

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT NEW DELHI

ORIGINAL APPLICATION NO 215 OF 2020

IN THE MATTER OF:

International Rehab Foundation

.....Applicant

Versus

Govt. of NCT of Delhi and Others

.....Respondent

NDOH:-18.01-2021

INDEX

S. NO.	PARTICULARS	Page No.
1.	Compliance report on behalf of Delhi Pollution Control Committee/GNCTD with respect to order dated 05.10.2020.	1 - 13
2.	<u>ANNEXURE-1</u> Copy of the letter dated 01.02.2018 issued regarding CBWTF by CPCB.	14
3.	<u>ANNEXURE-2</u> Copy of the letter dated 02.02.2018 issued by CPCB regarding CBWTF.	15

Filed By

Place:- New Delhi

Dated:- 12 01.2021



Pankaj Kapil
Additional Director,
Delhi Pollution Control Committee

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COMPLIANCE REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE/GOVT OF NCT OF DELHI WITH RESPECT TO ORDER DATED 05.10.2020.

MOST RESPECTFULLY SHOWETH:

1. That this Hon`ble Tribunal in above referred matter vide its order dated 05.10.2020 ordered to file a report on the issue of enhancement of Bio-medical Waste Treatment and Disposal Facilities so as to bridge the gap in the generation of such waste and disposal, resulting in unscientific disposal of the remaining waste.
2. That applicant in the present application has heavily relied on the orders passed by This Hon`ble Tribunal in OA No. 75/2014 & OA 187(THC)/2014.
3. That, it is most respectfully submitted that the issue of implementation of Bio-medical waste inclusive of status of Common Biomedical Waste Treatment Facility (CBWTF) in Delhi has already been considered by this Hon`ble Tribunal in following other OAs:

- (i) OA NO 1015 OF 2018 titled as “Veterans Forum for Transparency in Public Life Versus Delhi Pollution Control Committee and Others
- (ii) OA No. 75/2014 titled as “Mohd. Irfan Vs. Union of India”
- (iii) OA 187(THC)/2014 titled as “Amritapuri Residents Welfare Association & Anr. Vs. Union of India & Ors”.
- (iv) O.A. 710/2017 titled as “ Shailesh Singh VS Sheela Hospital & Trauma Center”
- (v) OA 508/2015 titled as Kapil Kakkar vs Union of India and Others”

4. That, Ministry of Environment, Forest and climate change, Govt. of India notified the new “Bio-Medical Waste Management Rules, 2016” on 28th March, 2016. The gist of the same is as follows:

- (i) New Rules applies to all persons who generate, collect, receive, store, transport, treat, dispose, or handle bio medical waste in any form including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories, blood banks, ayush, hospitals, clinical establishments, research or educational institutions, health camps, medical or surgical camps, vaccination camps, blood donation camps, first aid rooms of schools, forensic laboratories and research labs.
- (ii) New Rules have removed the exemption for authorization and made it applicable to all types of Health Care facilities including clinics and dispensaries. However, in case of non-bedded HCFs the authorization is only for one time.
- (iii) Delhi Pollution Control Committee has been designated as Prescribed Authority to implement these rules in the National Capital Territory of Delhi.
- (iv) The Role of the State Pollution Control Boards/ Committee has been specified in Schedule III of the Bio-medical Waste Management Rules, 2016 under the List of Prescribed Authorities and the Corresponding Duties, as follows:

- Inventorization of Occupiers and data on bio-medical waste generation, treatment & disposal.
- Compilation of data and submission of the same in annual report to Central Pollution Control Board within the stipulated time period.
- Grant and renewal, suspension or refusal or cancellation of authorization under these rules (Rule 7, 8 and 10).
- Monitoring of compliance of various provisions and conditions of authorization.
- Action against health care facilities or common biomedical waste treatment facilities for violation of these rules (Rule 18).
- Organizing training programmes for staff of health care facilities and common bio-medical waste treatment facilities and State Pollution Control Boards or Pollution Control Committees Staff on segregation, collection, storage, transportation, treatment and disposal of bio-medical wastes.
- Undertake or support research or operational research regarding bio-medical waste management.
- Implementation of recommendations of the Advisory Committee.
- Publish the list of Registered or Authorized (or give consent) Recyclers.
- Undertake and support third party audits of the Common bio-medical waste treatment facilities in their State.

5. That following is the action taken report, for implementation of Bio-Medical Waste Rules, 2016 by DPCC:

- (a) Delhi Pollution Control Committee in 2019 for inventorisation of HCFs operating in Delhi has taken up various steps which include survey of health care facilities through both Common Bio-medical Waste Treatment Facilities, scrutinising list of registered HCFs with DHS,

issuing Public Notices in Newspapers for awareness of all HCFs and urging them to apply for authorization under the Bio-Medical Waste Management, Rules, 2016, organizing field Camps for spreading awareness among the HCFs and simultaneously enabling them to apply on-line for Authorization en-mass, issuing letters to ensure inclusion of all the small clinics to various associations of HCF i.e. DMA, IMA, Delhi Dental Association etc and to both CBWTFs so that all the health care facilities, operated/ run by their members apply for authorization in DPCC. Directorate of Health Services, GNCTD, Animal Husbandry Department, GNCTD, Municipal Authorities and CDMOs were also asked to ensure that the health care facilities under their areas of jurisdiction applies for authorization under BMW Rules, 2016. As a result DPCC is able to issue 10638 authorisations till 30.11.2020.

- (b) Annual Report for the year 2019-20 has already been submitted to CPCB on 29.07.2020.
- (c) Before applying for authorization, every health care facility is required to enter into an agreement with the concerned CBWTF for collection, transportation, treatment and disposal of the waste generated by it except non biomedical waste generation health care facility. Biomedical waste is collected, transported and treated by two Common Biomedical Waste Management Facilities (CBWTFs) operating in Delhi namely M/s SMS Water Grace BMW(P) Ltd. and M/s Biotic Waste Solutions (P) Ltd. Action taken by DPCC to simplify the processing of application of authorization of health care facility are as follows:
 - DPCC has developed an online portal and all applications for authorizations under Bio-Medical waste Management Rules, 2016 (BMW Rules, 2016). The authorizations against the complete applications are also issued online

mode thereby quickening the process of disposal of the applications. Health Care Facilities not generating any biomedical waste are issued automatic authorisation/acknowledgement at the time of filing of application. Due to steps taken by DPCC there is substantial increase in the number of HCFs which have applied in DPCC for authorization. 11032 No. of applications have been received in DPCC under the provisions of BMW Rules, 2016 till November 2020.

- Authorization under BMW Rules and Consent under Air and Water Act in Delhi Pollution Control Committee is decided at three levels:

BMW Committee 1: This Committee is headed by Chairman DPCC and decides applications of HCEs with bed strength and above 200 and Common Bio Medical Waste Treatment Facilities.

BMW Committee 2: This Committee is headed by Member Secretary, DPCC and decides applications of HCEs with bed strength more than 50 and upto 199.

Bed Strength (0-50): The applications are being decided at the level of Engineers working in Bio Medical Waste Cell.

- (d) If any HCF is found flouting the norms during inspection, action as per law such as Notice u/s 5 of EPA, levy of Environmental Compensation (EC) charges is taken.
- (e) Two workshops have been conducted on 09.11.2016 and 07.07.2017. DPCC has also organized 22 Camps since May, 2019 in collaboration with various medical associations

where the health care facilities were facilitated to apply online.

- (f) As per Rule 11 every State Government or Union territory Administration has to constitute an Advisory Committee for the respective State or Union territory under the chairmanship of the respective health secretary to oversee the implementation of the rules in the respective state and to advice any improvements and the Advisory Committee includes representatives from the Departments of Health, Environment, Urban Development, Animal Husbandry and Veterinary Sciences of that State Government or Union territory Administration, State Pollution Control Board or Pollution Control Committee, urban local bodies or local bodies or Municipal Corporation, representatives from Indian Medical Association, common bio-medical waste treatment facility and non-governmental organization.

In Delhi, the Committee has been constituted under the Chairmanship of Secretary (Health & Family Welfare) and is meeting regularly. Last four meetings of the Advisory Committee were held on 16.08.2018, 26.03.2019, 18.11.2019 & 29.07.2020 and actions are taken in pursuance of decisions taken by the committee.

- (g) In order to facilitate the proper treatment of the biomedical waste following two centralized waste treatment facilities are operation in Delhi viz.

- (i) M/s SMS Water Grace BMW Pvt. Ltd, Nilothi, and
- (ii) M/s Biotic Waste Solutions Pvt. Ltd., SSI Industrial Area.

Biomedical Waste is collected from all sources in Delhi, transported and treated by these Common Bio-medical Waste Treatment Facilities (CBWTFs).

Both the facilities have been directed to collect, transport and treat the waste from the Delhi Govt. hospitals/dispensaries free of cost. Collection, transportation and treatment of waste from other hospitals is chargeable as per the rates prescribed by the DHS.

Details of Present CBMWTFs and area of operation in Delhi in tabular form is as follows:-

S. No	Service Provider	Address	Date of start	Installed capacity	Districts allotted
1.	M/s SM S Water Grace BMW (P) Ltd	DJB, S.T.P., Nilothi, New Delhi-41	April 2011	28.8 tons per day {12 T incin. + 16.8 T autoclave}	West, South West, Central, East, Shahdara and North East
2.	M/s Biotic Waste Solutions Pvt. Ltd.	46-47, SSI Ind Area, Delhi-33.	Oct. 2009	34 tons per day {25 T incin. + 9 T autoclave}	North, North West, New Delhi, South and South East

Quantum of waste being collected by CBMWTFs as per annual report for 2019 submitted to CPCB on 29.07.2020:-

Item	SMS Water Grace BMW Ltd	Biotic Waste Solutions Pvt Ltd	Total
Total quantity	14243 kg/day	14240 kg/day	28785.15 kg*

*Total quantity of waste included 302.15 kg of autoclave waste treated in captive facility in Lok Nayak Hospital, New Delhi-110002

Total Installed capacity of CBWTFs: 62.8 MT

Qty. of BMW generation in Delhi: 28.8 MT

(h) Third party audit of both the CBWTFs are being undertaken regularly, the last being on 21/12/18 and for year 2019 the audit has been conducted by National Productivity Council.

6. That one of the above mentioned CBWTFs namely M/s SMS Water Grace BMW (P) Ltd is operational from Delhi Govt land at DJB, S.T.P., Nilothi, New Delhi-41 provided by Directorate of Health Services (DHS), Govt. of Delhi on lease which was valid up to April, 2020 and subsequently the said CBWTF is operational on extensions of lease being done by DHS.

With a view to manage the bio-medical waste in case of closure of one of the existing CBWTF i.e. M/s SMS Water Grace the issue of setting up of additional CBWTFs was discussed in various meetings of Advisory Committee dated 29.11.2017, 06.02.2018 and 16.08.2018. It was decided to divide Delhi in four area circles and to go for open tender bidding for all four area circles on Private Land.

7. That during the course of meetings of subcommittee constituted by Principal Secretary (Health) under the chairmanship of Member Secretary DPCC, CPCB vide its letter dated 01.02.2018 (**Annexure-1**) has already contradicted the proposal to bring more CBWTF in Delhi stating that setting up of 4 more CBWTF will be in violation of CPCB guidelines. However CPCB opined in favor of setting up of one more facility in place of M/s SMS Water Grace. Another letter of CPCB of conducting the gap analysis as envisaged in CPCB's guidelines the requirement dated 02.02.2018 (**Annexure-2**) reiterated the same stand.

8. That considering the decisions of Advisory Committee, DPCC decided to invite proposals for development of 3(three) more

CBWTFs in Delhi (as one CBWTF namely M/S Biotic Waste Solutions Pvt. Ltd. is functioning on private land and lease of other CBWTF was going to be over in 2020. Accordingly letter of Intent was issued to NEERI & NPC on 12.02.2019 for the work of inviting expression of interest/selection of proponent's forestablishment of CBWTFs in Delhi. NPC submitted its proposal on 26.02.2019.

9. That the National Productivity Council has been engaged as Transactional Advisor on nomination basis for "Providing consultancy services for development of three additional Common Bio- Medical waste management facilities (CBWTFs) in Delhi". Work order for the same was issued on 16.08.2019 and the scope of work involved in 2 phases, which are as:

Phase-I: Selection of Facility Developers/Proponent(s).

Preparation of EOI, receiving EOI on behalf of DPCC, evaluation of EOI through committee constituted in consultation with DPCC, preparation of draft RFP, evaluation of proposals through committee and preparation of MOU between DPCC and selected bidders.

Phase-II: Site visits during development of CBWTFs.

The time line for completion of work envisaged in phase- I was 31.12.2020.

10. That the selection of site for setting up of such facility is to 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 as prescribed under rule 17(2) of BMW Rules 2016.
11. That the criteria for development of a new CBWTF for locality or region, has been specified in the revised guidelines issued by CPCB on December 21, 2016 which includes the following steps

among others:

- a) Prior to allowing any new CBWTF, prescribed authority {Delhi Pollution Control Committee (DPCC) in case of Delhi} is required to prepare an inventory or review with regard to the bio-medical waste generation at least once in 5 years in the coverage areas of the existing bio-medical waste treatment and disposal facility.
- b) To extrapolate the coverage area wise bio-medical waste generation for the next 10 years.
- c) To conduct the gap analysis and based on that, action plan for development of new CPWTF is required to be prepared and submitted to MOEF&CC and CPCB within six months' time.
- d) In case, any coverage area requires any additional treatment capacity, in such a case, action may be initiated for allowing a new CBWTF in that locality without interfering the coverage area of the existing CBWTF and beds covered by the existing CBWTF.

12. That a presentation was given by National Productivity Council (NPC) regarding inviting the Expression of Interest (EOI) for development of Common Biomedical Waste Treatment Facility (CBWTF) before advisory committee in its meeting dated 18.11.2019.

“Committee felt that although there is a need for developing more CBWTFs in Delhi, number of facilities needed should be based on some rationale/ study. The Committee requested NPC to conduct gap analysis as stipulated in the guidelines by CPCB for CBWTF and the blueprint of EOI may then be again presented before Advisory Committee.

Discussions over the future scenario, in case of closure of M/s SMS Water Grace BMW (P) Ltd., whose lease with DGHS was going to expire in 20 April 2020, also ensued. The Committee felt that closure of one facility shall pose too much risk in case of any problem with the remaining one facility. It was felt that the continuation of the operation of a facility should be based on its

performance. DPCC informed that in any case, the development of the additional CBWTF shall take minimum 2 years.”

13. That subsequent to Advisory Committee meeting dated 18.11.2019 the Delhi Pollution Control Committee asked National Productivity Council to conduct the gap analysis and work order was issued on 12.03.2020 for “Additional Work” envisaging following scope of work:
 - A. Gap analysis for requirement of numbers & capacities of additional Common Biomedical Waste Treatment & Disposal Facilities (CBWTFs) in Delhi.
 - B. Study of successful biomedical waste management systems in 3 States (Maharashtra, Telangana & West Bengal) of India for study of biomedical waste management system & pattern of establishment of CBWTFs in these three (3) cities.
 - C. Estimation of cost of establishing CBWTF.
 - D. Complete report along with the Action Plan for moving forward shall be submitted by NPC to DPCC on or before 15th April 2020.

14. That the NPC has submitted draft report on 08.06.2020, revised report on 26.08.2020 and 26.10.2020 and final report has been submitted on 23.11.2020 containing ‘Gap analysis’ for requirement of numbers & capacities of additional Common Biomedical Waste Treatment & Disposal Facilities (CBWTFs) in Delhi.

15. That the requirement of additional CBWTFs in Delhi has been assessed on the basis of current BMW generation plus the expected BMW generation by the year 2031. Taking into consideration the SWGFs derived by NPC, 34,584 Kg/ day has been calculated the maximum quantity of BMW expected to be generated in a day in Delhi at present. The projection of bio medical waste generation in future and requirement of additional CBWTFs has been assessed considering 34584kg/ day as the current bio medical waste generation of Delhi.

NPC has estimated total future design waste generation in 2031 = 80,000 kg/day
Average Incinerable waste has been estimated =40,000 kg/day (50% of total waste)

As per action plan submitted by NPC, in view of the lease of M/s SMS Water currently operational on lease extension, CBWTF is immediately required for catering to the BMW generated from West, South West, Central, East, Shahdara and North East districts of Delhi. These 6 districts can further be classified into two regions.

Proposed CBWTF 1 :

Region 1: Shahdara, East and North East Delhi (fall in the trans Yamuna belt)- Projected Total waste in 2031-13064 kg/day against the present estimated value of 5647 kg/day (as per SWGF)

Total capacity -14 Tons/day(incinerable:7000 Kg/day),
Capacity of incinerator-350 Kg/hr

Proposed CBWTF 2

Region 2: West, South West, Central Districts.

Projected Total waste in 2031-31960 kg/day against the present estimated value of 13902 kg/day (as per SWGF)

Total capacity -32 Tons/day (incinerable:16000 Kg/day),
Capacity of incinerator 800 Kg/hr

Since two additional CBWTFs are being proposed in place of M/s SMS Water Grace, one facility is proposed to be located in the trans-Yamuna belt (East, North East or Shahdara) and the other maybe located in any of the West, south West or Central Delhi. The final location of CBWTF will however depend upon the availability of land.

Considering the fact that waste generation will increase in coming years and any facility that shall be established shall be operational for duration of 10 years, NPC has suggested that, all CBWTFs that will be installed shall be in modular form and capacities shall be upgraded to meet the future requirement.

16. That the matter regarding preparation of revised Expression of Interest (EOI) by NPC is under process and likely to be finalized by mid of January, 2021. Subsequently Expression of Interest shall be invited and "Request for Proposals (RFPs)" would be sent to proponents selected at "EOI" stage.
17. That the selected CBWTF operator are required to obtain 'Environmental Clearance (EC)', before any construction work, or preparation of land by the projects management, and selected operator is also required to obtain 'Consent to Establishment' under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 before start of work.
18. That in view of above status after calling EOI the process of setting up of new CBWTFs is likely to take at least 2 years time and accordingly the Advisory Committee, CPCB, MoEF&CC has been informed vide letters dated 01.01.2021 about the status/action plan.
19. In view of above it is submitted that the respondent is taking all action warranted for safe disposal of Bio Medical Waste generated in Delhi and installed capacity of CBWTFs are sufficient in present scenario. Action for bringing the more CBWTF is underway in accordance with the guidelines of CPCB.
20. That the Gap Analysis will again be conducted after 5 years to review the situation and to bring more CBWTF if needed.

The above report may please be taken on record.



(Pankaj Kapil)

Additional Director

820 (12)

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA



Annexure-1

By Speed Post

F.No.B-31011/BMW(14.4)/2018/WMD-1/ 16880

Delhi Pollution Control Committee
Dairy No. 2369
- 5 FEB 2018
MS
Sign. of Receiving Officer

✓ To

Member Secretary
Delhi Pollution Control Committee
4th Floor, ISBT Building
Kashmere Gate, Delhi: 110 006

MS/273/
06/02/18

Sub: CPCB's views on "Setting up of Common Bio-medical Waste Management Facilities" - reg.

Sir,

This has reference to Meeting of the Committee Constituted by DPCC for reviewing "Setting up of Common Bio-medical Waste Management Facilities" in Delhi, in this connection it is to state that CPCB's stand will be as stated in meeting held on 11.01.2018 relating to compliance to the BMW Rules, 2016 and revised Guidelines of CPCB. I am directed forward views of CPCB on the matter are as under;

"Based on the current scenario of bio-medical waste management in Delhi, it is concluded that the two existing Common facilities operated in Delhi are having adequate capacity to treat the bio-medical waste generated by the Health Care Facilities of Delhi. Further, the gap analysis conducted by DPCC also indicates that as per the current trend of bio-medical waste generation, in the year 2035 the quantum of bio-medical waste will be about 43 tons per day, whereas the treatment capacity of both the facilities is about 62 tons per day; which is adequate to treat the quantum of bio-medical waste. As stated, one of the facility (i.e. M/s SMS Water Grace Pvt. Ltd.) is going to be closed in the year 2020 (due to expiry of lease agreement), the Committee could consider for setting up of one more facility in place of M/s SMS Water Grace Pvt. Ltd. that would not be hampered in case of closure of said facility and for smooth management of bio-medical waste in Delhi. Proposal of the Committee for setting up of four new Common facilities is not justified, which would be against the order of Hon'ble National Green Tribunal regarding air pollution in Delhi which likely to be increased due to addition of new emission sources like Incinerators, besides causing violations of the CPCB's revised guidelines."

These views are also communicated to DPCC vide e-mail dated 24.01.2018

Yours faithfully,

(M.K.Choudhury)
Additional Director, WMD

SETE (BMW)

Copy to:

(i) PS to MS, CPCB

Bmw 2226
12/2/18

Annexure-2

Scan 2.bmp



केन्द्रीय प्रदूषण नियंत्रण बोर्ड 113
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

F.No. B-31011/BMW(14.4)/2018/WMD-1/113

By Speed Post

To
Member Secretary
Delhi Pollution Control Committee
4th Floor, ISBT Building
Kashmere gate, Delhi: 110 006

Delhi Pollution Control Committee
Dairy No. 2688
-9 FEB 2018
MS
Sign. of Receiving Officer

February 02, 2018

MS/2794
12/02/18

Sub: Committee Constituted by DPCC for reviewing "Setting up of Common Bio-medical Waste Management Facilities" in Delhi - reg.
Ref: DPCC/WMC-1/S-8/PF/2017 dated 01.01.2018 & 18.01.2018

Sir,

This has reference to above letters dated 01.01.2018 and 18.01.2018 regarding constitution of Committee by DPCC for reviewing "Setting up of Common Bio-medical Waste Management Facilities" in Delhi. As per CPCBs revised guidelines on Setting up of new Common Bio-medical Waste Management Facilities, the SPCB/PCC is required to conduct gap analysis w.r.to coverage area of the bio-medical waste generation and also projected over a period of next ten years, adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 KM; and also SPCBs/ PCCs, based on the gap analysis, shall prepare action plan for development of new CBWTFs and submit to MoEF&CC and CPCB.

In this context, it is requested that CPCB may not be involved in gap analysis and preparation of action plan for new CBWTFs. It is also requested to kindly consider withdrawal of CPCB nominee from the aforesaid Committee constituted by DPCC to this effect. However, CPCB will provide assistance in technological matters, if any required.

Q
18/1/18
SEE (WMC-I)

P
11/2

Yours faithfully,
(Signature)
(A. Sudhakar)
Member Secretary

Copy to:

(i) Joint Secretary (HSMD),
Ministry of Environment, Forest & Climate Change
Indira Paryavaran Bhawan, Jorbagh Road, Delhi: 110 003

- for kind information please.

(ii) Ps to CCB, CPCB - for kind information please.

Done 22/3
18/2/18

(A. Sudhakar)
Member Secretary