प्रदूषण नियंत्रण बोर्ड, नई दिल्ली की Revised Guidelines for Common Bio-medical Waste Treatment Facility अनुसार- a) A CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 KM, existing CBWTF in the locality (located within the respective State / UT) may be allowed to cater the healthcare units situated upto 150 KM radius w.r.to its location provided the bio- medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules. b). In case, number of beds is exceeding >10,000 beds in a locality (ie, coverage area of the CBWTF under reference) and the existing treatment capacity is not adequate, in such a case, a new CBWTF may be allowed in such a locality in compliance to various provisions notified under the Environment Protection) Act, 1986, to cater services only to such	यह सत्य है कि CPCB के द्वारा निर्गत दिशा निर्देशों के अनुसार 75 किलोमीटर की त्रिज्या में 10000 बेड्स तक मात्र एक ही CBWTF स्थापित होनी चाहिए। हमारे द्वारा CPCB द्वारा निर्गत दिशा निर्देशों का दूरी सम्बंधित अथवा अन्य किसी भी प्राविधान का उल्लंघन नहीं किया गया है। इस विषय में आपका ध्यान यहाँ पर दिया गया तुलनात्मक चार्ट के माध्यम से आकृष्ट करना उचित होगा जिसमें स्पष्ट है कि हमारे द्वारा मैसर्स पुनर्चक्रण प्रा लि से 07 माह पूर्व ही पर्यावरणीय स्वीकृत हेतु आवेदन किया गया था मैसर्स पुनःचक्रण के द्वारा इस तथ्य को जानबूझकर छुपाया गया तथा मैसर्स पुनर्चक्रण प्रा लि के पर्यावरणीय स्वीकृति के आवेदन के मूल्याङ्कन के समय किन्ही कारणों से अनदेखा किया गया। आपको यह भी अवगत करना उचित होगा कि मैसर्स पुनर्चक्रण प्रा लि के द्वारा जमा किये गए भूमि आवंटन के कूट रचित दस्तावेजों के आधार पर तथा बिना भूमि आवंटन के ही पर्यावरणीय स्वीकृति प्रदान कर दी गयी।

INDO TECH WASTE SOLUTIONS

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additional bed strength of the HCFs located. क्षेत्रीय अधिकारी, अलीगढ़ की आख्या के अनुसार मै० इण्डो टेक सोल्यूशन (अक्षांश-27957858 व देशान्तर-178.608814), खसरा संख्या-1181 ग्राम कुमरौआ, तहसील व जनपद-कासगंज से शिकायतकर्ता की इकाई मै० पुनःचक्रण प्रा०लि०, (अक्षांश 28.277772 व देशान्तर 78.433335), प्लाट नं0-ई-25, 26, यूपीसीडा, औद्योगिक क्षेत्र, बबराला, सम्भल की सीधी दूरी लगभग 40 कि०मी० है। शिकायतकर्ता मै० पुन चक्रण प्रा०लि०, प्लाट नं0-ई-25, 26, यूपीसीडा, औद्योगिक क्षेत्र, बबराला, सम्भल को बोर्ड मुख्यालय के पत्र सं0-138098 दिनांक 26.04.2022 के माध्यम से स्थापनार्थ सहमति प्रदान की गयी है तथा राज्य स्तरीय पर्यावरणीय संघात मूल्यांकन प्राधिकरण उ0प्र0 के पत्र दिनांक 13.07.2022 के द्वारा पर्यावरणीय स्वीकृति जारी की गयी है।	अतः मैसर्स पुनर्चक्रण प्रा लि को दी गयी पर्यावरणीय स्वीकृति पर पुनर्विचार करते हुए नियमों अधीन उचित निर्णय लिया जाना चाहिए। तथा मैसर्स पुनर्चक्रण प्रा लि को जारी नियम विरुद्ध पर्यावरणीय स्वीकृति को अमान्य घोषित किया जाय और हमारी CBWTF के लिए स्वीकृत पर्यावरणीय स्वीकृति पर लगी अनावश्यक रोक को हटाते हुए पर्यावरणीय स्वीकृति को जारी किया जाय।

PARTICULARS	INDO TECH WASTE SOLUTUONS	PUNAHCHAKRAN PRIVATE LIMITED
ONLINE APPLICATION FOR CBWTF	22/01/2021 & 12/02/2021	11/08/2021 [Without allotment and legal right over Land]
TOR APPLICATION/ GRANTED: SEAC SEIAA LETTER ISSUED BY SEIAA	 09/03/2021 21/05/2021 11/06/2021	 NOT HELD NOT HELD STANDARD TOR GRANTED-17/08/2021 online [Without allotment and legal right over Land]
EIA REPORT	27/11/2021	18/02/2022
PUBLIC HEARING CALL	30/11/2021	NOT APPLICABLE
PUBLIC HEARING DATE	06/06/2022	NOT APPLICABLE

INDO TECH WASTE SOLUTION

INDO TECH WASTE SOLUTIONS

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(Delayed by Regional Officer by 7 months on some or other pretext)		
SUBMISSION OF EC application (Form B)	22/07/2022	18/02/2022
RECOMMENDATION OF EC BY SEAC	19/10/2022	5/04/2022 & 16/06/2022
EC GRANTED BY SEIAA	14/11/2022	05/07/2022
EC CERTIFICATE	NOT UPLOADED	13/07/2022
CONSENT TO ESTABLISH:	19/01/2023 (REJECTED for WANT of EC)	26/04/2022 (ACCEPTED and granted WITHOUT EC)

क्षेत्रीय अधिकारी, अलीगढ़ की आख्या के अनुसार मै० इण्डो टेक सोल्यूशन, खसरा संख्या-1161, ग्राम - कुमरौआ. तहसील व जनपद-कासगंज के द्वारा अभी तक उनके कार्यालय में पर्यावरणीय स्वीकृति प्राप्त नहीं करायी गयी है एवं उनके कार्यालय के अभिलेखानुसार जैव चिकित्सा उपचार व्यवस्था के सम्बन्ध में Gap Analysis सम्बन्धी सूचना उपलब्ध नहीं करायी गयी है।	हमारे द्वारा उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड के द्वारा जारी 21 -02 -2020 की रिपोर्ट जो कि तत्कालीन नोडल अधिकारी द्वारा माननीय NGT में दाखिल किया के आधार पर Gap analysis प्रस्तुत किया है अतः यह कहना उचित नहीं होगा कि हमारे द्वारा Gap analysis प्रस्तुत नहीं किया गया है। तथा समस्त सूचनाएँ EIA Report में उपलब्ध हैं जो क्षेत्रीय कार्यालय अलीगढ को पूर्व में ही उपलब्ध कराई जा चुकी है। हमारे द्वारा विहित नियमों के आधार पर पर्यावरणीय स्वीकृति को दिया जाना माना जाता है (deemed to be granted) मानकर SEIAA के द्वारा दिए गए अनुमोदन को संलग्न कर स्थापनार्थ सहमति हेतु आवेदन किया गया था । पर्यावरणीय स्वीकृति स्वीकृत एवं प्रत्याशित थी जो अनजान अभी तक अनावश्यक रूप से लंबित किया गया है।
क्षेत्रीय अधिकारी, अलीगढ़ की आख्या के अनुसार मै० इण्डो टेक सोल्यूशन, खसरा संख्या-1161, ग्राम - कुमरौआ, तहसील व जनपद-कासगंज के द्वारा सक्षम अधिकारी से प्राप्त भू-उपयोग प्रमाण पत्र उनके	हमारे द्वारा भू उपयोग परिवर्तन हेतु आवेदन कर दिया गया था तथा सक्षम अधिकारी के समक्ष विचाराधीन जिसे हमारे द्वारा ही स्वीकृत पर्यावरणीय स्वीकृति के लंबित होने के कारण ही

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कार्यालय में प्राप्त नहीं कराया गया है।	रुकवाया गया है। हम आश्वस्त करते हैं कि 1 माह के अंदर परिवर्तित भू उपयोग का प्रमाण पत्र आपके कार्यालय में जमा करा दिया जायेगा। इस सम्बन्ध में हमारे द्वारा लिखित रूप में अपने स्पष्टीकरण में क्षेत्रीय अधिकारी को अवगत कराया गया था।

आपके संज्ञानार्थ एवं अग्रिम कार्यवाही हेतु सादर प्रेषित।

INDO TECH WASTE SOLUTIONS

चंद्रजीत सिंह रमण कुमार

मैसर्स इंडो टेक वेस्ट सोल्यूशन्स

Minutes of 735th SEAC-1 Meeting Dated 15/03/2023

The 735th meeting of SEAC-1 was held in the Directorate of Environment, U.P. through dual-mode (physically/virtually) at 10:00 AM on 15/03/2023. Following members participated in the meeting:

1.	Shri Rajive Kumar,	Chairman, SEAC
2.	Dr. Ratan Kar,	Member, SEAC-1
3.	Shri Om Prakash Srivastava,	Member, SEAC-1 (through VC)
4.	Dr. Brij Bihari Awasthi,	Member, SEAC-1 (through VC)
5.	Shri Umesh Chandra Sharma,	Member, SEAC-1 (through VC)
6.	Dr. S.K. Goyal,	Representative of NEERI
7.	Shri Ashish Tiwari,	Member-Secretary, SEAC-1

The Chairman welcomed the members to the 735th SEAC-1 meeting which was conducted via dual-mode (virtually/physically). Nodal Officer, SEAC-1 informed the committee that the agenda has been approved by the Member Secretary, SEAC-1/Director Environment. Nodal Officer, SEAC-1 placed the agenda items along with the available file and documents before the SEAC-1.

1. "Building Stone (Granite Khanda, Boulder, Ballast (Gitti))" Project at Gata No.- 93 (Khand No.- 14), Village- Bari, Tehsil- Mahoba, District- Mahoba, Shri Anshit Mishra, Area : 1.012 ha, File No. 7630/Proposal No. SIA/UP/MIN/417427/2023

The consultant informed the committee that they are strictly following the rules, regulations and other instructions of QCI/NABET. A presentation was made by the project proponent along with their consultant M/s Paramarsh (Servicing Environment and Development), Lucknow, U.P. Based on the documents submitted and presentation made by the project proponent along with the consultant, the following facts have emerged: -

1. The terms of reference is sought for Building Stone (Granite Khanda, Boulder, Ballast (Gitti)) Mining at Gata No.- 93 (Khand No.- 14), Village- Bari, Tehsil- Mahoba, District- Mahoba, U.P. (Leased Area- 1.012 ha.).
2. Salient features of the project as submitted by the project proponent:

1.	On-line proposal No.	SIA/UP/MIN/417427/2023		
2.	File No. allotted by SEIAA, UP	7630		
3.	Name of Proponent	Shri Anshit Mishra S/o Shri Rakesh Kumar Mishra		
4.	Full correspondence address of proponent	R/o- 2A/200 Ganesh Apartment, Azad Nagar, Nawabganj, District- Kanpur, U.P.		
5.	Name of Project	Building Stone (Granite Khanda, Boulder, Ballast (Gitti)) Mining Project		
6.	Project location (Plot/ Khasra /Gata No.)	Gata No.- 93 (Khand No.- 14)		
7.	Name of Village	Bari		
8.	Tehsil	Mahoba		
9.	District	Mahoba		
10.	Name of Minor Mineral	Building Stone (Granite Khanda, Boulder, Ballast (Gitti))		
11.	Sanctioned Lease Area (in Ha.)	1.012 ha.		
12.	Max. & Min mRL within lease area	186 mRL- 164 mRL		
13.	Pillar Coordinates(Verified by DMO)	Pillars	Latitude (N)	Longitude (E)
		A	25° 24' 52.38"N	79° 55' 05.94"E
		B	25° 24' 50.90"N	79° 55' 07.76"E
		C	25° 24' 49.74"N	79° 55' 06.98"E
		D	25° 24' 49.55"N	79° 55' 07.35"E
		E	25° 24' 47.16"N	79° 55' 05.06"E
		F	25° 24' 47.50"N	79° 55' 02.93"E

14.	Total Geological Reserves	951615 m^3
15.	Total Mineable Reserves	202047 m^3
16.	Total Proposed Production (in five year)	161920 m^3
17.	Proposed Production / year	32384 m^3
18.	Sanctioned Period of Mine lease	10 Years
19.	Method of Mining	Opencast Semi-Mechanized
20.	No.Of workers	37 (approx.)
21.	Type of Land	Govt. revenue land
22.	Ultimate Depth of Mining	6 meter bgl (average)
23.	Nearest metalled road from site	300m
24.	Water Requirement	PURPOSE / REQUIREMENT (KLD) Drinking & Others: 0.40 Suppression of dust: 1.80 Plantation: 2.00 Others(if any): ------ Total: 4.20
25.	Name of QCI Accredited Consultant with QCI No and period of validity.	M/s Paramarsh (Servicing Environment and Development), Lucknow, U.P. QCI/NABET/EIA/2124/RA0224, Validity-01/05/2024
26.	Any litigation pending against the project or land in any court	No
27.	Details of 500 m Cluster certificate Verified by Mining Officer	DMO, Mahoba vide Letter No. 2756/Khanij-30/2022-23, Dated 11th January, 2023
28.	Details of Lease Area in approved DSR	DSR at Page No.-87, S.No.- 101
29.	Proposed CER cost	1.40 Lakh
30.	Proposed EMP cost	13.80 Lakh
31.	Length and breadth of Haul Road.	Length- 300m, Width- more than 6.0 m
32.	No. of Trees to be Planted	2000

3. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
4. This project does not attract any of the general conditions applicable on mining projects specified in EIA Notification 14/09/2006.
5. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
6. There is no litigation pending in any court regarding this project.
7. The project proposal falls under category–1(a) of EIA Notification, 2006 (as amended).

The consultant (EIA Coordinator) also submitted an affidavit dated 02/02/2023 mentioning is as follows:

1. I, Pankaj Srivastava S/o Sri V.V. Srivastava am EIA Coordinator of Paramarsh Servicing Environment and Development.
2. I will prepared EIA report for EC in the name of Shri Anshit Mishra S/o Shri Rakesh Kumar Mishra, for the "Building Stone (Granite Khanda, Boulder, Bailast (Gitti))" Project at Araji No.-93 (Khand No.- 14), Village- Bari, Tehsil- Mahoba, District- Mahoba, U.P. (Applied Area : 1.012 ha.) with my team.
3. I have personally visited the site of proposal and certify that no Mining activity has been undertaken on the project site for the present proposal.
4. I am satisfied with that all the necessary data/information submitted along with EIA are true and correct.
5. I certify that this project proposal has been uploaded for the first time on Parivesh Portal.
6. I certify that there is no mismatch between information/data provided on the online application submitted on Parivash Portal and hard copy which is submitted after acceptance of application.

7. I state that all the TOR Points will be complied and all the issues raised during Public Hearing will be properly addressed in EIA report.
8. The EIA report for the Proposal will be prepared by my team as per guideline laid down by QCI/NABET.

RESOLUTION AGAINST AGENDA NO. 01

The committee discussed the matter and recommended to issue the standard terms of reference for the preparation of EIA as annexed at annexure-2 to the minutes. The committee also stipulated following additional TOR Points:

Additional TOR:

1. To ensure proper monitoring, the project proponent/consultant should provide evidence in form of (A) Raw Data (B) Logbook of their site visit along with activities carried out during monitoring (C) Real time photographs showing monitoring machine, public, lab person etc. Proprietor/proprietor representative should be present at the time of monitoring and monitoring should be conducted as per CPCB SOP/NABET/QCI guidelines. Lab responsible person should be present at the time of EIA presentation.
2. EIA coordinator & FAE should give a photo affidavit during EIA presentation that they have personally visited the site & they have also taken all the mitigating measures for any critical issues involved in the project.
3. The project proponent will have to inform the schedule of monitoring/data collection programme to the SEIAA, UP before start of data collection. In case of failure, the collected baseline monitoring data will be treated as null and void.
4. The details of equipment used for baseline monitoring alongwith its photograph mentioning date, time and geo coordinates for preparation of EIA report should be clearly displayed to the people present during public hearing and the complete details related to monitoring period must be mentioned in the minutes of public hearing.
5. Original lab analysis report of the project proposal along with EIA report should be uploaded on Parivesh Portal.
6. Combined KML of all mines in a cluster should be submitted at the time of EIA.
7. The project proponent/Consultant should identify the core & buffer zone (2.5 km) of the mining site.
8. Agreement/ Consent between project proponent and competent authority/ landowner for haulage road from lease site to link road to be submitted at the time of EIA presentation.
9. Proponent/Consultant should submit the plan/information along with technology (photographs of water sprinklers/ tankers) to be implemented for mitigating dust at source points in lease area and haulage road during operation activity/vehicular movement. Technology should be displayed at the time of EIA presentation.
10. Proposed plantation plan with area specific plant species, number of plants to be planted and place of plantation along with a proper map to be submitted at the time of EIA presentation.
11. Water requirement details along with source of water and the permission/ agreement with the concerning authority/ person to be submitted at the time of EIA presentation.
12. Proponent/consultant shall present TOR specific/additional conditions compliance, observation/suggestions raised during the public hearing and commitment made by the project proponent in a tabular form with a time bound plan at the time of EIA presentation.
13. Corporate Social Responsibility (CSR) to be prepared as per the MoEF guidelines and present it at the time of EIA presentation.

2. "Building Stone (Granite Khanda, Boulder, Bailast (Gitti))" Project at Gata No.- 339 (Khand No.- 17), Village- Daharra, Tehsil- Mahoba, District- Mahoba, Shri Abhishek Mishra, Area : 1.214 ha. File No. 7631/Proposal No. SIA/UP/MIN/417137/2023

The consultant informed the committee that they are strictly following the rules, regulations and other instructions of QCI/NABET. A presentation was made by the project proponent along with their consultant M/s Paramarsh (Servicing Environment and Development), Lucknow, U.P. Based on the documents submitted and presentation made by the project proponent along with the consultant, the following facts have emerged: -

1. The terms of reference is sought for Building Stone (Granite Khanda, Boulder, Bailast (Gitti)) Mining at Gata No.- 339 (Khand No. 17), Village-Daharra, Tehsil-Mahoba, District-Mahoba, U.P. (Leased Area- 1.214 ha.).
2. Salient features of the project as submitted by the project proponent:

1.	On-line proposal No.	SIA/UP/MIN/417137/2023
2.	File No. allotted by SEIAA, UP	7631
3.	Name of Proponent	Shri Abhishek Mishra S/o Shri Dinesh Kumar Mishra
4.	Full correspondence address of proponent	R/o- House No.- 128/ 34, K Block, Kidwai Nagar, District- Kanpur Nagar, U.P.
5.	Name of Project	Building Stone (Granite Khanda, Boulder, Bailast (Gitti)) Mining Project
6.	Project location (Plot/ Khasra /Gata No.)	Gata No.- 339 (Khand No.- 17)
7.	Name of Village	Daharra
8.	Tehsil	Mahoba
9.	District	Mahoba
10.	Name of Minor Mineral	Building Stone (Granite Khanda, Boulder, Bailast (Gitti))
11.	Sanctioned Lease Area (in Ha.)	1.214 ha.
12.	Max.& Min mRL within lease area	181 mRL- 143 mRL
13.	Pillar Coordinates(Verified by DMO)	Pillars: A, B, C, D Latitude (N): 25° 20' 15.81"N; 25° 20' 16.68"N; 25° 20' 09.24"N; 25° 20' 09.36"N Longitude (E): 79° 57' 44.00"E; 79° 57' 44.95"E; 79° 57' 55.68"E; 79° 57' 53.71"E
14.	Total Geological Reserves	618435 m^3
15.	Total Mineable Reserves	194312 m^3
16.	Total Proposed Production (in five year)	194240 m^3
17.	Proposed Production / year	1st: 38848 m^3 2nd: 38848 m^3 3rd: 38848 m^3 4th: 38848 m^3 5th: 38848 m^3 Total: 194240 m^3
18.	Sanctioned Period of Mine lease	10 Years
19.	Method of Mining	Opencast Semi-Mechanized
20.	No. Of workers	35 (approx.)
21.	Type of Land	Govt. revenue land
22.	Ultimate Depth of Mining	30 meter (average)
23.	Nearest metalled road from site	250m
24.	Water Requirement	Drinking & Others: 0.40 Suppression of dust: 1.50 Plantation: 2.00 Others(if any): ------ Total: 3.90

25.	Name of QCI Accredited Consultant with QCI No and period of validity.	M/s Paramarsh (Servicing Environment and Development), Lucknow, U.P. QCI/NABET/EIA/2124/RA0224, Validity-01/05/2024
26.	Any litigation pending against the project or land in any court	No
27.	Details of 500 m Cluster certificate Verified by Mining Officer	DMO, Mahoba vide Letter No. 2607/Khanij-30, Dated 23rd Dec., 2022
28.	Details of Lease Area in approved DSR	DSR at page No.- 85, S. No.- 53
29.	Proposed CER cost	1.40 Lakh
30.	Proposed EMP cost	10.40 Lakh
31.	Length and breadth of Haul Road.	Length- 250m, Width- more than 6.0 m
32.	No. of Trees to be Planted	2000

3. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
4. This project does not attract any of the general conditions applicable on mining projects specified in EIA Notification 14/09/2006.
5. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
6. There is no litigation pending in any court regarding this project.
7. The project proposal falls under category–1(a) of EIA Notification, 2006 (as amended).

The consultant (EIA Coordinator) also submitted an affidavit dated 02/02/2023 mentioning is as follows:

1. I, Pankaj Srivastava S/o Sri V.V. Srivastava am EIA Coordinator of Paramarsh Servicing Environment and Development.
2. I will prepared EIA report for EC in the name of Shri Abhishek Mishra S/o Shri Dinesh Kumar Mishra for the "Building Stone (Granite Khanda, Boulder, Bailast (Gitti))" Project at Araji No.- 339 (Khand No.- 17), Village- Daharra, Tehsil- Mahoba, District- Mahoba, U.P. (Applied Area : 1.214 ha.) with my team.
3. I have personally visited the site of proposal and certify that no Mining activity has been undertaken on the project site for the present proposal.
4. I am satisfied with that all the necessary data/information submitted along with EIA are true and correct.
5. I certify that this project proposal has been uploaded for the first time on Parivesh Portal.
6. I certify that there is no mismatch between information/data provided on the online application submitted on Parivash Portal and hard copy which is submitted after acceptance of application.
7. I state that all the TOR Points will be complied and all the issues raised during Public Hearing will be properly addressed in EIA report.
8. The EIA report for the Proposal will be prepared by my team as per guideline laid down by QCI/NABET.

RESOLUTION AGAINST AGENDA NO. 02

The committee discussed the matter and recommended to issue the standard terms of reference for the preparation of EIA as annexed at annexure-2 to the minutes. The committee also stipulated following additional TOR Points:

Additional TOR:

1. To ensure proper monitoring, the project proponent/consultant should provide evidence in form of (A) Raw Data (B) Logbook of their site visit along with activities carried out during monitoring (C) Real time photographs showing monitoring machine, public, lab person etc.

Proprietor/proprietor representative should be present at the time of monitoring and monitoring should be conducted as per CPCB SOP/NABET/QCI guidelines. Lab responsible person should be present at the time of EIA presentation.

2. EIA coordinator & FAE should give a photo affidavit during EIA presentation that they have personally visited the site & they have also taken all the mitigating measures for any critical issues involved in the project.
3. The project proponent will have to inform the schedule of monitoring/data collection programme to the SEIAA, UP before start of data collection. In case of failure, the collected baseline monitoring data will be treated as null and void.
4. The details of equipment used for baseline monitoring alongwith its photograph mentioning date, time and geo coordinates for preparation of EIA report should be clearly displayed to the people present during public hearing and the complete details related to monitoring period must be mentioned in the minutes of public hearing.
5. Original lab analysis report of the project proposal along with EIA report should be uploaded on Parivesh Portal.
6. Combined KML of all mines in a cluster should be submitted at the time of EIA.
7. The project proponent/Consultant should identify the core & buffer zone (2.5 km) of the mining site.
8. Agreement/ Consent between project proponent and competent authority/ landowner for haulage road from lease site to link road to be submitted at the time of EIA presentation.
9. Proponent/Consultant should submit the plan/information along with technology (photographs of water sprinklers/ tankers) to be implemented for mitigating dust at source points in lease area and haulage road during operation activity/vehicular movement. Technology should be displayed at the time of EIA presentation.
10. Proposed plantation plan with area specific plant species, number of plants to be planted and place of plantation along with a proper map to be submitted at the time of EIA presentation.
11. Water requirement details along with source of water and the permission/ agreement with the concerning authority/ person to be submitted at the time of EIA presentation.
12. Proponent/consultant shall present TOR specific/additional conditions compliance, observation/suggestions raised during the public hearing and commitment made by the project proponent in a tabular form with a time bound plan at the time of EIA presentation.
13. Corporate Social Responsibility (CSR) to be prepared as per the MoEF guidelines and present it at the time of EIA presentation.

3. Bhedi Khurd Sand/Morrum Mining Project on Betwa River at Gata No.-1396 G, Khand No.- 05,Village- Bhedi Khurd, Tehsil- Kalpi, District- Jalaun, Shri Balwant Singh, Area 20.243 ha. File No. 7632/Proposal No. SIA/UP/MIN/417535/2023

The consultant informed the committee that they are strictly following the rules, regulations and other instructions of QCI/NABET. A presentation was made by the project proponent along with their consultant M/s Cognizance Research India Pvt. Ltd. Based on the documents submitted and presentation made by the project proponent along with the consultant, the following facts have emerged: -

1. The terms of reference is sought for Sand/Morrum Mining at Gata No.1396 G Khand No. 05, Village- Bhedi Khurd, Tehsil- Kalpi, District- Jalaun, U.P., M/s Parihar Construction.
2. Salient features of the project as submitted by the project proponent:

1.	On-line proposal No.	SIA/UP/MIN/417535/2023
2.	File No. allotted by SEIAA, UP	7632
3.	Name of Proponent	M/s Parihar Construction Prop. Shri Balwant Singh
4.	Full correspondence address of proponent and mobile No.	**Registered Address:** Village- Niwada, District- Jalaun, Uttar Pradesh
		Mobile No-
		Email-

5. Name of Project	Proposed riverbed Sand/Morrum mining project from Betwa River		
6. Project location (Plot/Khasra/Gata No.)	Gata No.1396 G Khand No. 05		
7. Name of River	Betwa		
8. Name of Village	Bhedi Khurd		
9. Tehsil	Kalpi		
10. District	Jalaun		
11. Name of Minor Mineral	Sand/Morrum		
12. Sanctioned Lease Area (in Ha.)	20.243		
13. Max & Min mRL within lease area	Max- 105 mRL and Min- 104 mRL		
14. Pillar Coordinates (Verified by DMO)	**Pillar No.**	**Longitude**	**Latitude**
	A	25°53'5.20"N	79°51'17.20"E
	B	25°53'2.00"N	79°51'50.10"E
	C	25°52'58.70"N	79°51'54.30"E
	D	25°52'58.40"N	79°51'16.20"E
15. Total Geological Reserves	7,55,046 cum		
16. Total Mineable Reserves in LOI	1,51,815 cum in 6 months		
17. Total Proposed Production	1,51,815 cum in 6 months		
18. Proposed Production/year	1,51,815 cum in 6 months		
19. Sanctioned Period of Mine lease	6 months		
20. Method of Mining	Open Cast Semi-mechanized Method		
21. No. of working days	260 days		
22. Working hours/day	8 hrs		
23. No. of workers	41		
24. No. of vehicles movement/day	64		
25. Type of Land	Government waste land		
26. Ultimate Depth of Mining	0.80		
27. Nearest metalled road from site	1.0 km		
28. Water Requirement	PURPOSE	REQUIREMENT (KLD)	
	Drinking	0.41	
	Suppression of dust	7.20	
	Plantation	20.243	
	Others (if any)	0.41	
	Total	28.283	
29. Name of QCI Accredited Consultant with QCI No and period of validity.	Cognizance Research India Pvt. Ltd. Certificate no. NABET/EIA/1922/SA 0186, Validity- 10-09-2023		
30. Any litigation pending against the project or land in any court	No		
31. Details of 500 m Cluster Map & certificate issued by Mining Officer	Yes given by Mining officer		
32. Details of Lease Area in approved DSR	Yes area is in DSR		
33. Proposed CER cost	Rs 91,000 /-		
34. Proposed EMP cost	Rs 2,44,000 /- excluding CER		
35. Length and breadth of Haul Road	Length: 0.602 km, width: 6 m		
36. No. of Trees to be Planted	20243 plants		

3. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
4. This project does not attract any of the general conditions applicable on mining projects specified in EIA Notification 14/09/2006.
5. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
6. There is no litigation pending in any court regarding this project.
7. The project proposal falls under category–1(a) of EIA Notification, 2006 (as amended).

The consultant (EIA Coordinator) also submitted an affidavit dated 08/02/2023 mentioning is as follows:

1. I, Ankur Sharma, S/o Lalit Mohan Sharma is EIA Coordinator of M/s Cognizance Research India Pvt. Ltd.
2. I have prepared TOR report for the proposal (SIA/UP/MIN/417535/2023), of Sand/Morrum Mining at Gata No.1396 G Khand No. 05, Village- Bhedi Khurd, Tehsil- Kalpi, District- Jalaun, U.P., M/s Parihar Construction with my team.
3. I have personally visited the site of proposal and certify that no Mining activity has been undertaken on the project site for the present proposal.
4. I am satisfied with that all the necessary data/information required for TOR project are true and correct.
5. I certify that this project proposal has been uploaded for the first time on Parivesh Portal.
6. I certify that there is no mismatch between information/data provided on the online application submitted on Parivash Portal and hard copy which is submitted after acceptance of application.
7. The Form-1, PFR and EMP (TOR Application) report for the Proposal will be prepared by my team as per guideline laid down by QCI/NABET.

RESOLUTION AGAINST AGENDA NO. 03

The committee discussed the matter and recommended to issue the standard terms of reference for the preparation of EIA as annexed at annexure-2 to the minutes. The committee also stipulated following additional TOR Points:

Additional TOR:

1. NOC from Irrigation Department/Concerning Authority regarding river bed mining to be submitted at the time of EIA presentation.
2. To ensure proper monitoring, the project proponent/consultant should provide evidence in form of (A) Raw Data (B) Logbook of their site visit along with activities carried out during monitoring (C) Real time photographs showing monitoring machine, public, lab person etc. Proprietor/proprietor representative should be present at the time of monitoring and monitoring should be conducted as per CPCB SOP/NABET/QCI guidelines. Lab responsible person should be present at the time of EIA presentation.
3. EIA coordinator & FAE should give a photo affidavit during EIA presentation that they have personally visited the site & they have also taken all the mitigating measures for any critical issues involved in the project.
4. The project proponent will have to inform the schedule of monitoring/data collection programme to the SEIAA, UP before start of data collection. In case of failure, the collected baseline monitoring data will be treated as null and void.
5. The details of equipment used for baseline monitoring alongwith its photograph mentioning date, time and geo coordinates for preparation of EIA report should be clearly displayed to the people present during public hearing and the complete details related to monitoring period must be mentioned in the minutes of public hearing.
6. Original lab analysis report of the project proposal along with EIA report should be uploaded on Parivesh Portal.
7. Combined KML of all mines in a cluster should be submitted at the time of EIA.
8. The project proponent/Consultant should identify the core & buffer zone (2.5 km) of the mining site.
9. Agreement/ Consent between project proponent and competent authority/ landowner for haulage road from lease site to link road to be submitted at the time of EIA presentation.
10. Proponent/ Consultant should submit the plan/information along with technology (photographs of water sprinklers/ tankers) to be implemented for mitigating dust at source points in lease area and haulage road during operation activity/vehicular movement. Technology should be displayed at the time of EIA presentation.

11. Proposed plantation plan with area specific plant species, number of plants to be planted and place of plantation along with a proper map to be submitted at the time of EIA presentation.
12. Water requirement details along with source of water and the permission/ agreement with the concerning authority/ person to be submitted at the time of EIA presentation.
13. Proponent/consultant shall present TOR specific/additional conditions compliance, observation/suggestions raised during the public hearing and commitment made by the project proponent in a tabular form with a time bound plan at the time of EIA presentation.
14. Corporate Social Responsibility (CSR) to be prepared as per the MoEF guidelines and present it at the time of EIA presentation.
15. Submit the hydrological study report of lease area that the quantity given in LoI will be mined without affecting the geo-hydrology of the River.

4. Chhaprauli Khadar Ordinary Sand Mining project on Yamuna Riverbed at Gata No. 1/2 Village- Chhaprauli Khadar, Tehsil- Baraut, District: Bagpat, Shri Dayachand Badgoti, Area: 9.570 ha. File No. 7633/Proposal No. SIA/UP/MIN/417689/2023

The consultant informed the committee that they are strictly following the rules, regulations and other instructions of QCI/NABET. A presentation was made by the project proponent along with their consultant M/s Cognizance Research India Pvt. Ltd. Based on the documents submitted and presentation made by the project proponent along with the consultant, the following facts have emerged: -

1. The terms of reference is sought for Ordinary Sand mining project on Riverbed of Yamuna River, in Village- Chhaprauli Khadar, Tehsil- Baraut, District: Baghpat, State- Uttar Pradesh, (Leased Area : 9.570 ha), M/s Royal Construction Company.
2. Salient features of the project as submitted by the project proponent:

1. On-line proposal No.	SIA/UP/MIN/417689/2023	
2. File No. allotted by SEIAA, UP	7633	
3. Name of Proponent	M/s Royal Construction Company, Prop. Shri Dayachand Bargoti	
4. Full correspondence address of proponent and mobile No.	R/o M.No. 5, Nai Break Point Restaurant, Bhur Chauraha k pass, Yamunapur, District- Bulandshahar (U.P.)	
	Mobile No-	
	Email-	
5. Name of Project	Chhaprauli Khadar Ordinary Sand mining project on Riverbed of Yamuna River	
6. Project location (Plot/Khasra/Gata No.)	Gata No. 1/2	
7. Name of River	Yamuna River	
8. Name of Village	Chhaprauli Khadar	
9. Tehsil	Baraut	
10. District	Baghpat	
11. Name of Minor Mineral	Ordinary Sand	
12. Sanctioned Lease Area (in Ha.)	9.570 ha	
13. Max & Min mRL within lease area	Max- 224.0 mRL & 222.0 mRL	
14. Pillar Coordinates (Verified by DMO)	Sanctioned Mining Lease Area	
	Pillar No.	Latitude / Longitude
	A	29°13'14.6"N / 77°08'39.3"E
	B	29°13'11.4"N / 77°08'33.5"E
	C	29°13'21.8"N / 77°08'21.33"E
	D	29°13'25.7"N / 77°08'29.7"E
15. Total Geological Reserves	4,08,354 Cum	
16. Total Mineable Reserves in LOI	2,40,000 Cum/year	
17. Total Proposed Production	12,00,000Cum in 5 Years	
18. Proposed Production/year	2,40,000 Cum/year	

19. Sanctioned Period of Mine lease	05 years	
20. Method of Mining	Open Cast Semi-mechanized Method	
21. No. of working days	260 days	
22. Working hours/day	8 hrs	
23. No. of workers	54	
24. No. of vehicles movement/day	70	
25. Type of Land	Government land	
26. Ultimate Depth of Mining	2.90	
27. Nearest metalled road from site	2.30 km (approx)	
28. Water Requirement	PURPOSE	REQUIREMENT (KLD)
	Drinking	0.54
	Suppression of dust	3.0
	Plantation	19.0
	Others (if any)	0.54
	Total	23.08
29. Name of QCI Accredited Consultant with QCI No and period of validity.	Cognizance Research India Pvt. Ltd. 1922, validity= 10, September 2023	
30. Any litigation pending against the project or land in any court	No	
31. Details of 500 m Cluster Map & certificate issued by Mining Officer	Yes, certified	
32. Details of Lease Area in approved DSR	Yes, given in the DSR	
33. Proposed CER cost/year	Rs 2,00,000/-	
34. Proposed EMP cost/year	Recurring Cost- 6,08,000/-	
35. Length and breadth of Haul Road	Length: 500 m, width: 6 m	
36. No. of Trees to be Planted	9500 plants	

3. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
4. This project does not attract any of the general conditions applicable on mining projects specified in EIA Notification 14/09/2006.
5. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
6. There is no litigation pending in any court regarding this project.
7. The project proposal falls under category–1(a) of EIA Notification, 2006 (as amended).

The project proponent also submitted a letter dated 02/03/2023 which was received in Directorate on 03/03/2023 through which they have informed that the collection of baseline monitoring data for the said project has already been started for pre-monsoon season (01 March 2023 to 31 May, 2023) as per provision of MoEFCC, OM dated 08/06/2022.

The consultant (EIA Coordinator) also submitted an affidavit dated 10/02/2023 mentioning is as follows:

1. I, Ankur Sharma, S/o Lalit Mohan Sharma is EIA Coordinator of M/s Cognizance Research India Pvt. Ltd.
2. I have prepared TOR report for the proposal (SIA/UP/MIN/417689/2023), File No. 7633 of Ordinary Sand mining project on Riverbed of Yamuna River, in Village- Chhaprauli Khadar, Tehsil- Baraut, District: Baghpat, State- Uttar Pradesh, (Leased Area : 9.570 ha), M/s Royal Construction Company with my team.
3. I have personally visited the site of proposal and certify that no Mining activity has been undertaken on the project site for the present proposal.
4. I am satisfied with that all the necessary data/information required for TOR project are true and correct.

5. I certify that this project proposal has been uploaded for the first time on Parivesh Portal.
6. I certify that there is no mismatch between information/data provided on the online application submitted on Parivash Portal and hard copy which is submitted after acceptance of application.
7. The TOR report for the Proposal will be prepared by my team as per guideline laid down by QCI/NABET.

RESOLUTION AGAINST AGENDA NO. 04

The committee discussed the matter and recommended to issue the standard terms of reference for the preparation of EIA as annexed at annexure-2 to the minutes. The committee also stipulated following additional TOR Points:

Additional TOR:

1. The consultant should collect the baseline monitoring data for the period of pre-monsoon season (March to May, 2023) for the preparation of draft EIA report as per intimation letter.
2. NOC from Irrigation Department/Concerning Authority regarding river bed mining to be submitted at the time of EIA presentation.
3. To ensure proper monitoring, the project proponent/consultant should provide evidence in form of (A) Raw Data (B) Logbook of their site visit along with activities carried out during monitoring (C) Real time photographs showing monitoring machine, public, lab person etc. Proprietor/proprietor representative should be present at the time of monitoring and monitoring should be conducted as per CPCB SOP/NABET/QCI guidelines. Lab responsible person should be present at the time of EIA presentation.
4. EIA coordinator & FAE should give a photo affidavit during EIA presentation that they have personally visited the site & they have also taken all the mitigating measures for any critical issues involved in the project.
5. The project proponent will have to inform the schedule of monitoring/data collection programme to the SEIAA, UP before start of data collection. In case of failure, the collected baseline monitoring data will be treated as null and void.
6. The details of equipment used for baseline monitoring alongwith its photograph mentioning date, time and geo coordinates for preparation of EIA report should be clearly displayed to the people present during public hearing and the complete details related to monitoring period must be mentioned in the minutes of public hearing.
7. Original lab analysis report of the project proposal along with EIA report should be uploaded on Parivesh Portal.
8. Combined KML of all mines in a cluster should be submitted at the time of EIA.
9. The project proponent/Consultant should identify the core & buffer zone (2.5 km) of the mining site.
10. Agreement/ Consent between project proponent and competent authority/ landowner for haulage road from lease site to link road to be submitted at the time of EIA presentation.
11. Proponent/ Consultant should submit the plan/information along with technology (photographs of water sprinklers/ tankers) to be implemented for mitigating dust at source points in lease area and haulage road during operation activity/vehicular movement. Technology should be displayed at the time of EIA presentation.
12. Proposed plantation plan with area specific plant species, number of plants to be planted and place of plantation along with a proper map to be submitted at the time of EIA presentation.
13. Water requirement details along with source of water and the permission/ agreement with the concerning authority/ person to be submitted at the time of EIA presentation.
14. Proponent/consultant shall present TOR specific/additional conditions compliance, observation/suggestions raised during the public hearing and commitment made by the project proponent in a tabular form with a time bound plan at the time of EIA presentation.
15. Corporate Social Responsibility (CSR) to be prepared as per the MoEF guidelines and present it at the time of EIA presentation.
16. Submit the hydrological study report of lease area that the quantity given in LoI will be mined without affecting the geo-hydrology of the River.

5. Project of Bamhauri Beldaran Granite, Khanda, Boulder, Ballast (Gitty) Mining Project at Arazi No.- 822, Village- Bamhauri Beldaran, Tehsil- Charkhari, District: Mahoba, Shri Devendra Singh, Area- 0.809 ha. File No. 7634/Proposal No. SIA/UP/MIN/417817/2023

RESOLUTION AGAINST AGENDA NO. 05

The project proponent/consultant did not appear. The committee discussed and deliberated that the project file should be closed and be opened only after request from the project proponent. The file shall not be treated as pending at SEAC. The matter will be discussed only after submission of online requests on prescribed online portal.

6. Project of Ordinary Sand Mine at Khand No. 04, Village- Semri, Tehsil- Bara, District- Prayagraj, Shri Ramesh Nelluri, Area-8.0 ha. File No. 7635/Proposal No. SIA/UP/MIN/417053/2023

The consultant informed the committee that they are strictly following the rules, regulations and other instructions of QCI/NABET. A presentation was made by the project proponent along with their consultant M/s Environmental Research and Analysis, Lucknow (U.P). Based on the documents submitted and presentation made by the project proponent along with the consultant, the following facts have emerged: -

1. The terms of reference is sought for Ordinary Sand Mine at Khand No. 04, Village- Semri, Tehsil- Bara, District- Prayagraj, U.P., (Leased Area-8.0 ha.).
2. Salient features of the project as submitted by the project proponent:

1. On-line proposal No.	SIA/UP/MIN/417053/2023
2. File No. allotted by SEIAA, U.P	7635
3. Name of Proponent	M/s Sahara Agri Products Pvt. Ltd. M.D. – Shri Nelluri Ramesh S/o Shri Nelluri Nageswara Rao
4. Full correspondence address of proponent and mobile no.	R/O – 3 – 4 – 119 Flat No. 505 Lalithas S.M.R., Vinay Sky City, Main Road, Ramanthapur, Amberpet, District – Hyderabad (Telangana)
5. Name of Project	Ordinary Sand Mining Project
6. Project location (Plot/Khasra/Gata No.)	Khand No.04
7 Name of River	Yamuna River
8. Name of Village	Semri
9. Tehsil	Bara
10. District	Prayagraj (U.P)
11. Name of Minor Mineral	Ordinary Sand
12. Sanctioned Lease Area (in Ha.)	8.0 Ha.
13. Mineable Area (in Ha.)	6.1 Ha (Safety margin – 1.9 Ha)
14. Max. & Min mrl within lease area	Highest Elevation: 80 mRL & Lowest Elevation: 74 mRL
15. Pillar Coordinates (Verified by DMO)	Khand no-04: A – 25° 19.498'N, 84° 36.065'E; B – 25° 19.663'N, 81° 35.895'E; C – 25° 19.593'N, 81° 35.805'E; D – 25° 19.423'N, 81° 35.978'E
16. Total Geological Reserves	2,74,912 m^3
17. Total Mineable Reserves	1,64,947 m^3 as per Approved Mining Plan
18. Total Proposed Production (in five year)	8,00,000 m^3 for five year
19. Proposed Production/year	1,60,000 m^3 per year
20. Sanctioned Period of Mine lease	Five year as per LOI

21. Method of Mining	Opencast, semi-mechanized mine.	
22. No. of working days	180	
23. Working hours/day	8 hours/day	
24. No. Of workers	35 workers	
25. No. Of vehicles movement/day	Approximately 5-9 movements per day.	
26. Type of Land	Government Land	
27. Ultimate Depth of Mining	3.0 m as per approved mining plan	
28. Nearest metalled road from site	NH 95 is 8.5 Km away in North direction from project site.	
29. Water Requirement	PURPOSE	REQUIREMENT (KLD)
	Drinking water	0.45 KLD
	Dust suppression	5.4 KLD
	Plantation	0.04 KLD
	Others (if any)	-
	Total	5.89 KLD (Approx. 5.9 KLD).
30. Name of QCI Accredited Consultant with QCI No And period of validity.	Environmental Research and Analysis, Lucknow (U.P) Certificate No. NABET/ EIA/ 1922/RA 0200 (Rev01) Valid up to 21 January, 2024	
31. Any litigation pending against the project or land in any court	No	
32. Details of 500 m Cluster Map & certificate issued by Mining Officer	2359/Khanij/2022-23 on dated 16/12/2022	
33. Details of Lease Area in approved DSR	Details given in DSR Letter No. 677/Parya./2017-18 Dated – 29/11/2017 on Page No.55, Table No.21, Sr. No. 04	
34. Proposed EMP cost	Rs. 10,78,120/-	
35. Proposed Total Project cost	Rs. 90,00,000/-	
36. Length and breadth of Haul Road	600 m length and 6 m width	
37. No. of Trees to be Planted	40	

3. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
4. This project does not attract any of the general conditions applicable on mining projects specified in EIA Notification 14/09/2006.
5. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
6. There is no litigation pending in any court regarding this project.
7. The project proposal falls under category–1(a) of EIA Notification, 2006 (as amended).

The consultant (EIA Coordinator) also submitted an affidavit dated 13/03/2023 mentioning is as follows:

1. I Vishnu Kumar Awasthi S/o Lt. R G Awasthi is EIA Coordinator of M/s Environmental Research and Analysis, Lucknow (U.P.), Accreditation Certificate No- NABET/ EIA/ 1922/RA 0200 (Rev 01), valid till- 21/01/2024.
2. I have prepared TOR report for the Proposal No. SIA/UP/MIN/4417053/2023 (File No. – 7635) M/s Sahara Agri Pvt. Ltd., M.D. – Shri Nelluri Ramesh S/o Shri Nelluri Nageswara Rao R/O – 3 – 4 – 119 Flat No. 505 Lalithas S.M.R., Vinay Sky City, Main Road, Ramanthapur, Amberpet, District – Hyderabad (Telangana) with my team.
3. I have personally visited the site of proposal and certify that no Mining activity has been undertaken on the project site for the present proposal.
4. I have satisfied with that all the necessary data/information required for EIA/EMP presentations are true and correct.
5. I certify that this project proposal has been uploaded for the first time on Parivesh Portal.

6. I certify that there will be no mismatch between information/data provided on the online application submitted on Parivesh Portal and the hard copy/presentation which will be submitted after acceptance of application.
7. I state that all the TOR points have been complied and all the issues raised during public hearing have been properly addressed in EIA report.
8. The EIA/EMP report for the Proposal is prepared by my team as per guidelines laid down by QCI/NABET.

RESOLUTION AGAINST AGENDA NO. 06

The committee discussed the matter and recommended to issue the standard terms of reference for the preparation of EIA as annexed at annexure-2 to the minutes. The committee also stipulated following additional TOR Points:

Additional TOR:

1. NOC from Irrigation Department/Concerning Authority regarding river bed mining to be submitted at the time of EIA presentation.
2. To ensure proper monitoring, the project proponent/consultant should provide evidence in form of (A) Raw Data (B) Logbook of their site visit along with activities carried out during monitoring (C) Real time photographs showing monitoring machine, public, lab person etc. Proprietor/proprietor representative should be present at the time of monitoring and monitoring should be conducted as per CPCB SOP/NABET/QCI guidelines. Lab responsible person should be present at the time of EIA presentation.
3. EIA coordinator & FAE should give a photo affidavit during EIA presentation that they have personally visited the site & they have also taken all the mitigating measures for any critical issues involved in the project.
4. The project proponent will have to inform the schedule of monitoring/data collection programme to the SEIAA, UP before start of data collection. In case of failure, the collected baseline monitoring data will be treated as null and void.
5. The details of equipment used for baseline monitoring alongwith its photograph mentioning date, time and geo coordinates for preparation of EIA report should be clearly displayed to the people present during public hearing and the complete details related to monitoring period must be mentioned in the minutes of public hearing.
6. Original lab analysis report of the project proposal along with EIA report should be uploaded on Parivesh Portal.
7. Combined KML of all mines in a cluster should be submitted at the time of EIA.
8. The project proponent/Consultant should identify the core & buffer zone (2.5 km) of the mining site.
9. Agreement/ Consent between project proponent and competent authority/ landowner for haulage road from lease site to link road to be submitted at the time of EIA presentation.
10. Proponent/ Consultant should submit the plan/information along with technology (photographs of water sprinklers/ tankers) to be implemented for mitigating dust at source points in lease area and haulage road during operation activity/vehicular movement. Technology should be displayed at the time of EIA presentation.
11. Proposed plantation plan with area specific plant species, number of plants to be planted and place of plantation along with a proper map to be submitted at the time of EIA presentation.
12. Water requirement details along with source of water and the permission/ agreement with the concerning authority/ person to be submitted at the time of EIA presentation.
13. Proponent/consultant shall present TOR specific/additional conditions compliance, observation/suggestions raised during the public hearing and commitment made by the project proponent in a tabular form with a time bound plan at the time of EIA presentation.
14. Corporate Social Responsibility (CSR) to be prepared as per the MoEF guidelines and present it at the time of EIA presentation.
15. Submit the hydrological study report of lease area that the quantity given in LoI will be mined without affecting the geo-hydrology of the River.

7. Bamhauri Beldaran Granite, Khanda, Boulder, Ballast (Gitty) Mining project at Arazi No. 822 Village- Bamhauri Beldaran, Tehsil- Charkhari, Mahoba, Shri Devendra Singh, Area: 0.809 Ha. File No. 7636/Proposal No. SIA/UP/MIN/417823/2023

The consultant informed the committee that they are strictly following the rules, regulations and other instructions of QCI/NABET. A presentation was made by the project proponent along with their consultant M/s Cognizance Research India Pvt. Ltd. Based on the documents submitted and presentation made by the project proponent along with the consultant, the following facts have emerged: -

1. The environmental clearance is sought for Granite, Khanda, Boulder, Ballast (Gitty) Mining Project at Arazi No. 822, Village- Bamhauri Beldaran, Tehsil- Charkhari, and District: Mahoba, State- Uttar Pradesh, (Leased Area: 0.809 Ha.).
2. Salient features of the project as submitted by the project proponent:

1. On-line proposal No.	SIA/UP/MIN/417823/2023	
2. File No. allotted by SEIAA, UP	7636	
3. Name of Proponent	Prop. Shri Devendra Singh S/o Shri Mulayam Singh	
4. Full correspondence address of proponent and mobile No.	R/o Vivek Nagar, Kabrai, Tehsil- Sadar, District- Mahoba, Uttar Pradesh	
	Mobile No-	
	Email-	
5. Name of Project	Bamhauri Beldaran Granite, Khanda, Boulder, Ballast (Gitty) Mining Project	
6. Project location (Plot/Khasra/Gata No.)	Arazi No. 822	
7. Name of River	-	
8. Name of Village	Bamhauri Beldaran	
9. Tehsil	Charkhari	
10. District	Mahoba	
11. Name of Minor Mineral	Granite, Khanda, Boulder, Ballast (Gitty)	
12. Sanctioned Lease Area (in Ha.)	0.809 ha	
13. Max & Min mRL within lease area	Max- 203.0 mRL & 183.0 mRL	
14. Pillar Coordinates (Verified by DMO)	Sanctioned Mining Lease Area	
	Pillar No.	Latitude / Longitude
	A	25°21'49.86"N / 79°43'4.91"E
	B	25°21'48.13"N / 79°43'6.27"E
	C	25°21'46.11"N / 79°43'2.37"E
	D	25°21'47.78"N / 79°43'1.05"E
15. Total Geological Reserves	2,44,323 Cum	
16. Total Mineable Reserves in LoI	1,34,913 Cum/year	
17. Total Proposed Production	2,58,880 Cum	
18. Proposed Production/year	25,888 Cum/year	
19. Sanctioned Period of Mine lease	10 years	
20. Method of Mining	Open Cast Semi-mechanized Method	
21. Working hours/day	8 hrs	
22. No. of workers	31	
23. No. of vehicles movement/day	13	
24. Type of Land	Government land	
25. Ultimate Depth of Mining	12 m	
26. Nearest metalled road from site	0.20 km (approx)	
27. Water Requirement	PURPOSE	REQUIREMENT (KLD)
	Drinking	0.31
	Suppression of dust	3.0
	Plantation	1.618
	Others (if any)	0.31
	Total	5.238

28. Name of QCI Accredited Consultant with QCI No and period of validity.	Cognizance Research India Pvt. Ltd. 1922, validity= 10, September 2023
29. Any litigation pending against the project or land in any court	No
30. Details of 500 m Cluster Map & certificate issued by Mining Officer	Yes, certificate issued by District Mining Office Mahoba vide letter no 2820/MMC-30/2022-23 Dated 17-01-2023
31. Details of Lease Area in approved DSR	Yes, given in the DSR
32. Proposed CER cost/year	Rs 1,50,000/-
33. Proposed EMP cost/year	Recurring Cost- 5,58,000/-
34. Length and breadth of Haul Road	Length: 500 m, width: 6 m
35. No. of Trees to be Planted	809 plants

3. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
4. This project does not attract any of the general conditions applicable on mining projects specified in EIA Notification 14/09/2006.
5. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
6. There is no litigation pending in any court regarding this project.
7. The project proposal falls under category–1(a) of EIA Notification, 2006 (as amended).

The consultant (EIA Coordinator) also submitted an affidavit dated 02/02/2023/2023 mentioning is as follows:

1. I, Ankur Sharma, S/o Lalit Mohan Sharma is EIA Coordinator of M/s Cognizance Research India Pvt. Ltd.
2. I have prepared EC report for the proposal (SIA/UP/MIN/417823/2023) of Granite, Khanda, Boulder, Ballast (Gitty) Mining Project at Arazi No. 822, Village- Bamhauri Beldaran, Tehsil-Charkhari, and District: Mahoba, State- Uttar Pradesh, (Leased Area: 0.809 Ha.) with my team.
3. I have personally visited the site of proposal and certify that no Mining activity has been undertaken on the project site for the present proposal.
4. I am satisfied with that all the necessary data/information required for EC project are true and correct.
5. I certify that this project proposal has been uploaded for the first time on Parivesh Portal.
6. I certify that there is no mismatch between information/data provided on the online application submitted on Parivash Portal and hard copy which is submitted after acceptance of application.
7. The EC report for the Proposal will be prepared by my team as per guideline laid down by QCI/NABET.

RESOLUTION AGAINST AGENDA NO. 07

The committee discussed the matter and recommended grant of environmental clearance for the project proposal along with general and specific conditions as annexed at Annexure-1 to these minutes. The committee also stipulated the following specific conditions:

1. Project proponent has committed to plant 1000 number of trees/hectare. The project proponent/consultant if desires may approach to concerned District Forest Authority to plant 1000 trees/ha on a land available to the Forest Department. The project proponent will deposit the required amount for this entire plantation work (including its maintenance and security) to the Forest Department.
2. The project proponent shall install solar light in their site office.
3. During the submission of 6 monthly compliance reports, the project proponent should make sure that the periodically taken site photographs should also be annexed along with the compliance report.

4. The maximum height of the bench should be 06 meters and the width of the bench should be at least twice the height of the bench as per the mine plan approval letter by DGM, U.P
5. In case the blasting is proposed during a mining operation, the project proponent needs to assess its impact on the displacement of human beings/wild animals/birds/other species, and the suitable measures proposed and taken for their rehabilitation and resettlement need to be clearly described in first 6 monthly compliance report.
6. The project proponent shall submit a final mine closure plan/Exit protocol for rehabilitation of mined-out land to match its surrounding land use 3years before the closure of the mine to SEIAA, UP and Department of Mines and Geology, UP for approval. The project proponent shall ensure the implementation of the approved plan under the supervision of the Dept. of Mines and Geology.
7. The project proponent shall plan and implement collection drain and siltation basins of adequate size to arrest the silt and sediment flow from the quarry area. The surface runoff rainwater harvesting and other water conservation measures on a long-term basis are to be taken in consultation with the Central/State Groundwater Board. The water so collected should be utilized for watering the haulage area, roads, and green belt development, etc.
8. The project proponent shall take all suitable measures to prevent pollution of groundwater and nearby water bodies in consultation with the State Pollution Control Board and consent to operate (if applicable) should be obtained from the State Pollution Control Board before the start of production from the mine.
9. Link Road from the quarry site to the main road shall be constructed as an all-weather road with blacktopping and maintained by the project proponent.
10. Vehicular emissions should be kept under control and regularly monitored. Suitable measures shall be taken for proper maintenance of vehicles used in a quarry operation and transportation.
11. The project proponent should explore the possibilities of rainwater harvesting.
12. Agreement/ Consent between project proponent and competent authority/ landowner for haulage road from lease site to link road.
13. Latest technology (water sprinklers/ tankers) to be adopted for mitigating dust at source points in lease area and haulage road during operational activity/vehicular movement.
14. As per the proposed plan, plantation with area specific plant species, number of plants to be Planted and report of green belt development to be submitted to the concerning department.

8. Building Stone (Khanda – Boulder/Gitti- Ballast) Mining project at Gata/Araji No - 996 Khand-1, Village-Gariya, Tehsil- Taalbehat & District-Lalitpur, Shri Swami Prasad, Area:1.618 Ha. File No. 7638/Proposal No. SIA/UP/MIN/417841/2023

RESOLUTION AGAINST AGENDA NO. 08

The project proponent/consultant did not appear. The committee discussed and deliberated that the project file should be closed and be opened only after request from the project proponent. The file shall not be treated as pending at SEAC. The matter will be discussed only after submission of online requests on prescribed online portal.

9. River Bed Sand/Morrum Mining Project from River Dhasan located at Khand No.- 06, Village- Tolakhangaran, Tehsil- Rath, District- Hamirpur, Shri Ram Kumar Singh, Area: 13.0 Ha. File No. 6633/5699/Proposal No. SIA/UP/MIN/68371/2020

The Secretariat informed the committee that the matter was earlier discussed in 691st SEAC meeting dated 06/10/2022 and the SEAC recommended grant of environmental clearance for the project proposal along with general and specific conditions. Subsequently, SEIAA take up the matter in its 694th meeting dated 16/02/2023 wherein:

" SEIAA noted that SEAC has recommended to grant environmental clearance to the above project without approved replenishment study. Hence SEIAA opined that the above project shall be referred back to SEAC for appraisal in light of replenishment study approved by Mining department."

As per the decision of SEIAA, the matter was listed in 735th SEAC meeting dated 15/03/2023. The committee noted that replenishment study reports provided by DGM vide letter no. 1686/M-NGTvaad/2021, dated 10/02/2023 and the quantity has been given as follows:

Village	Gata No./ Khand No	Area of Mine Lease (Ha)	Replenished Quantity (Cum) in Mine Lease	Resource quantity Pre Monsoon in Mine Lease (Cum)	Total quantity in Mine Lease (Cum)
Tola Khangaran	Tola Khangaran 5	13	140272.3	132300.6	272572.9

The committee discussed the matter and opined that according to replenishment study report the mineable quantity is within the total reserve. Hence, the committee recommended to grant the environmental clearance for the project proposal along with general and specific conditions as earlier stipulated in 691st SEAC meeting dated 06/10/2022.

10. Ordinary Soil Excavation Project at Gata No. 1615, 1617, 1617Mi, 1597, 1619Mi, 1698Mi & 1699Mi, Village- Aanta, Pargana Hadha,Tehsil & District- Unnao, Shri Sunil Kumar,Area: 1.018 Ha. File No. 7396/Proposal No. SIA/UP/MIN/407363/2022

The Secretariat informed the committee that the matter was earlier discussed in 713st SEAC meeting dated 23/12/2022 and the SEAC recommended grant of environmental clearance for the project proposal along with general and specific conditions. Subsequently, SEIAA take up the matter in its 695th meeting dated 17/02/2023 wherein:

" SEIAA noted that SEAC has recommended to grant environmental clearance for the project. SEIAA gone through to file and documents and found that mineable quantity for 3 months is mentioned as 19240.2 m3 where as in LoI mineable quantity for 3 months is mentioned as 15649 m3 and type of land in MoM is mentioned as ordinary soil excavation project. Hence SEIAA opined to refer back the project to SEAC for review."

As per the decision of SEIAA, the matter was listed in 735th SEAC meeting dated 15/03/2023. The project proponent submit the reply of query raised by SEIAA vide letter dated 13/03/2023 along with revised form-1, PFR and revised approved mining plan with quantity 15,694 m^3 along with amended mining plan approval letter dated 15/03/2023 issued by Mining Officer, Unnao wherein:

".....

मे0 इन्वायरमेन्टल रिसर्च एवं एनालिसिस लखनऊ के आर0क्यू0पी0 डॉ अब्दुल रहमान द्वारा दिनांक 15.03.2023 को प्रार्थना–पत्र के माध्यम से अवगत काया गया है कि खनन योजना के अध्याय–3 व 4 में कुल खनन कि प्रस्तावित मात्रा 19,240.2 उल्लिखित था जो आवेदन में लिखित खनन मात्रा के अनुसार था जबकि खनन क्षेत्र के समीप धार्मिक स्थल होने के कारण कुल खनन का क्षेत्र छोड़ कर अनुमोदन पत्र में खनन कि मात्रा प्रदान किया गया। तत्पश्चात् उक्त अनुमोदित योजना में अध्याय 3 व 4 में लिखित खनन मात्रा के त्रुटि को सही करा लिया गया था किन्तु पर्यावरण मूल्यांकम समिति की बैठक में उपरोक्त त्रुटि के सम्बन्ध में शुद्धि पत्र जमा करने हेतु निर्देशित किया गया है। संशोधित खनन मात्रा हेतु संशोधन पर निर्गत करने हेतु अनुरोध किया गया है।

अतः आर0क्यू0पी0 डॉ अब्दुल रहमान के उपरोक्त प्रार्थना पत्र के कम में खनन योजना के अध्याय–3 व 4 में खनन योजना में उल्लिखित खनन की मात्रा में त्रुटि को संशोधित करते हुए साधारण मिट्टी की मात्रा 19,240.2 घन मी0 के स्थान पर 15,649 घन मी0 03 माह के लिए कर दिया गया है। "

The project proponent also submit revised salient features of the project which is as follows:

1. On-line proposal No.	SIA/UP/MIN/407363/2022
2. File No. allotted by SEIAA, U.P	7396
3. Name of Proponent	Shri Sunil Kumar S/o Shri Hari
4. Full correspondence address of proponent	R/o – Village- Banthar, Pargana- Hadha, Tehsil & District- Unnao, Uttar Pradesh.
5. Name of Project	Ordinary Soil Excavation Project
6. Project location (Plot/Khasra/Gata No. / khand No.)	Gata No- 1615, 1617, 1617Mi, 1597, 1619Mi, 1698Mi & 1699Mi
7. Name of River	NA
8. Name of Village	Aanta
9. Tehsil	Unnao
10. District	Unnao
11. Name of Minor Mineral	Ordinary Soil Excavation Project
12. Sanctioned Lease Area (in Ha.)	1.018 Ha.
13. Mineable Area (in Ha.)	0.6617 Ha (safety margin 0.3563 Ha.)
14. Zero level mRL	NA
15. Max. & Min mrl within lease area	The elevation of the given excavation site is 122 mRL.
16. Pillar Coordinates (Verified by DMO)	

Gata No.	Point	Latitude	Longitude
1615	A	26°27'42.11"N	80°28'23.61"E
	B	26°27'43.86"N	80°28'24.98"E
	C	26°27'42.95"N	80°28'25.78"E
	D	26°27'41.96"N	80°28'25.00"E
	E	26°27'41.77"N	80°28'24.31"E
1617	A	26°27'48.19"N	80°28'24.40"E
	B	26°27'47.47"N	80°28'24.67"E
	C	26°27'47.04"N	80°28'23.26"E
	D	26°27'48.02"N	80°28'22.81"E
1617Mi	A	26°27'46.20"N	80°28'25.18"E
	B	26°27'47.47"N	80°28'24.67"E
	C	26°27'47.04"N	80°28'23.26"E
	D	26°27'45.32"N	80°28'24.25"E
1597	A	26°27'43.99"N	80°28'18.30"E
	B	26°27'43.22"N	80°28'20.30"E
	C	26°27'42.30"N	80°28'19.73"E
	D	26°27'42.99"N	80°28'17.85"E
1619Mi	A	26°27'49.45"N	80°28'19.23"E
	B	26°27'48.47"N	80°28'21.17"E
	C	26°27'47.58"N	80°28'20.62"E
	D	26°27'48.44"N	80°28'19.72"E
	E	26°27'47.33"N	80°28'18.47"E
	F	26°27'47.48"N	80°28'18.13"E
	G	26°27'47.83"N	80°28'18.42"E
	H	26°27'48.97"N	80°28'18.60"E
1698Mi	A	26°27'41.91"N	80°28'28.50"E
	B	26°27'41.09"N	80°28'29.09"E
	C	26°27'41.21"N	80°28'29.25"E
	D	26°27'42.03"N	80°28'28.66"E
1699Mi	A	26°27'41.91"N	80°28'28.50"E
	B	26°27'41.09"N	80°28'29.09"E
	C	26°27'40.71"N	80°28'28.61"E
	D	26°27'41.57"N	80°28'27.96"E

17. Total Geological Reserves	25450 m^3 as per approved mining plan
18. Mineable Quantity	15649 m^3 as per approved mining plan
19. Total Proposed Production	15649 m^3 for three months as per LOI
20. Sanctioned Period of Mine lease	3 months
21. Method of Mining	Open cast, Semi Mechanized and loading with the help of one excavator.

22. No. of working days	90 days	
23. Working hours/day	8 hours/day	
24. No. Of workers	Approximately 15 workers	
25. No. Of vehicles movement/day	Approximately 16-17 movements per day	
26. Type of Land	Ordinary Soil Excavation Project	
27. Ultimate Depth of Mining	2.5 meter as per agreement	
28. Nearest metalled road from site	NH 27 is about 2.75 km towards west direction from the excavation site.	
29. Water Requirement	PURPOSE	REQUIREMENT (KLD)
	Drinking	0.25
	Suppression of dust	1.08
	Plantation	0.01
	Others (if any)	-
	Total	1.34 KLD Approx.
30. Name of QCI Accredited Consultant with QCI No And period of validity.	M/s Environmental Research and Analysis, Lucknow (U.P) Certificate No. NABET/ EIA/ 1922/RA 0200 (Rev01); Validity Till: 21 January, 2024.	
31. Any litigation pending against the project or land in any court	No	
32. Details of 500 m Cluster Map & certificate issued by Mining Officer	Letter No. 3850/Khanij Vibhag/ 2022-23 on dated 09/11/2022	
33. Details of Lease Area in approved DSR	NA	
34. Proposed EMP cost	Rs 1,32,710/-(more than 2% of the total Project cost)	
35. Total Project cost	Rs. 10,00,000/-	
36. Length and breadth of Haul Road	120 m length and 6 m width	
37. No. of Trees to be Planted	10	

The committee has gone through the replies submitted by the project proponent and found in order. Hence, the committee recommended to grant the environmental clearance for the project proposal as above along with general and specific conditions as earlier stipulated in 713th SEAC meeting dated 23/12/2022.

11. Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District- Kasganj, U.P., M/s Indo Tech Waste Solution. File No. 6191/Proposal No. SIA/UP/MIS/60737/2021

The project proponent informed the committee that:

1. The project proponent submit the online application dated 12/02/2021 (Proposal no. SIA/UP/MIS/60737/2021) for grant of terms of reference (TOR) for the project proposal Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District- Kasganj, U.P., M/s Indo Tech Waste Solution.
2. The terms of reference in the matter were issued by SEIAA vide letter no. 93/Parya/SEIAA/6191/2021, dated 11/06/2021.
3. Public hearing was organized by UP Pollution Control Board on 06/06/2022. Final EIA report submitted by project proponent through online Parivesh Portal on 01/08/2022.
4. The matter was listed in 683rd SEAC meeting dated 07/09/2022 for EIA presentation and SEAC directed the project proponent to submit information regarding the project.
5. The project proponent submit the reply of quarries on 26/09/2022 and the project listed in 695th SEAC meeting dated 19/10/2022 for reply presentation and the SEAC recommended to grant the environmental clearance along with general and specific conditions.
6. Subsequently, the matter was taken by SEIAA in its 670th meeting dated 14/11/2022 and accepted the recommendation of SEAC to grant environmental clearance for the said project with additional specific conditions.

7. A compliant letter dated 30/11/2022 of M/s Punahchakran Private Limited has been received at Directorate on 01/12/2022 and compliant letter take up by SEIAA in its 689th meeting dated 10/01/2023 wherein:

"SEIAA gone through the letter of Director Punahchakran dated 30.11.2022 regarding the above subject and opined that the complaint shall be sent to UPPCB for comments and till then issuance of EC granted to the above project be kept on hold."

8. In compliance of above decision, the Secretariat send a letter dated 18/01/2023 to Member Secretary, UPPCB, Lucknow along with compliant letter to take necessary action in the matter.
9. A letter no. G40218/C-4/NOC-104/2023, dated 20/02/2023 has been received from UPPCB, Lucknow and the letter dated 20/02/2023 was put up in 696th SEIAA meeting dated 21/02/2023 wherein:

"SEIAA noted that the above project was taken in its 689 meeting in which SEIAA opined that the complaint letter of Director Punahchakran dated 30.11.2022 shall be sent to UPPCB for comments and till then issuance of EC granted to the above project be kept on hold. A letter from UPPCB, letter no. 2912/NOC-3061/2023, dated 14.02.2023 has been received. SEIAA opined to refer the letter to SEAC for review/comments."

10. As per above decision of SEIAA, the matter was listed in 733rd SEAC meeting dated 03/03/2023 wherein:

"The committee has gone through the compliant letter dated 30/11/2022 of M/s Punahchakran Private Limited and UPPCB letter dated 20/02/2023 along with its report and opined that the aforesaid letters is being shared with project proponent with the direction to submit point wise factual reply on the issues raised in above letters. If the reply is received from project proponent then the matter will be listed in next SEAC meeting proposed on 15/03/2023."

11. The project proponent submitted their replies through letter dated 05/03/2023 and the matter was listed in 735th SEAC meeting dated 15/03/2023. The project proponent informed the committee is as follows:

- Reply of the compliant letter dated 30/11/2022 of M/s Punahchakran Private Limited submitted by M/s Indo Tech Waste Solution:

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To
The Chairman
State Level Expert Appraisal Committee -1 (SEAC-1)
State Environment Impact Assessment Authority
Directorate of Environment
Vineet Khand Gomti Nagar Lucknow

Date: 05-03-2023

Reply to the Complaint dated 30-11-2022 submitted by M/s Punahchakran Private Limited a project proponent for CBWTF at BabralaDistrict- Sambhal, UP submitted on 01-12-2022

Reference : Application for setting aside the recommendation to grant environment clearance to M/s Indotech Waste Solution, Common-Bio Medical Waste Treatment Facility at Village- Kumraua, Block- Soron, Tehsil & District- Kasganj. [File No: 6191 and Proposal No: SIA/UP/MIS/60737/2021]

Respected Sir,
With due regards and respect may we have the privilege to submit our reply to the Complaint dated 30-11-2022 submitted by M/s Punahchakran Private Limited a project proponent for CBWTF at Babrala on 01-12-2022 which is addressed to the Member Secretary SEIAA UP.

Nevertheless to mention here that we were granted Environment Clearance on 14-11-2022. On the recommendations of State Level Expert Appraisal Committee for Environment Clearance (SEAC-1) in its 695th Meeting held on 19.10.2022 and same was ratified and accepted by SEIAA in its 670th Meeting held on 14.11.2022, and we were granted the Environment Clearance. And to address the complaint of M/s Punahchakran our case was listed in 689th Meeting of State Level Environment Impact Assessment Authority, UP (SEIAA) held on 10.01.2023 after the gap of 57 days and the issuance of EC to the applicant's project was kept on hold taking cognizance of the highly belated/ back-dated and malafide complaint dated 30.11.2022 by Punahchakran (P) Ltd., after the EC was already granted earlier in time.

The parawise reply to the above cited complaint is as here in under:

Description of compliant	Reply by us
The present complaint is being filed on behalf of M/s Punahchakran Pvt Ltd, through its director Mr. Rajesh Kumar, [Hereinafter referred to as "the applicant The company of the applicant is proposing to set up a common bio-medical waste treatment facility at Plot No. E-25/26 UPSIDC, Industrial Area, Babrala, Tehsil- Gunnour, District- Sambhal, UP and has been duly accorded environment clearance for the same by SEIAA UP bearing EC identification no EC22B032UP160005 dated 13.07.2022 [Copy	The application was submitted on 11-08-2021 , 18-02-2022 and 28-03-2022 whereas we applied on 22/01/2021 & 12/02/2021 for Environment Clearance. The genesis of the case are appended as herein below your kind information and clarification please.

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enclosed herewith as Annexure 01]	

Table for important dates to draw your kind attention so as to deliver the natural justice to us.

PARTICULARS	INDO TECH WASTE SOLUTUONS	PUNAHCHAKRAN PRIVATE LIMITED
ONLINE APPLICATION FOR CBWTF	22/01/2021 & 12/02/2021	11/08/2021 [Without allotment and legal right over Land]
TOR APPLICATION/ GRANTED: SEAC SEIAA LETTER ISSUED BY SEIAA	 09/03/2021 21/05/2021 11/06/2021	 NOT HELD NOT HELD STANDARD TOR GRANTED-17/08/2021 online [Without allotment and legal right over Land]
EIA REPORT	27/11/2021	18/02/2022
PUBLIC HEARING CALL	30/11/2021	NOT APPLICABLE
PUBLIC HEARING DATE (Delayed by Regional Officer by 7 months on some or other pretext)	06/06/2022	NOT APPLICABLE
SUBMISSION OF EC application (Form B)	22/07/2022	18/02/2022
RECOMMENDATION OF EC BY SEAC	19/10/2022	5/04/2022 & 16/06/2022
EC GRANTED BY SEIAA	14/11/2022	05/07/2022
EC CERTIFICATE	NOT UPLOADED	13/07/2022
CONSENT TO ESTABLISH:	19/01/2023 (REJECTED for WANT of EC)	26/04/2022 (ACCEPTED and granted WITHOUT EC)

Description of compliant	Reply by us
The grievance in the present application is regarding a Common Bio-Medical Waste Treatment Facility proposed to be established at Village Kumraua, Block - Soron, Tehsil & District-Kasganj (UP) [Hereinafter referred to as the "said CBWTF"].	We also have the grievances of similar nature which also need to be redressed to deliver the justice and to upheld the law of natural justice.
The said CBWTF, is stated to have been allowed to be set up in contravention of the guidelines for sitting criteria without fulfilling the pre-requisites provided in the "Bio-Medical Waste Management Rules, 2016 and subsequent amendments to it and has	The Environment Clearance granted to us is no where in contravention of any prevailing law of the land and is in compliance to the provisions of the BMW Rules 2016 and Revised Guidelines for CBWTF. Which says that legally introduced

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been recommended for grant of Environment Clearance vide 670th minutes of SEIAA UP meeting held on 14.11 2022. [Copy of minutes enclosed as Annexure 02]	in India. Considering the likely impacts that may cause to the patients undergoing treatment because of operation of the captive treatment equipment within the health care facilities (HCFs), now the Bio-medical Waste Management Rules, 2016 restricts the Occupier (i.e., HCF) for ensuring treatment and disposal of generated bio-medical waste through a CBWTF, located within a distance of 75 KM. Further, these rules eased the bottleneck in upbringing the CBWTF by making department in the business allocation of land assignment in the State or UT administration responsible for providing a suitable site (s) within its jurisdiction. Revised Guidelines for Common Bio-medical Waste Treatment Facilities page 3 And same has been iterated upon by Hon'ble NGT in its many orders. Further it may please be noted that our application for Grant of EC was already under process when M/s Punahchakran Pvt Ltd applied for grant of Clearance. Thence the Grant of Environment clearance for M/s Punahchakran Pvt Ltd need to be reconsidered and rescinded.
The Bio-Medical Waste Management Rules 2016, subsequently amended in 2018, puts an embargo on the establishment of another Bio-Medical Waste Treatment Facility, if a bio-medical waste treatment and disposal facility is available within a distance of 75 Kms. This is the major grievance of the applicant since he has already obtained environment clearance for the establishment of its CBWTF Facility. The CBWTF facility proposed to be developed by M/s Indo tech waste solutions is situated at an aerial distance of approx. 38 kms from the applicant's unit [Google map depicting aerial distance between the applicant's site and the said CBWTF enclosed herewith as Annexure 03]	It is the fact as brought out by the complainant that its an embargo of granting Environment Clearance for establishing of another CBWTF hiding the vary fact the application for Environment Clearance of M/s Indo Tech Waste Solution is already under process and consideration for Grant of Environment Clearance before the competent authority which is located just with in the radius of 38 kms from the proposal of M/s Punahchakran Pvt Ltd. Therefore our case for Grant of Environment Clearance is in accordance with the law frame and does not violate or contravene any provisions of the BMW Rules 2016 and Revised CPCB guidelines. Whereas the consideration of the case of M/s Punahchakran is in Contravention and violation of the provisions of BMW Rules

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	2016 and revised CPCB Guidelines. And need to be reconsidered for grant of Environment Clearance.
The impugned Environment Clearance issued to M/s Indo tech waste solutions is liable to be set aside since there has been an active concealment of material facts by the said CBWTF in the EIA report and affidavit submitted for appraisal before the Hon'ble SEAC and SEIAA UP. The proponent M/s Indo Tech Waste Solutions has categorically denied the presence of any bio-medical waste treatment facility in its 75 km radius in the TOR Compliance embodied in the EIA report. Furthermore, M/s Indo Tech Waste Solution has in the reply to query raised in the minutes of meeting of SEAC-1 dated 07.09.2022 again misled the authorities by furnishing the incorrect factual data regarding the existing and proposed bio-medical waste facility in the 75 kms radius. In its letter dated 24.09.2022 addressed to member secretary SEIAA, UP in response of query generated by the 683 Minutes of SEAC-I, the said CBWTF stands in clear denial of the fact of presence of the bio-medical facility of the applicant. It is worth mentioning that the unit of applicant has been accorded environment clearance on 13.07.2022 while the said CBWTF unit has made its EIA application on 01.08.2022 and this clearly establishes the wilful concealment of the fact of acknowledgment of the applicant's CBWTF unit. (Copy of letter enclosed as Annexure 04)	**That the impugned Environment Clearance Granted to M/s Punahachakran Pvt Ltd Babrala is liable to be set aside as this is contravention of the BMW Rules 2016 and Revised CPCB Guidelines. Since the distance in between our proposed site (an application for grant of Environment Clearance was already in process since 07 Months ahead) and the Site of M/s Punahchakran Pvt Ltd is merely 38 kms and this vary fact was hidden by M/s Punahchakran Pvt Ltd while submitting its application and Gap analysis with mala fide intention to conceal the fact willfully to mislead the SEIAA and SEAC for unlawful gain and favour.** **Where as we have submitted the beds Data based upon the Data of UPPCB dated 21-02-2020 and shall be treated as Gap Analysis. The same Gap Analysis has been submitted by UPPCB before the Honourable NGT.** **Further more it may be iterated upon that we have mentioned about only the CBWTFs in operation at the time of submitting our application i.e 22/01/2021 & 12/02/2021 and whereas M/s Punahchakran Pvt Ltd submitted its application on 11/08/2021. As none can assume before 07 months that some other also will pop up in and apply for Environment Clearance by hiding the facts and misleading the authorities for unlawful gain and favour. Therefore this allegation is totally false with malice, that we have denied the presence of the proposal of M/s Punahchakran Pvt Ltd as it was nowhere in picture when we submitted application for Environment Clearance. M/s Punahchakran Pvt Ltd has willful concealed the vary fact of our application**
Furthermore, under the guidelines issued by Central Pollution Control Board (CPCB), the prescribed authority is required to conduct a gap analysis and action plan is to be prepared by it for the establishment of new CBWTFs in case of grant of authorization for the purposes of generation, reception, transportation, storage, treatment, processing disposal of Bio medical waste in accordance with the rules and guidelines issued by the CPCB. The impugned	

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environment clearance has been recommended without resorting to the regulatory procedure in respect of selection of site as mandated under the Rule 17 of Common Bio-Medical Waste and Management Rule, 2016 and subsequent amendments thereof.	for EC which was under process and was 07 months ahead while submitting its application for Grant of Environment Clearance and the similar concealment was also done in the gap analysis also. Hence M/s Punahchakran Pvt Ltd is to held the guilty of willful concealment of the facts to mislead the authority for unwarranted, unlawful favour and gain. Therefore the impugned Environment Clearance granted to M/s Punahchakran Pvt Ltd is in violation of Rule 17 of the BMW Rules 2016 as it has been recommended without resorting to the regulatory procedure in respect of selection of site as mandated under the Rule 17 of Bio-Medical Waste Management Rule, 2016 and subsequent amendments thereof and Revise CPCB Bguidelines for5 CBWTF. On the false and concealed facts.
The impugned Environment Clearance is also violative of the MoEFCC OM dated 01.04.2022 (Copy of the OM enclosed as Annexure 5)The said OM has been issued to the member secretary, CPCB, UPPCB and chairman SEIAA, UP wherein it strictly emphasized to follow the provisions stipulated under the Bio-Medical Waste Management Rules, 2016 and revised CPCB guidelines while giving clearance to Common Bio-Medical Waste Treatment Facility (CBWTF) through gap-analysis particularly in the state of Uttar Pradesh. However, the said CBWTF proposed to be established by M/s Indo Tech Waste Solution stands in clear violation of the said OM since the gap-analysis has never been conducted in the requisite and prescribed format as directed by the MOEFCC OM dated 01.04.2022	**All the provisions of BMW Rules 2016 and Revised guidelines for CBWTF have been honoured and followed in our case whereas in the case of M/s Punahchakran Pvt Ltd Babrala the provisions of BMW Rules 2016 and Revised Guidelines have been flouted at various points . The Gap Analysis submitted by us was submitted based upon the data of UPPCB dated 21-02-2020.** **The application was submitted for Environment Clearance by M/s Punahchakran Pvt Ltd 07 months later to the application of our application hence as per provisions of BMW have been flouted by M/s Punahchakran Pvt Ltd while selecting the site within 38 Kms radius form our proposed sites. Further while preparing the gap analysis for M/s Punahchakran Pvt Ltd our name is hidden categorically and willfully for unlawful gain.**
The Indo Tech waste Solution has furnished the authorities with the UPPCB Report on Bio Medical waste status as on 20.01.2020 which as on date holds no relevance since	Since we submitted our application for grant of Environment Clearance on 22/01/2021 & 12/02/2021 therefore we were to rely upon the data of the UPPCB

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the application of 'precautionary principle of environmental law should be applied and the evaluation should be made on the basis of relevant data and not the old database.	submitted as on 21-02-2020 and since than the Health care industry has phenomenal growth of 25% and further it will continue to attain the growth thus the base data of UPPCB still has relevance as the number of beds have also increased since than and the ambit of the BMW has also been widen by the regulatory authority as provisioned in BMW Rules 2016.
That it is also noteworthy that the guidelines issued by CPCB also deals with coverage area of CBWTFS for the purpose of establishment wherein it has been formulated that it is incumbent upon the prescribed authority that if the existing treatment capacity is not adequate in the coverage area of CBWTF already established under 1998 rules only in those cases if 10000 bed capacity is exceeding in that locality health care facilities, in such a case a new CBWTF may be allowed in order to meet the requirement of bed capacity exceeding 10000 in number health care facility but not otherwise and thus the recommendation to grant environment clearance to the said CBWTF is unsustainable. The plea to rescind the impugned environment clearance is also tenable on the ground that the land use of the CBWTF proposed to be established by M/s Indo Tech waste Solutions is not consistent with the surroundings.	Since the site selection of M/s Punahchakran Pvt Ltd is in contravention of the provisions of BMW rules 2016 and on the false an fabricated facts by concealing the vary facts of existence of our proposal which 07 months ahead and already under process of Grant of Environment Clearance. And at the time of application as per records there was no CBWTF located or proposed within the radius of 75 Kms and number of beds was 49888. And as per the gap analysis submitted by M/s Punahchakran Pvt Ltd the number of Beds are 35022 where as in gap analysis submitted by M/s Punahchakran the number of beds have been shown as 27099. Therefore our plea to rescind the impugned Environment Clearance Granted to M/s Punahchakran Pvt Ltd is tenable on various grounds which are false and fabricated for unlawful gain. The truth will be revealed and unerathend if the documents submitted by M/s Punahchakran Pvt Ltd are inspected , investigated and verified by an independent committee to ascertain the facts as brought out in the table above. Further we have already submitted our application for Change of Land use which has been put on hold by us as our Environment Clearance was put on hold. We assure that we shall submit the Change of Land Use within 1 month time form the grant of Environment Clearance. It also become pertinent to mention here

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	that the Change of project in the case of M/s Punhachakrna has been done after Grant of Environment Clearance which is in contravention to the rules. Therefore the Environment Clearance granted to M/s Punahchakran is tenable for rescind as it is totally based upon the false and fabricated facts.
The applicant has made a significant capital investment in its project situated at Babrala, Industrial Area of Uttar Pradesh and also if the CBWTF of M/s Indo Tech Waste Solution is allowed then it would lead to proliferation of waste treatment technologies and would in turn cause adverse impact on the environment. In view of the facts and circumstances, mentioned here in above, it is most respectfully prayed that your goodself may kindly be pleased to rescind the environment clearance sought by M/s Indo Tech Waste Solution which stands in violation of the guidelines issued time to time by CPCB in conformity with the provisions of relevant rules of Bio-Medical Waste Management 2016, subsequently amended in 2018.	The vary fact is that M/s Punahchakran has made an investment for installation of an industrial unit for Fabrication of ETP/STP/WP not for the installation of CBWTF which may be verified from the original allotment letter of UPSIDA for allotment of land and has submitted false and forged documents to mislead the authority for unlawful gain and favour. Therefore in view of the facts as brought out the Environment Clearance granted to M/s Punahchakran Pvt Ltd is not only tenable to be rescinded but ab intio void and invalid as it been obtained on the false and fabricated truths and this contributes to conspiracy to commit an criminal act of misleading the government authority for unlawful gain by submitting the false and fabricating documents. **(The documents are in public domain http://environmentclearance.nic.in/) and original documents of allottment of land can be had from UPSIDA.** And same has been established in an enquiry held at the office of the Additional Chief Secretary Environment and Forest Govt of UP.

Therefore in the view of the facts brought out here in above the Environment Clearance granted to M/s Punahchakran is tenable to rescind as it is void and invalid ab intio being obtained on the false , forged and fabricated truths and this contributes to conspiracy to commit criminal act of misleading the government authority for unlawful gain an favour by submitting the false, forge and fabricating documents.

Further as the letter of environment clearance was delayed beyond the prescribed time limit of 15 days from the Grant Environment Clearance i.e 14-11-2021 on some or other pretext. We made numerous representation before SEIAA but our requests were fallen on deaf ears

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and thus we were per force to approach Honourable Additional Chief Secretary (Environment) for the justice .

The Honourable Additional Chief Secretary (Environment) was pleased to establish a committee headed by Special Secretary (Environment) to inquest into the matter and deliver the justice to the aggrieved.
In the enquiry it has established that M/s Punahchakran Pvt Ltd is the guilty of submitting false and forged documents and wilfully concealed the facts and misled the Govt Authorities for unlawful gain and favour.

Therefore , you are requested not only to rescind the Environment Clearance Granted to M/s Punahchakran Pvt Ltd but also to initiate legal proceedings for misleading the Govt authorities resulting in loss of manpower and time as deemed fit

This is submitted for your kind information and further necessary action to reinstate the Environment Clearance granted to us.

Thanking You
With Regards

INDO TECH WASTE SOLUTIONS

Raman Kumar
Indotech Waste Solutions

Copy to : The Member Secretary SEIAA, Directorate of Environment Vineet Khand, Gomti Nagar,Lucknow, Uttar Pradesh

- Reply of the UPPCB letter dated 20/02/2023 submitted by M/s Indo Tech Waste Solution:

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सेवा में

दिनांक : 05-03-2023

अध्यक्ष

राज्य स्तरीय पर्यावरण आकलन समिति उत्तर प्रदेश

पर्यावरण निदेशालय विनीत खंड -1 गोमती नगर लखनऊ 226010

Complaint against Common Bio Medical Waste Treatment Facility at Village Kumraua Block -Soron Teh & Distt Kasganj M/s Indotech Waste Solution File No. 6191/Proposal no. SIA/UP/MIS/ 60737/2021 के सम्बन्ध में

आदरणीय महोदय,

कृपया सदस्य सचिव उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड के सदस्य सचिव महोदय के पत्र G 40218/C -4/NOC -104/2023 दिनांक 20-02-2023 का पत्र जो उप निदेशक/मोडल अधिकारी एस० ई० आई० ए० ए० पर्यावरण निदेशालय को संबोधित है , का संदर्भ ग्रहण करने का कष्ट करें। संदर्भित पत्र को दिनांक 03 -03-2023 को संपन्न हुई बैठक में हमारे साथ साझा किया गया था।

उक्त के सम्बन्ध में वांछित हमारी आख्या निम्नवत है।

कृपया उपरोक्त विषयक अपने पत्र सं0 1137 / पर्या0/ सामान्य / 2022 दिनांक 18.01.2023 का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा डायरेक्टर मै० पुनःचक्रण प्रा०लि०, बवराला, सम्भल के पत्र दिनांक 30.11.2022 के अनुक्रम में आवश्यक कार्यवाही कराने का अनुरोध किया गया है। उक्त के संबंध में क्षेत्रीय अधिकारी, अलीगढ़ के पत्र सं0 2912/ NOC-3061 / 2023 दिनांक 14.02.2023 द्वारा प्रस्तरवार आख्या प्राप्त हुई है। आख्या के अनुसार बोर्ड मुख्यालय के पत्र सं0-170660 दिनांक 18.01.2023 के द्वारा पर्यावरणीय स्वीकृति के अभाव एवं प्राप्त शिकायतों के कारण स्थापनार्थ सहमति आवेदन को अस्वीकृत कर दिया गया है।	आपका ध्यान इस ओर आकृष्ट कराना अति आवश्यक एवं समीचीन हो जाता है कि मैसर्स इन्डो टेक वेस्ट सोलूशन्स कासगंज को 19/10/2022 को SEAC-1 द्वारा अपनी 695वीं बैठक में पर्यावरण स्वीकृति (EC) के लिए अनुमोदन किया गया था जिसे मानते हुए SEIAA के द्वारा 14.11.2022 को आयोजित 670 वीं बैठक में पर्यावरण स्वीकृति (EC)प्रदान की गई थी। परन्तु बड़े ही खेद का विषय है मैसर्स इंडो टेक वेस्ट सॉल्यूशन को SEIAA के द्वारा पर्यावरण स्वीकृति (EC)प्रदान करने के उपरांत भी आज दिनांक तक 105 दिन व्यतीत हो जाने पर भी पर्यावरण स्वीकृति का पत्र निर्गत नहीं किया गया है। जिसका कारण मात्र सम्बंधित अधिकारीयों को ही पता है। और हमारे द्वारा विहित नियमों के आधार पर पर्यावरणीय स्वीकृति को दिया जाना माना जाता है (deemed to be granted) मानकर SEIAA के द्वारा दिए गए अनुमोदन को संलग्न कर

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	स्थापनार्थ सहमति हेतु आवेदन किया गया था अतः यह कहना कि पर्यावरणीय स्वीकृति के अभाव में स्थापनार्थ सहमति के अस्वीकार कर दिया गया है अनौचित्यपूर्ण है। यहाँ यह भी ध्यातव्य है कि मैसर्स पुनःचक्रण ही नहीं अपितु सभी CBWTFs को बिना पर्यावरणीय स्वीकृति के ही स्थापनार्थ सहमति प्रदान की गयी है। जहाँ तक शिकायतों का सम्बन्ध है हमारे द्वारा जन सुनवाई में प्राप्त सभी शिकायतों का निराकरण स्थल पर ही कर दिया गया था। तथा JRR वेस्ट मैनेजमेंट प्रा लि एवं ग्राम प्रधान पचलाना की शिकायत का विधिवत उत्तर आपके कार्यालय में जमा कर दिया गया था। अतः अब शिकायतों का कोई औचित्य प्रतीत होता है।
केन्द्रीय प्रदूषण नियंत्रण बोर्ड, नई दिल्ली की Revised Guidelines for Common Bio-medical Waste Treatment Facility अनुसार- a) A CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 KM, existing CBWTF in the locality (located within the respective State / UT) may be allowed to cater the healthcare units situated upto 150 KM radius w.r.to its location provided the bio- medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules. b). In case, number of beds is exceeding >10,000 beds in a locality (ie, coverage area of the CBWTF under reference) and the existing treatment capacity is not adequate, in such a case, a new CBWTF may be allowed in such a locality in compliance to various provisions notified under the Environment Protection) Act, 1986, to cater services only to such	यह सत्य है कि CPCB के द्वारा निर्गत दिशा निर्देशों के अनुसार 75 किलोमीटर की त्रिज्या में 10000 बेड्स तक मात्र एक ही CBWTF स्थापित होनी चाहिए। हमारे द्वारा CPCB द्वारा निर्गत दिशा निर्देशों का पूरी सम्बंधित अथवा अन्य किसी भी प्राविधान का उल्लंघन नहीं किया गया है। इस विषय में आपका ध्यान यहाँ पर दिया गया तुलनात्मक चार्ट के माध्यम से आकृष्ट करना उचित होगा जिसमें स्पष्ट है कि हमारे द्वारा मैसर्स पुनर्चक्रण प्रा लि से 07 माह पूर्व ही पर्यावरणीय स्वीकृत हेतु आवेदन किया गया था मैसर्स पुनःचक्रण के द्वारा इस तथ्य को जानबूझकर छुपाया गया तथा मैसर्स पुनर्चक्रण प्रा लि के पर्यावरणीय स्वीकृति के आवेदन के मूल्याङ्कन के समय किन्ही कारणों से अनदेखा किया गया। आपको यह भी अवगत करना उचित होगा कि मैसर्स पुनर्चक्रण प्रा लि के द्वारा जमा किये गए भूमि आवंटन के कूट रचित दस्तावेजों के आधार पर तथा बिना भूमि आवंटन के ही पर्यावरणीय स्वीकृति प्रदान कर दी गयी।

INDO TECH WASTE SOLUTIONS

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additional bed strength of the HCFs located. क्षेत्रीय अधिकारी, अलीगढ़ की आख्या के अनुसार मै० इण्डो टेक सोल्यूशन (अक्षांश-27957858 व देशान्तर-178.608814), खसरा संख्या-1181 ग्राम कुमरौआ, तहसील व जनपद-कासगंज से शिकायतकर्ता की दूकाई मै० पुनःचक्रण प्रा०लि०, (अक्षांश 28.277772 व देशान्तर 78.433335), प्लाट नं0-ई-25, 26, यूपीसीडा, औद्योगिक क्षेत्र, बबराला, सम्भल की सीधी दूरी लगभग 40 कि०मी० है। शिकायतकर्ता मै० पुन चक्रण प्रा०लि०, प्लाट नं0-ई-25, 26, यूपीसीडा, औद्योगिक क्षेत्र, बबराला, सम्भल को बोर्ड मुख्यालय के पत्र सं0-138098 दिनांक 26.04.2022 के माध्यम से स्थापनार्थ सहमति प्रदान की गयी है तथा राज्य स्तरीय पर्यावरणीय संघात मूल्यांकन प्राधिकरण उ0प्र0 के पत्र दिनांक 13.07.2022 के द्वारा पर्यावरणीय स्वीकृति जारी की गयी है।	अतः मैसर्स पुनर्चक्रण प्रा लि को दी गयी पर्यावरणीय स्वीकृति पर पुनर्विचार करते हुए नियमों अधीन उचित निर्णय लिया जाना चाहिए। तथा मैसर्स पुनर्चक्रण प्रा लि को जारी नियम विरुद्ध पर्यावरणीय स्वीकृति को अमान्य घोषित किया जाय और हमारी CBWTF के लिए स्वीकृत पर्यावरणीय स्वीकृति पर लगी अनावश्यक रोक को हटाते हुए पर्यावरणीय स्वीकृति को जारी किया जाय।

PARTICULARS	INDO TECH WASTE SOLUTUONS	PUNAHCHAKRAN PRIVATE LIMITED
ONLINE APPLICATION FOR CBWTF	22/01/2021 & 12/02/2021	11/08/2021 [Without allotment and legal right over Land]
TOR APPLICATION/ GRANTED: SEAC SEIAA LETTER ISSUED BY SEIAA	 09/03/2021 21/05/2021 11/06/2021	 NOT HELD NOT HELD STANDARD TOR GRANTED-17/08/2021 online [Without allotment and legal right over Land]
EIA REPORT	27/11/2021	18/02/2022
PUBLIC HEARING CALL	30/11/2021	NOT APPLICABLE
PUBLIC HEARING DATE	06/06/2022	NOT APPLICABLE

INDO TECH WASTE SOLUTION

INDO TECH WASTE SOLUTIONS

Khasra No.-1161, Village – Kumroua, Block – Saron
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(Delayed by Regional Officer by 7 months on some or other pretext)		
SUBMISSION OF EC application (Form B)	22/07/2022	18/02/2022
RECOMMENDATION OF EC BY SEAC	19/10/2022	5/04/2022 & 16/06/2022
EC GRANTED BY SEIAA	14/11/2022	05/07/2022
EC CERTIFICATE	NOT UPLOADED	13/07/2022
CONSENT TO ESTABLISH:	19/01/2023 (REJECTED for WANT of EC)	26/04/2022 (ACCEPTED and granted WITHOUT EC)

क्षेत्रीय अधिकारी, अलीगढ़ की आख्या के अनुसार मै० इण्डो टेक सोल्यूशन, खसरा संख्या-1161, ग्राम - कुमरौआ, तहसील व जनपद-कासगंज के द्वारा अभी तक उनके कार्यालय में पर्यावरणीय स्वीकृति प्राप्त नहीं करायी गयी है एवं उनके कार्यालय के अभिलेखानुसार जैव चिकित्सा उपचार व्यवस्था के सम्बन्ध में Gap Analysis सम्बन्धी सूचना उपलब्ध नहीं करायी गयी है।	हमारे द्वारा उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड के द्वारा जारी 21 -02 -2020 की रिपोर्ट जो कि तत्कालीन नोडल अधिकारी द्वारा माननीय NGT में दाखिल किया के आधार पर Gap analysis प्रस्तुत किया है अतः यह कहना उचित नहीं होगा कि हमारे द्वारा Gap analysis प्रस्तुत नहीं किया गया है। तथा समस्त सूचनाएँ EIA Report में उपलब्ध हैं जो क्षेत्रीय कार्यालय अलीगढ़ को पूर्व में ही उपलब्ध कराई जा चुकी है। हमारे द्वारा विहित नियमों के आधार पर पर्यावरणीय स्वीकृति को दिया जाना माना जाता है (deemed to be granted) मानकर SEIAA के द्वारा दिए गए अनुमोदन को संलग्न कर स्थापनार्थ सहमति हेतु आवेदन किया गया था । पर्यावरणीय स्वीकृति स्वीकृत एवं प्रत्याशित थी जो अनजान अभी तक अनावश्यक रूप से लंबित किया गया है।
क्षेत्रीय अधिकारी, अलीगढ़ की आख्या के अनुसार मै० इण्डो टेक सोल्यूशन, खसरा संख्या-1161, ग्राम - कुमरौआ, तहसील व जनपद-कासगंज के द्वारा सक्षम अधिकारी से प्राप्त भू-उपयोग प्रमाण पत्र उनके	हमारे द्वारा भू उपयोग परिवर्तन हेतु आवेदन कर दिया गया था तथा सक्षम अधिकारी के समक्ष विचाराधीन जिसे हमारे द्वारा ही स्वीकृत पर्यावरणीय स्वीकृति के लंबित होने के कारण ही

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कार्यालय में प्राप्त नहीं कराया गया है।	कराया गया है। हम आश्वस्त करते हैं कि 1 माह के अंदर परिवर्तित भू उपयोग का प्रमाण पत्र आपके कार्यालय में जमा कर दिया जायेगा। इस सम्बन्ध में हमारे द्वारा लिखित रूप में अपने स्पष्टीकरण में क्षेत्रीय अधिकारी को अवगत कराया गया था।

आपके संज्ञानार्थ एवं अग्रिम कार्यवाही हेतु सादर प्रेषित।

धन्यवाद

भवदीय

मैसर्स इंडो टेक वेस्ट सोल्यूशन्स

The committee discussed the matter and opined that the above reply of project proponent is forwarded to SEIAA for necessary action.

12. Hotel Project "KD Greens" at Gata No.- 265 KA, Mauja Kota, District-Mathura, U.P., Shri Krishna Janm Sthan. File No. 7528/Proposal No. SIA/UP/INFRA2/413745/2023

The Secretariat informed the committee that the matter was earlier discussed in 729th SEAC meeting dated 22/02/2023 and decided is as follows:

"The project proponent/consultant informed the committee that the EIA coordinator has visited the proposed site approximately six months ago. Hence, the SEAC directed the EIA coordinator that they should personally visit the project site and give a personal affidavit mentioning that there no construction and mining activity carried out at the project site. The project proponent also submitted the latest site photographs mentioning date, time and coordinates of project site and structural stability certificate."

The EIA coordinator submitted the affidavit dated 15/03/2023 as directed by SEAC. A presentation was made by the project proponent along with their consultant M/s ENV Das India Pvt. Ltd. Based on the documents submitted and presentation made by the project proponent along with the consultant, the following facts have emerged: -

1. The environmental clearance is sought for Hotel Project "KD Greens" at Gata No.- 265 KA, Mauja Kota, District-Mathura, U.P.
2. Site location and environmental sensitivity details:

Particulars	Details
Location	Gata No. 265 KA Village – Mauja Kota, Pargana- Mathura, Dist.- Mathura, U.P.
Type of Industry	Building & Large Construction Project
Category	B, Type- 8(a)
Latitude & Longitude	A-27.539961, 77.647962 B- 27.539377, 77.648649 C- 27.539282, 77.647030 D-27.538651, 77.647757
Elevation (m) above MSL	180 m
Current status of land	Mixed Land use
Type of facilities	Hotel
Nearest Highway	NH-2 adjacent to the project site
Nearest railway station	Vrindavan Railway Station: 6 km (NE)

Nearest airport	Agra Airport, Agra Approx.-53km (SE)
Protected areas as per Wildlife Protection Act, 1972 (Tiger reserve, Elephant reserve, Biospheres, National parks, Wildlife sanctuaries, community reserves and conservation reserves)	Sur Sarovar Bird Sanctuary- 40 km (SE)
Reserved/Protected Forests	None
Rivers/Lakes	Yamuna River approx.: 5.0 km (E)
Archaeological important places	Kans Quila – 4.89 km (SE) Ras Khan Samadhi -14.65 km(SSE)
Seismic zone	Seismic Zone -IV
Defense installations	Mathura Cantonment Approx. 7 km (SE)

3. Area details:

Sl.No.	Description	Area (m^2)	Percentage
1.	Total Plot Area (as per deed)	12,755.96	100
2.	Area left for Road Widening	466.45	
3.	Net Plot Area (12,755.96 – 466.45)	12,289.51	
4.	Green Area required	1843.42	
5.	Green Area Proposed	2408.87	19.6 %
6.	Permissible Ground Coverage	4915.80	39.9
7.	Proposed Ground Coverage	4263.14	34.6
8.	Permissible FAR	30,723.77	@2.49
9.	Proposed FAR	19,259.60	@1.56
10.	Area for road circulation	2564.07	
11.	Basement	3942.29	
12.	Total Non-FAR Area	3942.29	
13	Built up Area (FAR + Non-Far Area)	23,201.90	
14	Number of floors	Basement + G + 7	
15	Height of the building	32.75 m	
16	Total no. of rooms	120 rooms	
17	Power	Power: 1500 KVA Source of Power: State Grid Supply	
18	Power Backup	Gensets no: 6 Capacity: 2 x 500 KVA 3 x 250 KVA 1 x100 KVA (Fuel : Gas Based)	
19	Parking Details		
29	Parking Required	243 ECS	
30	Parking Provided		
	Basement	123 ECS	392 ECS
	Open Area	269 ECS	

4. Land use details:

Sl. No	Details	Area(m^2)
1.	Ground Coverage	4263.14
2.	Green area	2408.87
3.	Internal road circulation & Other services	5617.5
	Total	12,289.51

5. Water requirement calculation:

Sl. No.	Water Description	unit/Area (in m^2)	Total Occupancy	Rate of water demand (lpcd)	Total Fresh Water (KLD)	Total Flushing/Recycled water (KLD)	Total Water Requirement (KLD)
1.	Residential	120 rooms	250	Fresh Water @ 120 LPCD Flushing Water	30	15	45

				@ 60LPCD			
2.	Visitors		50	Fresh Water @ 10 LPCD Flushing Water @ 5LPCD	0.50	0.25	0.75
3.	Hotel Staff	--	100	Fresh Water @ 30 LPCD Flushing Water @ 15 LPCD	3.0	1.5	4.5
4.	Banquet	-	100	Fresh Water @ 30 LPCD Flushing Water @ 15 LPCD	3.0	1.5	4.5
5.	Dining Area		100	Fresh Water @ 45 LPCD Flushing Water @ 25 LPCD	4.5	2.5	7.0
6.	Kitchen	-	-		9		9
7.	Laundry				9		9
8.	Fire Fighting				9		9
Total Domestic water					68	20.75	88.75
9.	Landscape	2408.87 m^2		Non-monsoon@5l/m^2	-	12.0	12.0
				Total Water demand	68.0	32.75 ~33	100.75 ~101
				Monsoon@ 0.5 LPD/SQM			1.2
					Grand Total 101		

6. Waste water details:

Water/ Waste water Details	
Fresh Water	68 KLD
Flushing	21 KLD
Horticulture (Summer) Horticulture (Winter)	12 KLD 2 KLD
Total water requirement	101 KLD
Recycled water	33 KLD
Source of water –Ground water and Recycled Water Waste water: Approximately 72 KLD waste water will be produced in operation phase of the project which will be treated in the proposed onsite STP of 90 KLD and re-circulated for the low end uses (Flushing, and horticulture). STP Technology: MBBR	

7. 02 nos. of rain water harvesting pits provided in the project.

8. Parking details:

Required No. of Parking	243 ECS
Parking Provided Open Area Basement	392 ECS 269 123

9. Solid waste details:

Sl. No.	Particulars	Population	Waste generated in kg/day
1	Hotel (@0.20 kg/guest/day)	250	50
2	Visitors (@0.15kg/day)	50	7.5
3	Staff (@ 0.25kg/day)	100	25
4	Banquet and Dining Area (@0.3 kg/day)	200	60

Total Solid waste generated		142.5~143
Horticulture Waste (@ .0037/sq/day)	2408.87 m^2	9.0
STP sludge (0.04kg/KLD of waste water)	-	2.8

10. The project proposal falls under category–8(a) of EIA Notification, 2006 (as amended).

The committee also noted that the consultant submitted 02 different (EIA Coordinator) affidavits dated 15/02/2023 and 15/03/2023 mentioning is as follows:

EIA Coordinator Affidavit dated 15/02/2023	EIA Coordinator Affidavit dated 15/03/2023
1. I, Ipsita Pande, W/o Ankit Pande am EIA coordinator of ENV Das India Pvt. Ltd.	1. I, Dr. Ritu Pandey, D/o Shri Shiv Kumar Pandey am EIA coordinator of ENV Das India Pvt. Ltd.
2. I have prepared report for the proposal no. SIA/UP/INFRA2/413745/2023 & File No. 7528 with my team.	2. The organization has prepared report for the proposal no. SIA/UP/INFRA2/413745/2023 & File No. 7528 with my team.
3. I have personally visited the site of proposal and certify that no construction activity has been undertaken on the project site for the present proposal.	3. I have personally visited the site of proposal with my team and certify that no construction/mining activity has been undertaken on the project site for the present proposal.
4. I am satisfied with that all the necessary data/information required for EIA/EMP preparations are true and correct.	4. I am satisfied with that all the necessary data/information given in Application/EMP preparations are true and correct to my knowledge.
5. I certify that this project has been uploaded first time of the Parivesh Portal.	5. I certify that this project has been uploaded first time of the Parivesh Portal.
6. I certify that there is no mismatch between information/data provided on online application and hard copy/presentation submitted.	6. I certify that there is no mismatch between information/data provided on online application and hard copy submitted.
7. The EMP report for the proposal is prepared by my team as per guidelines laid down by QCI/NABET.	7. The EMP report for the proposal is prepared by executive team as per guidelines laid down by QCI/NABET.

RESOLUTION AGAINST AGENDA NO. 12

The committee discussed the matter and recommended grant of environmental clearance on the proposal as above along with following standard environmental clearance conditions prescribed by MoEF&CC, GoI:

1. Compliance of TTZ sectoral guidelines (Box-1) should be followed by project proponent.
2. Project proponent will comply the order(s)/directions issued by Hon'ble Court(s)/TTZ Authority/ Competent authorities from time to time.
3. The project proponent shall ensure that no effluent/waste water shall be discharged in the River Yamuna.
4. The proponent shall ensure that no parking is made outside the premises and all motorable roads within the premises and hotel to main road shall be made pakka and dust free.
5. Proponent shall also submit copy of 6 monthly compliance reports to CSIR-NEERI, Delhi at sk_goyal@neeri.res.in.
6. Project Proponent should adopt 01 village & develop as model village.
7. Statutory compliance:

1. The project proponent shall obtain all necessary clearance/ permission from all relevant agencies including town planning authority before commencement of work. All the construction shall be done in accordance with the local building byelaws.
2. The approval of the Competent Authority shall be obtained for structural safety of buildings due to earthquakes, adequacy of firefighting equipment etc. as per National Building Code including protection measures from lightening etc.
3. The project proponent shall obtain forest clearance under the provisions of Forest (Conservation) Act, 1986, in case of the diversion of forest land for non-forest purpose involved in the project.
4. The project proponent shall obtain clearance from the National Board for Wildlife, if applicable.
5. The project proponent shall obtain Consent to Establish / Operate under the provisions of Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974 from the concerned State Pollution Control Board/ Committee.
6. The project proponent shall obtain the necessary permission for drawl of ground water / surface water required for the project from the competent authority.
7. A certificate of adequacy of available power from the agency supplying power to the project along with the load allowed for the project should be obtained.
8. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department shall be obtained, as applicable, by project proponents from the respective competent authorities.
9. The provisions of the Solid Waste (Management) Rules, 2016, e-Waste (Management) Rules, 2016, and the Plastics Waste (Management) Rules, 2016 shall be followed.
10. The project proponent shall follow the ECBC/ECBC-R prescribed by Bureau of Energy Efficiency, Ministry of Power strictly.

8. Air quality monitoring and preservation:
   1. Notification GSR 94(E) dated 25.01.2018 of MoEF&CC regarding Mandatory Implementation of Dust Mitigation Measures for Construction and Demolition Activities for projects requiring Environmental Clearance shall be complied with.
   2. A management plan shall be drawn up and implemented to contain the current exceedance in ambient air quality at the site.
   3. The project proponent shall install system to carryout Ambient Air Quality monitoring for common/criterion parameters relevant to the main pollutants released (e.g. PM10 andPM25) covering upwind and downwind directions during the construction period.
   4. Diesel power generating sets proposed as source of backup power should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use of low sulphur diesel. The location of the DG sets may be decided with in consultation with State Pollution Control Board. The gaseous emissions from DG set shall be dispersed through adequate stack height as per CPCB standards. Acoustic enclosure shall be provided to the DG sets to mitigate the noise pollution. Low Sulphur diesel shall be used. The location of the DG set and exhaust pipe height shall be as per the provisions of the Central Pollution Control Board (CPCB) norms.
   5. Construction site shall be adequately barricaded before the construction begins. Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet

covers shall be provided for vehicles bringing in sand, cement, murram and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site.

6. Sand, murram, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution.
7. Wet jet shall be provided for grinding and stone cutting.
8. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.
9. All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016.
10. The diesel generator sets to be used during construction phase shall be low sulphur diesel type and shall conform to Environmental (Protection) prescribed for air and noise emission standards.
11. For indoor air quality the ventilation provisions as per National Building Code of India.

9. Water quality monitoring and preservation:
    1. The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site, on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.
    2. Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
    3. Total fresh water use shall not exceed the proposed requirement as provided in the project details.
    4. The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project proponent. The record shall be submitted to the Regional Office, MoEF&CC along with six monthly Monitoring reports.
    5. A certificate shall be obtained from the local body supplying water, specifying the total annual water availability with the local authority, the quantity of water already committed, the quantity of water allotted to the project under consideration and the balance water available. This should be specified separately for ground water and surface water sources, ensuring that there is no impact on other users.
    6. At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
    7. Installation of dual pipe plumbing for supplying fresh water for drinking, cooking and bathing etc and other for supply of recycled water for flushing, landscape irrigation car washing, thermal cooling, conditioning etc. shall be done.
    8. Use of water saving devices/ fixtures (viz. low flow flushing systems; use of low flow faucets tap aerators etc) for water conservation shall be incorporated in the building plan.
    9. Use of water saving devices/ fixtures (viz. low flow flushing systems; use of low flow faucets tap aerators etc) for water conservation shall be incorporated in the building plan.
    10. Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
    11. The local bye-law provisions on rain water harvesting should be followed. If local byelaw provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Byelaws, 2016. Rain water

harvesting recharge pits/storage tanks shall be provided for ground water recharging as per the CGWB norms.

12. A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.
13. All recharge should be limited to shallow aquifer.
14. No ground water shall be used during construction phase of the project.
15. Any ground water dewatering should be properly managed and shall conform to the a approvals and the guidelines of the CGWA in the matter. Formal approval shall be taken from the CGWA for any ground water abstraction or dewatering.
16. The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project proponent. The record shall be submitted to the Regional Office, MoEF&CC along with six monthly Monitoring reports.
17. Sewage shall be treated in the STP with tertiary treatment. The treated effluent from STP shall be recycled/re-used for flushing, AC make up water and gardening.
18. No sewage or untreated effluent water would be discharged through storm water drains.
19. Onsite sewage treatment of capacity of treating 100% waste water to be installed. The installation of the Sewage Treatment Plant (STP) shall be certified by an independent expert and a report in this regard shall be submitted to the Ministry before the project is commissioned for operation. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per statutory norms notified by Ministry of Environment, Forest and Climate Change. Natural treatment systems shall be promoted.
20. Periodical monitoring of water quality of treated sewage shall be conducted. Necessary measures should be made to mitigate the odor problem from STP.
21. Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Centre Public Health and Environmental Engineering Organization (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.

10. Noise monitoring and prevention:
    1. Ambient noise levels shall conform to residential area/commercial area/industrial area/silence zone both during day and night as per Noise Pollution (Control and Regulation) Rules, 2000. Incremental pollution loads on the ambient air and noise quality shall be closely monitored during construction phase. Adequate measures shall be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB / SPCB.
    2. Noise level survey shall be carried as per the prescribed guidelines and report in this regard shall be submitted to Regional Officer of the Ministry as a part of six-monthly compliance report.
    3. Acoustic enclosures for DG sets, noise barriers for ground-run bays, ear plugs for operating personnel shall be implemented as mitigation measures for noise impact due to ground sources.
11. Energy Conservation measures:

1. Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC.
2. Outdoor and common area lighting shall be LED.
3. Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window, and roof u-values shall be as per ECBC specifications.
4. Energy conservation measures like installation of CFLs/ LED for the lighting the area outside the building should be integral part of the project design and should be in place before project commissioning.
5. Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
6. Solar power shall be used for lighting in the apartment to reduce the power load on grid. Separate electric meter shall be installed for solar power. Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.

12. Waste Management:
    1. A certificate from the competent authority handling municipal solid wastes, indicating the existing civic capacities of handling and their adequacy to cater to the M.S.W. generated from project shall be obtained.
    2. Disposal of muck during construction phase shall not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
    3. Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials.
    4. Organic waste compost/ Vermiculture pit/ Organic Waste Converter within the premises with a minimum capacity of 0.3 kg /person/day must be installed.
    5. All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
    6. Any hazardous waste generated during construction phase, shall be disposed off as per applicable rules and norms with necessary approvals of the State Pollution Control Board.
    7. Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include Fly Ash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials.
    8. Fly ash should be used as building material in the construction as per the provision of Fly Ash Notification of September, 1999 and amended as on 27th August, 2003 and 25th January, 2016. Ready mixed concrete must be used in building construction.
    9. Any wastes from construction and demolition activities related thereto shall be managed so as to strictly conform to the Construction and Demolition Rules, 2016.
    10. Used CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/ rules of the regulatory authority to avoid mercury contamination.

13. Green Cover:
    1. No tree can be felled/transplant unless exigencies demand. Where absolutely necessary, tree felling shall be with prior permission from the concerned regulatory authority. Old trees should be retained based on girth and age regulations as may be prescribed by the Forest Department. Plantations to be ensured species (cut) to species (planted).
    2. A minimum of 1 tree for every 80 sqm of land should be planted and maintained. The existing trees will be counted for this purpose. The landscape planning should include plantation of native species. The species with heavy foliage, broad leaves and wide canopy cover are desirable. Water intensive and/or invasive species should not be used for landscaping.
    3. Where the trees need to be cut with prior permission from the concerned local Authority, compensatory plantation in the ratio of 1:10 (i.e. planting of 10 trees for every 1 tree that is cut) shall be done and maintained. Plantations to be ensured species (cut) to species (planted). Area for green belt development shall be provided as per the details provided in the project document.
    4. Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.
14. Transport:
    1. A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria.
        a. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic.
        b. Traffic calming measures.
        c. Proper design of entry and exit points.
        d. Parking norms as per local regulation.
    2. Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards be operated only during non-peak hours.
    3. A detailed traffic management and traffic decongestion plan shall be drawn up to ensure that the current level of service of the roads within a 05 kms radius of the project is maintained and improved upon after the implementation of the project. This plan should be based on cumulative impact of all development and increased habitation being carried out or proposed to be carried out by the project or other agencies in this 05 Kms radius of the site in different scenarios of space and time and the traffic management plan shall be duly validated and certified by the State Urban Development department and the P.W.D./ competent authority for road augmentation and shall also have their consent to the implementation of components of the plan which involve the participation of these departments.
15. Human health issues :
    1. All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.
    2. Emergency preparedness plan based on the Hazard identification and Risk Assessment (HIRA) and Disaster Management Plan shall be implemented.
    3. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.

4. Occupational health surveillance of the workers shall be done on a regular basis.
5. A First Aid Room shall be provided in the project both during construction and operations of the project.

16. Corporate Environment Responsibility:
    1. The project proponent shall comply with the provisions contained in this Ministry's OM vide F.No. 22-65/2017-IA.III dated 1st May 2018, as applicable, regarding Corporate Environment Responsibility.
    2. The company shall have a well laid down environmental policy duly approved by the Board of Directors. The environmental policy should prescribe for standard operating procedures to have proper checks and balances and to bring into focus any infringements/deviation/violation of the environmental / forest / wildlife norms / conditions. The company shall have defined system of reporting infringements / deviation / violation of the environmental / forest / wildlife norms / conditions and / or shareholders / stake holders. The copy of the board resolution in this regard shall be submitted to the MoEF&CC as a part of six-monthly report.
    3. A separate Environmental Cell both at the project and company head quarter level, with qualified personnel shall be set up under the control of senior Executive, who will directly to the head of the organization.
    4. Action plan for implementing EMP and environmental conditions along with responsibility matrix of the company shall be prepared and shall be duly approved by competent authority. The year wise funds earmarked for environmental protection measures shall be kept in separate account and not to be diverted for any other purpose. Year wise progress of implementation of action plan shall be reported to the Ministry/Regional Office along with the Six Monthly Compliance Report.

17. Miscellaneous:
    1. The project proponent shall prominently advertise it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days indicating that the project has been accorded environment clearance and the details of MoEFCC/SEIAA website where it is displayed.
    2. The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
    3. The project proponent shall upload the status of compliance of the stipulated environment clearance conditions, including results of monitored data on their website and update the same on half-yearly basis.
    4. The project proponent shall submit six-monthly reports on the status of the compliance of the stipulated environmental conditions on the website of the ministry of Environment, Forest and Climate Change at environment clearance portal.
    5. The project proponent shall submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company.
    6. The project proponent shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities, commencing the land development work and start of production operation by the project.
    7. The project authorities must strictly adhere to the stipulations made by the State Pollution Control Board and the State Government.
    8. The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP report.

9. No further expansion or modifications in the plant shall be carried out without prior approval of the Ministry of Environment, Forests and Climate Change (MoEF&CC).
10. Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of Environment (Protection) Act, 1986.
11. The Ministry may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.
12. The Ministry reserves the right to stipulate additional conditions if found necessary. The Company in a time bound manner shall implement these conditions.
13. The Regional Office of this Ministry shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information/monitoring reports.
14. The above conditions shall be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 along with their amendments and Rules and any other orders passed by the Hon'ble Supreme Court of India / High Courts and any other Court of Law relating to the subject matter.
15. Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

13. "Building Stone (Boulder, Khanda / Gitti-Ballast" at Gata No. 115 (Khand No.- 02), Village- Habupura, Tehsil- Garautha & District- Jhansi, Smt. Rachna Khatri, Area- 3.238 Ha. File No. 6808/ 6024/ Proposal No. SIA/UP/MIN/70159/2020

The Secretariat informed the committee that the matter was earlier discussed in 676th SEAC meeting dated 04/08/2022 and decided is as follows:

- *The proposed lease it was found that a Gram Samaj road (Mandir simit road) Motorable road constructed through the lease area which provides connectivity to the villagers (Chokri, Habupura and others) is developed and as well fully operational as well as some part the road is under construction also.*
- *There is high tension power line is present on each side of the road.*

Note: Due to the recent development the proposed project doesn't seem feasible for mining activity without leaving the safety area as per guideline.

In view of above, the committee discussed the matter and opined that a factual report and opinion should be obtained from Directorate of Geology and Mining before proceeding the matter. A copy of the letter should also send to District Magistrate, Jhansi for necessary action.

The Secretariat sent a letter dated 07/10/2022 to Director, Directorate of Geology and Mining, U.P. to take necessary action in the matter and provide information to the SEIAA. District Magistrate, Jhansi form a joint committee vide letter dated 13/10/2022 to inspect the mining site and provide inspection report. Joint committee inspect the mining site and suggested to revised the mining leased area from 3.238 Ha to 1.215 Ha with mineable Quantity from 32,380 cum/year to 12,150 cum/year. District Magistrate, Jhansi issued a revised letter of intent (LoI) vide its order no. 1566/30MMC/2022-23, dated 23/01/2023 for the mining leased area 1.215 Ha with mineable Quantity 12,150 cum/year. Director, Geology and Mining, U.P. vide its letter dated 15/03/2023 informed accordingly.

The project proponent vide its letter dated 13/03/2023 submit the revised LoI and revised mining plan with the request to list the matter in next SEAC meeting and the matter was listed in 735th SEAC meeting dated 15/03/2023.

The consultant informed the committee that they are strictly following the rules, regulations and other instructions of QCI/NABET. A presentation was made by the project proponent along with their consultant M/s Environmental Research and Analysis, Lucknow (U.P). Based on the documents submitted and presentation made by the project proponent along with the consultant, the following facts have emerged: -

1. The environmental clearance is sought for "Building Stone (Boulder, Khanda / Gitti-Ballast" at Gata No. 115 (Khand No.- 02), Village- Habupura, Tehsil- Garautha & District- Jhansi, U.P., (Leased Area- 1.215 Ha).
2. The Terms of Reference in the matter were issued by SEIAA, U.P vide Letter No. 708/Parya/SEAC/6024/2019, dated 15/01/2021.
3. The Public Hearing was organized on 05/10/2021. Final EIA Report was submitted by the Project Proponent on 27/12/2021.
4. Salient features of the project as submitted by the project proponent:

1. On-line proposal No.	SIA/UP/MIN/70159/2020			
2. File No. allotted by SEIAA, UP	6808-6024			
3. Name of Proponent	Smt. Rachna Khatri W/o Shri Vijay Kumar Khatri			
4. Full correspondence address of proponent and mobile no.	Address- 45, Near church, Civil Lines Tehsil & District – Jhansi UP			
5. Name of Project	Building Stone Khandas & Gitti, Boulder Mining Project			
6. Project location (Plot/Khasra/Gata No.)	Gata No. 115 (Khand No.- 02)			
7. Name of River	NA			
8. Name of Village	Habupura			
9. Tehsil	Garautha			
10. District	Jhansi(UP)			
11. Name of Minor Mineral	Building Stone Khandas & Gitti, Boulder Mining Project			
12. Sanctioned Lease Area (in Ha.)	1.215 Ha.			
13. Mineable Area (in Ha.)	0.854 Ha (safety margin 0.361 Ha).			
14. Zero level mRL	NA			
15. Max. & Min mrl within lease area	Max. & Min mRL is 225 mRL & 184 mRL respectively			
16. Pillar Coordinates (Verified by DMO)	Pillar	Latitude	Longitude	
	A	25°34'59.53"N	79°13'27.78"E	
	F	25°35'02.63"N	79°13'25.65"E	
	G	25°35'02.63"N	79°13'28.10"E	
	H	25°35'04.72"N	79°13'32.26"E	
	D	25°35'03.77"N	79°13'33.07"E	
	E	25°35'02.27"N	79°13'31.68"E	
17. Total Geological Reserves	1,03,500 m^3			
18. Total Mineable Reserves in LOI	12,150 m^3 per year			
19. Total Proposed Production (in five year)	60,750 m^3 in 5 years			
20. Proposed Production/year	12,150 m^3 per year			
21. Mining Lease Period	10 Year			
22. Method of Mining	Open cast, Manual, Semi-Mechanized			
23. No. of working days	250			
24. Working hours/day	8 hours/day			
25. No. Of workers	Approximately 30 workers			
26. No. Of vehicles movement/day	3-4 Vehicles movement/day			
27. Type of Land	Government Land(rocky Barren)			
28. Ultimate Depth of Mining	18 m for five years as per approved Mining plan			
29. Nearest metaled road from site	NH-42 is about 1.73 km towards North direction.			
30. Water Requirement	PURPOSE	REQUIREMENT (KLD)		
	Drinking	0.40 KLD		
	Suppression of dust	3.24 KLD		

	Plantation	2.0 KLD
	Others (if any)	
	Total	5.64 KLD (5.6 KLD approx.)
31. Name of QCI Accredited Consultant with QCI No And period of validity.	M/s Environmental Research and Analysis, Lucknow (U.P.) Certificate No. NABET/EIA/1619/IA0019 (Rev 01) and valid up to 21/01/ 2024.	
32. Any litigation pending against the project or land in any court	NO	
33. Details of 500 m Cluster Map & certificate issued by Mining Officer	Letter No. 1319/30 MMC/(2022-23) on Dated 02/12/2022	
34. Details of Lease Area in approved DSR	Letter No. 1887/30MMC/(2019-20), on Dated 12/03/2020 Sl.No:81	
35. Proposed CER cost	Rs 14,53,105/- (approx 2 % of total project cost)	
36. Proposed EMP cost/ Total Project cost	Rs. 98,00,000/-	
37. Length and breadth of Haul Road	360 m length and 6 m width	
38. No. of Trees to be Planted	2000	

5. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
6. This project does not attract any of the general conditions applicable on mining projects specified in EIA Notification 14/09/2006.
7. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
8. There is no litigation pending in any court regarding this project.
9. The project proposal falls under category–1(a) of EIA Notification, 2006 (as amended).

The consultant (EIA Coordinator) also submitted an affidavit dated 26/07/2022 mentioning is as follows:

1. I, Vishnu Kumar Awasthi S/o Lt. R G Awasthi is EIA Coordinator of M/s Environmental Research and Analysis, Lucknow (U.P.), Accreditation Certificate No- NABET/ EIA/ 1922/RA 0200 (Rev 01), valid till- 21/01/2024.
2. I have prepared EIA/EMP report for the Proposal No. SIA/UP/MIN/70159/2020 (File No. 6808-6024) for project "Building Stone (Boulder, Khanda / Gitti-Ballast" at Gata No. 115 (Khand No.-02), Village- Habupura, Tehsil- Garautha & District- Jhansi, U.P., (Leased Area- 1.215 Ha) with my team.
3. I have personally visited the site of proposal and certify that no Mining activity has been undertaken on the project site for the present proposal.
4. I have satisfied with that all the necessary data/information required for EIA/EMP presentations are true and correct.
5. I certify that this project proposal has been uploaded for the first time on Parivesh Portal.
6. I certify that there will be no mismatch between information/data provided on the online application submitted on Parivesh Portal and the hard copy/presentation which will be submitted after acceptance of application.
7. I state that all the TOR points have been complied and all the issues raised during public hearing have been properly addressed in EIA report.
8. The EIA/EMP report for the Proposal is prepared by my team as per guidelines laid down by QCI/NABET.

RESOLUTION AGAINST AGENDA NO. 13

The committee discussed the matter and recommended grant of environmental clearance for the project proposal along with general and specific conditions as annexed at Annexure-1 to these minutes. The committee also stipulated the following specific conditions:

1. Project proponent has committed to plant 1000 number of trees/hectare. The project proponent/consultant if desires may approach to concerned District Forest Authority to plant 1000 trees/ha on a land available to the Forest Department. The project proponent will deposit the required amount for this entire plantation work (including its maintenance and security) to the Forest Department.
2. The project proponent shall install solar light in their site office.
3. During the submission of 6 monthly compliance reports, the project proponent should make sure that the periodically taken site photographs should also be annexed along with the compliance report.
4. The maximum height of the bench should be 06 meters and the width of the bench should be at least twice the height of the bench as per the mine plan approval letter by DGM, U.P
5. In case the blasting is proposed during a mining operation, the project proponent needs to assess its impact on the displacement of human beings/wild animals/birds/other species, and the suitable measures proposed and taken for their rehabilitation and resettlement need to be clearly described in first 6 monthly compliance report.
6. The project proponent shall submit a final mine closure plan/Exit protocol for rehabilitation of mined-out land to match its surrounding land use 3years before the closure of the mine to SEIAA, UP and Department of Mines and Geology, UP for approval. The project proponent shall ensure the implementation of the approved plan under the supervision of the Dept. of Mines and Geology.
7. The project proponent shall plan and implement collection drain and siltation basins of adequate size to arrest the silt and sediment flow from the quarry area. The surface runoff rainwater harvesting and other water conservation measures on a long-term basis are to be taken in consultation with the Central/State Groundwater Board. The water so collected should be utilized for watering the haulage area, roads, and green belt development, etc.
8. The project proponent shall take all suitable measures to prevent pollution of groundwater and nearby water bodies in consultation with the State Pollution Control Board and consent to operate (if applicable) should be obtained from the State Pollution Control Board before the start of production from the mine.
9. Link Road from the quarry site to the main road shall be constructed as an all-weather road with blacktopping and maintained by the project proponent.
10. Vehicular emissions should be kept under control and regularly monitored. Suitable measures shall be taken for proper maintenance of vehicles used in a quarry operation and transportation.
11. The project proponent should explore the possibilities of rainwater harvesting.
12. Agreement/ Consent between project proponent and competent authority/ landowner for haulage road from lease site to link road.
13. Latest technology (water sprinklers/ tankers) to be adopted for mitigating dust at source points in lease area and haulage road during operational activity/vehicular movement.
14. As per the proposed plan, plantation with area specific plant species, number of plants to be Planted and report of green belt development to be submitted to the concerning department.

(Dr. Brij Bihari Awasthi) **Member**	**(Umesh Chandra Sharma)** **Member**	**(Dr. Ratan Kar)** **Member**
(Om Prakash Srivastava) **Member**	**(Ashish Tiwari)** **Member-Secretary**	**(Rajive Kumar)** **Chairman**

Nodal, SEAC-1

MoM prepared by Secretariat in consultation with Chairman & Members on the basis of decisions taken by SEAC-1 during the meeting.

Annexure-1

General and Specific Conditions for Gitti, Patthar & Boulder Mining Projects: -

A. General Conditions:

1. This environmental clearance is subject to allotment of mining lease in favour of project proponent by District Administration/Mining Department.
2. Forest clearance shall be taken by the proponent as necessary under the law.
3. Any addition of the mining area, change of Khasra numbers, enhancement of capacity, change in mining technology, modernization, and scope of working shall again require prior environmental clearance as per EIA notification, 2006.
4. No change in the calendar plan including excavation, the quantum of mineral and waste shall be made.
5. Mining will be carried out as per the approved mining plan. In case of any violation of the mining plan, the Environmental Clearance given by SEIAA will stand cancelled.
6. Four ambient air quality monitoring stations shall be established in the core zone as well as in the buffer zone for RSPM, SPM, SO_2, NO_x monitoring. The location of the stations should be decided based on the meteorological data, topographical features, and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board. The monitored data for criteria pollutants shall be regularly uploaded on the company's website and also displayed on the website.
7. Data on ambient air quality (RPM, SPM, SO_2, NO_x) should be regularly submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and the State Pollution Control Board / Central Pollution Control Board once in six months.
8. Ambient air quality at the boundary of the mine premises shall conform to the norms prescribed in MoEF notification no. GSR/826(E) dated 16.11.09.
9. Fugitive dust emissions from all the sources shall be controlled regularly. Water spraying arrangement on haul roads, loading and unloading, and at transfer points shall be provided and properly maintained.
10. Measures shall be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. shall be provided with earplugs/muffs and health records of the workers shall be maintained.
11. Industrial wastewater (workshop and wastewater from the mine) should be properly collected, treated to conform to the standards prescribed under GSR 422 (E) dated 19th May 1993 and 31st December 1993 or as amended from time to time. Oil and grease traps shall be installed before the discharge of workshop effluents.
12. Personnel working in areas shall be provided with protective respiratory devices like masks and they shall also be imparted adequate training and information on safety and health aspects.
13. Special measures shall be adopted to prevent the nearby settlements from the impacts of mining activities.
14. The transportation of the materials shall be limited to the day hours' time only.
15. Provision shall be made for housing the laborers within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, safe drinking water, medical health care, crèche, etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
16. A separate Environmental Management Cell with suitably qualified personnel shall be setup under the control of a Senior Executive, who will report directly to the Head of the Organization.
17. The Project Proponent shall inform the Integrated Regional Office, MoEF&CC, GoI, Lucknow and State Pollution Control Board regarding the date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
18. The funds earmarked for environmental protection measures shall be kept in a separate account and shall not be diverted for other purposes. The year-wise expenditure shall be reported to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and State Pollution Control Board.

19. The Integrated Regional Office, MoEF&CC, GoI, Lucknow and State Pollution Control Board shall monitor compliance with the stipulated conditions. A complete set of documents including Environment Impact Assessment Report, Environmental Management Plan, Public hearing, and other documents information should be given to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and State Pollution Control Board
20. A copy of the environmental clearance shall be submitted by the Project Proponent to the Heads of the Local Bodies, Panchayat, and Municipal Bodies as applicable in the matter.
21. The Project Proponent shall advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Level Environment Impact Assessment Authority (SEIAA).
22. The Project Proponent has to submit a regular half-yearly compliance report of the stipulated prior environmental clearance terms and conditions in hard and soft copy to the SEIAA, U.P. on 1st June and 1st December of each calendar year.
23. The SEIAA may alter/modify the above conditions or stipulate any further condition in the interest of environmental protection.
24. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.

B. Specific Conditions:

1. At the time of operation, the project proponent will comply with all the guidelines issued by the Government of India/State Govt./District Administration related to Covid-19.
2. This environmental clearance does not create or verify any claim of the applicant on the proposed site/activity.
3. In case it has been found that the E.C. obtained by providing incorrect information, submitting that the distance between the two adjoining mines is greater than 500mt. and the area is less than 05 ha, but factually the distance is less than 500 mt, and the mine is located in the cluster of area equal to or more than 05 ha, the E.C issued will stand revoked.
4. This environmental clearance shall be subject to a valid lease in favor of the project proponent for the proposed mining proposals. In case, the project proponent does not have a valid lease, this environmental clearance shall automatically become null and void.
5. The Environmental clearance will be co-terminus with the mining lease period/Mining Plan whichever is less. The Mining plan approved by the Dept. of Mines and Geology shall be strictly implemented and shall not be operated beyond the validity period.
6. Explosive cannot be stored on the site. The Project proponent shall take approval from Chief Controller of Explosive, if applicable for use or storage of explosive or any such materials.
7. A comprehensive EIA including mining areas within 15 K.M. to assess the impact of the mining activity on the surrounding area shall be undertaken and a report submitted to this Authority within one year.
8. No two pits shall be simultaneously worked i.e. before the first is exhausted and reclamation work completed, no mineral bearing area shall be worked.
9. After exhausting the first mine pit and before starting mining operations in the next pit, reclamation and plantation work in the exhausted pit shall be completed to ensure that reclamation, forest cover, and vegetation are visible during the first year of mining operations in the next pit. This process will follow till the last pit is exhausted. Adequate rehabilitation of mined pit shall be completed before any new ore-bearing area is worked for expansion.
10. An adequate buffer zone shall be maintained between two consecutive mineral-bearing deposits.
11. The sprinkling of water on haul roads to control dust will be ensured by the project proponent.
12. Green belt development shall be carried out considering CPCB guidelines including the selection of plant species and in consultation with the local DFO / Agriculture Department. Herbs and shrubs shall also form a part of the afforestation programme besides tree plantation. The company shall involve local people in the plantation programme. Details of year-wise

afforestation programme including rehabilitation of mined-out area shall be submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow every year.

13. Blast vibrations study shall be conducted and an observation report submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and UPPCB within six months. The report shall also include measures for the prevention of blasting associated impact on nearby houses and agricultural fields.
14. Controlled blasting techniques with sequential blasting shall be adopted. The blasting shall be carried out in the daytime only. The project proponent shall ensure prevention of displacement of human beings/wild animals/birds etc. and in case any such displacement is caused due to blasting/mining operation by any chance the project proponent shall take suitable measures for their rehabilitation and resettlement.
15. Appropriate arrangement for shelter and drinking water for the mining workers has to be ensured at the mining site.
16. Maintenance of village roads used for transportation of minerals is to be done by the company regularly at its own expenses. The link roads from mining area to main road shall be constructed as all-weather road with black topping and maintained by the project proponent.
17. The surface runoff rain water harvesting/rain water recharge and water conservation measures will be taken by project proponent in consultation with central /State ground water Board .The project proponent shall plan and implement collection drain and siltation basins of adequate size to arrest the silt and sediment flows from the mining area. The supernatant of the siltation basin and rain water harvested water shall be utilized for watering the haulage area, roads and green belt development etc.
18. Status of implementation shall be submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and UP Pollution Control Board within six months and thereafter every year from the next consequent year.
19. The self-environmental audit shall be conducted annually. Every three years third-party environmental audit shall be carried out.
20. Measures for prevention and control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion shall be carried out with geotextile matting or other suitable material, and thick plantations of native trees and shrubs shall be carried out at the dump slopes. Dumps shall be protected by retaining walls.
21. Trenches/garland drains shall be constructed at foot of dumps and coco filters installed at regular intervals to arrest silt from being carried to water bodies. An adequate number of Check Dams and Gully Plugs shall be constructed across seasonal/perennial nallahs if any flowing through the ML area and silts arrested. De silting at regular intervals shall be carried out.
22. Garland drain of appropriate size, gradient, and length shall be constructed for both mine pit and waste dump and sump capacity shall be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity shall also provide an adequate retention period to allow proper settling of silt material. Sedimentation pits shall be constructed at the corners of the garland drains and de silted at regular intervals.
23. Ground and surface water, if any in and near the core zone (within 5.0 km of the lease) shall be regularly monitored for contamination and depletion due to mining activity and records maintained. The monitoring data shall be submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and U.P. Pollution Control Board regularly. Further, monitoring points shall be located between the mine, and drainage in the direction of flow of groundwater shall be set up and records maintained.
24. Fugitive dust generation shall be controlled. Fugitive dust emission shall be regularly monitored at locations of nearest human habitation (including schools and other public amenities located nearest to sources of dust generation as applicable) and records submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and U.P. Pollution Control Board regularly.
25. Baseline data for ambient air quality shall be generated and maintained and RSPM level in ambient air in the nearby human habitation (villages) shall also be monitored along with other parameters.
26. Corporate Environmental Responsibility (CER) shall be by the project proponent and the details of the various heads of expenditure are to be submitted as per the guidelines provided in the

recent CER notification No. 22-65/2017-IA.III dated 01/05/2018. Work to be executed with the installation of five hand pumps for drinking water, solar light in villages of streets, construction of two numbers of toilets at the primary school with name displayed and address and details of the beneficiary and gram Pradhan along with phone number, photographs should be submitted to Directorate as well as to the District Magistrate / Chief Development officers.

27. Transportation of minerals shall be done by covering the trucks with tarpaulin or other suitable mechanisms so that no spillage of mineral/dust takes place.
28. Occupational health and safety measures for the workers including identification of work-related health hazards, training on malaria eradication, HIV, and health effects on exposure to mineral dust, etc. shall be carried out. Periodic monitoring for exposure to respirable mineral dust on the workers shall be conducted and records maintained including the health records of the workers. Awareness programmes for workers on the impact of mining on their health and precautionary measures like the use of personal protective equipment etc. shall be carried out periodically. A review of the impact of various health measures shall be conducted followed by follow-up action wherever required.
29. The project proponent will ensure for employing local people as per requirement, necessary protection measures around the mine pit and waste dump, and garland drain around the mine pit and waste dump.
30. Topsoil / solid waste shall be stacked properly with proper slope and adequate safeguards and shall be utilized for backfilling (wherever applicable) for reclamation and rehabilitation of the mined-out area. Topsoil shall be separately stacked for utilization later for reclamation and shall not be stacked along with overburden.
31. Overburden (OB) shall be stacked at the earmarked dump site(s) only and shall not be kept active for long period. The maximum height of the dump shall not exceed 20 m, each stage shall preferably be of a maximum of 10 m and the overall slope of the dump shall not exceed 35°. The OB dump shall be backfilled. The OB dumps shall be scientifically vegetated with suitable native species to prevent erosion and surface runoff.
32. Monitoring and management of rehabilitated areas shall continue until the vegetation becomes self-sustaining. Compliance status shall be submitted to the Regional Office, Ministry of Environment & Forests, GoI, Lucknow, and U.P. Pollution Control Board on a six-monthly basis.
33. The slope of the mining bench and ultimate pit limit shall be as per the mining scheme approved by the Indian Bureau of Mines.
34. Permission for the abstraction of groundwater shall be taken from Central Ground Water Board. Regular monitoring of ground and surface water sources for level and quality shall be carried out by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring shall be carried out four times in a year i.e., premonsoon (April May), monsoon (August), post-monsoon (November), and winter (January), and the data thus collected shall be regularly sent to MoEF&CC, Central Ground Water Authority, and Regional Director, Central Ground Water Board.
35. The wastewater from the mine shall be treated to conform to the prescribed standards before discharging into the natural stream. The discharged water from the Tailing Dam, if any shall be regularly monitored and report submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow, Central Pollution Control Board, and the State Pollution Control Board.
36. Hydrogeological study of the area shall be reviewed by the project proponent annually. In case the adverse effect on groundwater quality and quantity is observed mining shall be stopped and resumed only after mitigating steps to contain any adverse impact on groundwater is implemented.
37. Vehicular emissions shall be kept under control and regularly monitored. Vehicles used for transportation of minerals and others shall have valid permissions as prescribed under Central Motor Vehicle Rules, 1989 and its amendments. The vehicles transporting minerals shall be covered with a tarpaulin or other suitable enclosures so that no dust particles / fine matters escape during the period of transportation. No overloading of minerals for transportation shall be committed. The trucks transporting minerals shall not pass through the wildlife sanctuary if any in the study area.

38. Prior permission from the Competent Authority shall be obtained for the extraction of groundwater if any.
39. A final mine closure plan, along with details of Corpus Fund, shall be submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and U.P. Pollution Control Board 5 years in advance of final mine closure for approval.
40. Project Proponent shall explore the possibility of using solar energy where ever possible.
41. Commitment towards CER has to be followed strictly.
42. Regular health checkup record of the mineworkers has to be maintained at the site in a proper register. It should be made available for inspection whenever asked.
43. Project Proponent has to strictly follow the direction/guidelines issued by MoEF&CC, CPCB, and other Govt. Agencies from time to time.
44. The blasting will be done only after getting permission from the Mining Department.

Annexure-2

Standard Terms of Reference for the Mining Project prescribed by MoEF&CC, GoI

1) Year-wise production details since 1994 should be given, clearly stating the highest production achieved in any one year prior to 1994. It may also be categorically informed whether there had been any increase in production after the EIA Notification 1994 came into force, w.r.t. the highest production achieved prior to 1994.
2) A copy of the document in support of the fact that the proponent is the rightful lessee of the mine should be given.
3) All documents including approved mine plan, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management, mining technology etc. and should be in the name of the lessee.
4) All corner coordinates of the mine lease area, superimposed on a High Resolution Imagery/ toposheet, topographic sheet, geomorphology and geology of the area should be provided. Such an Imagery of the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).
5) Information should be provided in Survey of India Toposheet in 1:50,000 scale indicating geological map of the area, geomorphology of land forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.
6) Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from State land use board or the concerned authority.
7) It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/ violation of the environmental or forest norms/ conditions? The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large, may also be detailed in the EIA Report.
8) Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of open cast mining, blasting study etc. should be detailed. The proposed safeguard measures in each case should also be provided.
9) The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc. should be for the life of the mine / lease period.
10) Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.
11) Details of the land for any Over Burden Dumps outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any, should be given.
12) A Certificate from the Competent Authority in the State Forest Department should be provided, confirming the involvement of forest land, if any, in the project area. In the event of any contrary claim by the Project Proponent regarding the status of forests, the site may be inspected by the State Forest Department along with the Regional Office of the Ministry to ascertain the status of forests, based on which, the Certificate in this regard as mentioned above be issued. In all such cases, it would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.
13) Status of forestry clearance for the broken up area and virgin forestland involved in the Project including deposition of net present value (NPV) and compensatory afforestation (CA) should be indicated. A copy of the forestry clearance should also be furnished.
14) Implementation status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.

15) The vegetation in the RF / PF areas in the study area, with necessary details, should be given.
16) A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.
17) Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/ Elephant Reserves/(existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated, supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.
18) A detailed biological study of the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly indicating the Schedule of the fauna present. In case of any scheduled- I fauna found in the study area, the necessary plan alongwith budgetary provisions for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.
19) Proximity to Areas declared as 'Critically Polluted' or the Project areas likely to come under the 'Aravali Range', (attracting court restrictions for mining operations), should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Department should be secured and furnished to the effect that the proposed mining activities could be considered.
20) R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio-economic aspects should be discussed in the Report.
21) One season (non-monsoon) [i.e. March-May (Summer Season); October-December (post monsoon season); December-February (winter season)]primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled presented date-wise in the EIA and EMP Report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view the pre-dominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction. The mineralogical composition of PM10, particularly for free silica, should be given.
22) Air quality modeling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of mineral. The details of the model used and input parameters used for modeling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind roses showing pre-dominant wind direction may also be indicated on the map.
23) The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.
24) Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.
25) Description of water conservation measures proposed to be adopted in the Project should be given.
26) Details of rainwater harvesting proposed in the Project, if any, should be provided.
27) Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.
28) Based on actual monitored data, it may clearly be shown whether working will intersect groundwater.
29) Necessary data and documentation in this regard may be provided. In case the working will intersect

groundwater table, a detailed Hydro Geological Study should be undertaken and Report furnished. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.

30) Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be brought out.

31) Information on site elevation, working depth, groundwater table etc. Should be provided both in AMSL and bgl. A schematic diagram may also be provided for the same.

32) A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered under plantation and the species to be planted. The details of plantation already done should be given.The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.

33) Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.

34) Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.

35) Conceptual post mining land use and Reclamation and Restoration of mined out areas (with plans and with adequate number of sections) should be given in the EIA report.

36) Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.

37) Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.

38) Measures of socio economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.

39) Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.

40) Public Hearing points raised and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.

41) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.

42) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.

43) A Disaster management Plan shall be prepared and included in the EIA/EMP Report.

44) Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.

45) Besides the above, the below mentioned general points are also to be followed:-

a) Executive Summary of the EIA/EMP Report

b) All documents to be properly referenced with index and continuous page numbering.

c) Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated.

d) Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project.

e) Where the documents provided are in a language other than English, an English translation should be provided.

f) The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted.

g) While preparing the EIA report, the instructions for the Proponents and instructions for the Consultants issued by MoEF&CC vide O.M. No. J-11013/41/2006-IA.II(I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed.

h) Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.

i) As per the circular no. J-11011/618/2010-IA.II(I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.

j) The EIA report should also include: (i) surface plan of the area indicating contours of main topographic features, drainage and mining area, (ii) geological maps and sections and (iii) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.

lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.

5. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 10- ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
6. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
7. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
8. 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.

11. Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District- Kasganj, U.P., M/s Indo Tech Waste Solution, File No. 6191/Proposal No. SIA/UP/MIS/60737/2021

SEIAA noted that SEAC has forwarded the reply of project proponent to SEIAA and has made no comment on the complaint letter or other issue. SEIAA gone through the file and document and found that in public hearing minutes also it is mentioned that Gap analysis has not been done for the above project, RO, UPPCB, Aligarh letter no. 29/2/NOC-3061/2023 dated 14.02.2023 also states that Gap analysis report is not available. Hence in light of above SEIAA opined to review its decision dated 14/11/2022 of granting EC to the above project and reject the application.

12. Hotel Project "KD Greens" at Gata No.- 265 KA, Mauja Kota, District-Mathura, U.P., Shri Krishna Janm Sthan. File No. 7528/Proposal No. SIA/UP/INFRA2/413745/2023

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC and grant EC to the said project along with all the general and specific conditions as suggested by SEAC. In addition to the conditions imposed by SEAC, SEIAA added following additional specific conditions:-

1- The project proponent shall submit within the next 3 months the details of solar power plant and solar electrification details within the project.
2- The project proponent shall ensure to plant broad leaf trees and their maintenance. The CPCB guidelines in this regard shall be followed.
3- The project proponent shall submit within the next 3 months the details on quantification of year wise CER activities along with cost and other details. CER activities must not be less 2% of the project cost. The CER activities should be related to mitigation of Environmental Pollution and awareness for the same.
4- The project proponent shall submit within the next 3 months the details of estimated construction waste generated during the construction period and its management plan.

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Annex: 10

पंजीकृत

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प्रेषक,

सदस्य सचिव,
उ0प्र0 प्रदूषण नियंत्रण बोर्ड,
लखनऊ।

सेवा में,

M/s Indo Tech Waste Solution,
R/o- Kheri Road, Shop No-2, Sector- 98,
Faridabad, Haryana.

पत्रांक : 35 /पर्या./6191/2022 दिनाँक 11 मई, 2023

विषयः- Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District- Kasganj, U.P., M/s Indo Tech Waste Solution. File No. 6191/Proposal No. SIA/UP/MIS/60737/2021 के संबंध में।

महोदय,

कृपया उपरोक्त प्रस्ताव पर राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण, उ0प्र0 की बैठक दिनांक 07.04.2023 मे विचार कर निम्नवत् निर्णय लिया गया :-

SEIAA noted that SEAC has forwarded the reply of project proponent to SEIAA and has made no comment on the complaint letter or other issue. SEIAA gone through the file and document and found that in public hearing minutes also it is mentioned that Gap analysis has not been done for the above project, RO, UPPCB, Aligarh letter no. 29/2/NOC-3061/2023 dated 14.02.2023 also states that Gap analysis report is not available. Hence in light of above SEIAA opined to review its decision dated 14/11/2022 of granting EC to the above project and reject the application.

प्राधिकरण की बैठक दिनांक 07.04.2023 मे लिये गये निर्णय के आलोक मे सम्बन्धित कार्यवृत्त की प्रति संलग्न है। अतः उपरोक्त निर्णय के आलोक मे आपका परियोजना प्रस्ताव अस्वीकार किया जाता है।

संलग्नक- यथोक्त।

भवदीय,

(अजय कुमार शर्मा)
सदस्य सचिव
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