

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 1216 OF 2024

In the matter of:

Medical Pollution Control Committee

Applicant

Vs.

State Environment Impact Assessment
Authority, Uttar Pradesh & Ors.

Respondent

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1.	Reply affidavit on behalf of Respondent No. 4 Central Pollution Control Board (CPCB) in compliance to Hon'ble NGT order dated 14.10.2024, in O.A No. 1216/2024.	
2.	Annexure- I: A Copy of letter dated 08.03.2018 issued by CPCB to all State SEIAA/SEAC.	
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Filed by Adv. Rajkumar
On behalf of Central Pollution Control Board

Place: Delhi

Dated:29.01.2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1216 OF 2024**

In the matter of:

Medical Pollution Control Committee

Applicant

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State Environment Impact Assessment
Authority, Uttar Pradesh & Ors.

Respondent

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4 CENTRAL
POLLUTION CONTROL BOARD**

PRELIMINARY SUBMISSIONS: -

A. That I, V.P. Yadav in capacity of Scientist 'F' have made myself acquainted with the facts and circumstances of the matter and as such competent & authorized to submit this reply on behalf of Respondent No.4.

B. That, I have read and understood the averments made by applicant in the OA and it is respectfully submitted that this Answering Respondent reply all in the following paragraphs.

C. That Central Pollution Control Board is a statutory Board constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974. It performs the function under the Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981 and the Environment (Protection) Act, 1986.

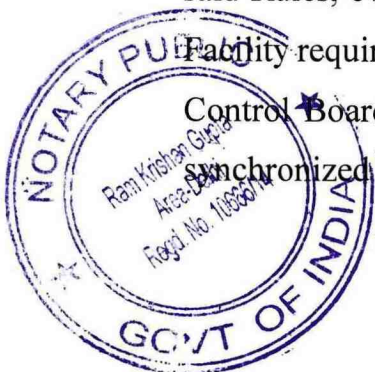
D. That under the averments made in the present Original Application, the Applicant has primarily alleged about the Environmental Clearance and



Consent to Operate granted to Respondent No. 2 i.e. a Common Biomedical Waste Treatment Facility (hereafter will be referred as CBWTF) namely M/s Rjveer Ventures India Pvt. Ltd., Balrampur, Uttar Pradesh, is illegal as it is causing degradation and damage to floodplains of Rapti river.

PARA WISE REPLY

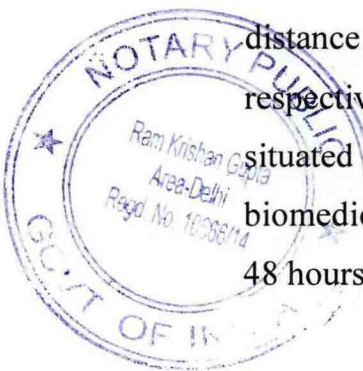
1. That under the averments made at Paragraph No.1 of OA, the Applicant alleges that Environmental Clearance and Consent to Operate granted to Respondent No. 2 i.e. CBWTF namely M/s Rajveer Ventures India Pvt. Ltd., Balrampur, Uttar Pradesh, is illegal and it is causing degradation and damage to floodplains of Rapti river. In this regard, it is humbly submitted that the authority to grant of Environmental Clearance is the subject matter of State Environment Impact Assessment Authority (hereafter will be referred as SEIAA) or Ministry of Environment, Forest and Climate Change, as the case may be and the authority for grant of CTE and CTO under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 lies with State Pollution Control Board/Pollution Control Committee (hereafter will be referred as SPCB/PCC) in respective State/UT. It is further submitted by the answering respondent herein that Ministry of Environment Forest & Climate notified the Biomedical Waste Management Rules, 2016 (hereafter will be referred as BMW Rules, 2016) under Environment (Protection) Act, 1986 which stipulates provisions about the treatment & disposal of biomedical waste in an environmentally sound manner. Further, as per the said Rules, every Operator of the Common Biomedical Waste Treatment Facility requires to obtain the authorization from concerned State Pollution Control Board or Pollution Control Committee and its validity shall be synchronized with validity of Consent under Water (Prevention & Control



of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981. It is further submitted by the answering respondent that the CBWTF operator is required to treat and dispose off biomedical waste as per the treatment options given under Schedule I and in compliance to standards prescribed under Schedule II of BMW Rules, 2016 said Rules.

2. That under the averments made at Paragraph No.2 of OA, the Applicant mentioned that Respondent No.2 i.e. M/s Rajveer Ventures India Pvt. Ltd., Balrampur, Uttar Pradesh, has allegedly claimed to manage biomedical waste of 8 districts and has allegedly misled Uttar Pradesh State Environment Impact Assessment Authority (hereafter will be referred as UPSEIAA) by withholding the fact that the Applicant's CBWTF is already collecting biomedical waste from some of these districts and it is also mentioned by the Applicant that the facility of Applicant is located within 150 km radius from CBWTF of Respondent No.2. In this regard it is humbly submitted that the provision for coverage area of any CBWTF has been covered under the guidelines for Common Biomedical Waste Treatment and Disposal Facilities prepared by this answering Respondent No. 04 i.e. CPCB. As per the said guidelines, the criteria for coverage area of CBWTF includes the following: -

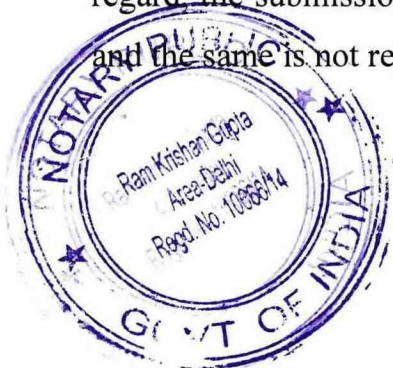
- a) A CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 km. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 km, existing CBWTF in the locality (located within the respective State/UT)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



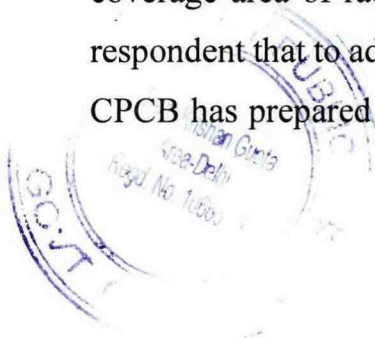
- b) In case, number of beds is exceeding >10,000 beds in a locality (i.e. coverage area of the CBWTF under reference) and the existing treatment capacity is not adequate, in such a case, a new CBWTF may be allowed in such a locality in compliance to various provisions notified under the Environment (Protection) Act, 1986, to cater services only to such additional bed strength of the Health Care Facilities located.
- c) In case of hilly areas, considering the geography, only one CBWTF with adequate treatment capacity may be developed covering at least two districts to cater treatment services to the Health Care Facilities located in the respective Districts. The selection and allocation of site etc. should be done as per the criteria suggested under these guidelines. The treatment charges to be prescribed by the respective SPCB/PCC in consultation with the State Advisory Committee to be constituted under the BMWM Rules by the respective State Government or UT Administration.

It is further submitted by the answering respondent herein that CPCB has also issued letters dated 08.03.2018 and 01.10.2024 to State Environment Impact Assessment Authority of all States/UTs with a request to follow CPCB guidelines for CBWTFs prior to grant Environmental Clearance to any new CBWTF. A copy of letter dated 08.03.2018 is annexed herewith as **ANNEXURE-I** and letter dated 01.10.2024 is annexed herewith as **ANNEXURE-II**.

3. That under the averments made at Paragraph No.3 of OA, the Applicant mentioned that Respondent No. 2 i.e. M/s Rajveer Ventures India Pvt. Ltd., Balrampur, Uttar Pradesh, is affecting floodplains of Rapti river. In this regard, the submission made at Para 2 of this reply affidavit is reiterated and the same is not repeated herein for the sake of brevity.



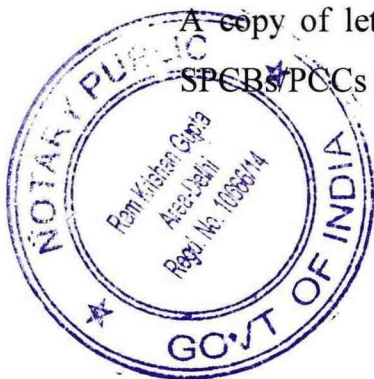
4. That no comments are offered over the averments made at Paragraph No. 4 to 6 of OA being matter of records wherein the Applicant has referred the judgement dated 13.01.2015 of Hon'ble NGT in the matter of Original Application No. 06 of 2012 & Original Application No. 300 of 2013 titled Manoj Misra Vs Union of India & Ors as well as Civil Appeal Nos. 4866-67 of 2009 before the Hon'ble Supreme Court, all of which pertain to restoration of floodplains.
5. That under the averments made at Paragraph No.7 of OA, the Applicant mentioned that as per guidelines for Common Biomedical Waste Treatment and Disposal Facilities, the Applicant's CBWTF is entitled to collect biomedical waste within radius of 150 km. In this regard, it is humbly submitted that the submission made at Para 2 of this reply affidavit is reiterated and the same is not repeated herein for the sake of brevity.
6. That under the averments made at Paragraph No.8 & 9 of OA, the Applicant mentioned that selected site of CBWTF of Respondent No.02 contradicts criteria for development of new CBWTF outlined under guidelines for CBWTFs and alleged that the CBWTF of Respondent No.02 was submerged during flooding. In this regard, it is humbly submitted that clause for development of new CBWTF under CPCB guidelines for CBWTFs suggests that prior to allowing any new CBWTF, concerned SPCB/PCC is required to conduct gap analysis with respect to coverage area of biomedical waste generation, its projection over a period of next ten years and adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 km. It is further submitted by the answering respondent that to adopt uniform procedure while conducting gap analysis, CPCB has prepared methodology to conduct gap analysis with respect to



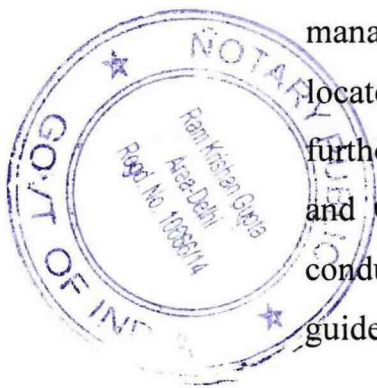
generation and treatment of biomedical waste and circulated the same to all SPCBs/PCCs vide letter dated 10.10.2023. The said methodology was revised by CPCB due to non-uniformity and ambiguities observed in the gap analysis reports of SPCBs/PCCs and was subsequently circulated to all SPCBs/PCCs vide letter dated 12.12.2024. Copy of the letter dated 12.12.2024 circulated to all SPCBs/PCCs is annexed herewith as **ANNEXURE-III**.

7. That the averments made at Paragraph No. (A)(1) to (A) (30) of OA are regarding brief of the facts. In this regard, following is humbly submitted:
- i. That no comments are offered over the averments made at Paragraph No. (A)(1) to (A)(7), being matter of records wherein the Applicant has stated about Environment (Protection) Act, 1986, the Environment Impact Notification, 2006 and has also stated about the procedure of obtaining Environmental Clearance along with the constitution of CPCB and its statutory functions.
 - ii. That the averment made at Paragraph No. (A)(8) of OA refers to the guidelines for Common Biomedical Waste Treatment and Disposal Facilities prepared by CPCB. In this regard, it is submitted by the answering respondent that CPCB has prepared said guidelines in line with the duty assigned to CPCB under Schedule-III of BMWM Rules, 2016, to have uniformity in ensuring site selection, allowing and establishment of CBWTF, operation as well as verification of compliance to the BMWM Rules, 2016 throughout the country. These guidelines were also circulated to SPCBs/PCCs vide letter dated 20.02.2017.

A copy of letter dated 20.02.2017 of circulation of guidelines to SPCBs/PCCs is annexed at **ANNEXURE -IV**.



- iii. That under the averments made at Paragraph No. (A)(9) to (A)(16) of OA, the Applicant mentioned that establishment of CBWTF by Respondent No.2 i.e. M/s Rajveer Ventures India Pvt. Ltd., Balrampur, Uttar Pradesh, is against the fundamental rights, rules and regulations. The Applicant also mentioned about the duties SEIAA and Central Government to protect and improve the quality of environment and preventing environmental pollution. In this regard, it is humbly submitted that Ministry of Environment, Forest & Climate Change notified the BMW Rules, 2016 under Environment (Protection) Act, 1986 which stipulates provisions for treatment and disposal of biomedical waste in an environmentally sound manner. Further, as per BMW Rules, 2016, biomedical waste generated is required to be treated and disposed of through CBWTF as per the treatment options given under Schedule I of the said Rules and in compliance to standards prescribed under Schedule II of said Rules.
- iv. That under the averments made at Paragraph No. (A)(17) to (A)(32) of OA, the Applicant mentioned that CBWTF of Respondent No. 2 i.e. M/s Rajveer Ventures India Pvt. Ltd., Balrampur, Uttar Pradesh, is established in the floodplains of Rapti river and was recently submerged due to flooding, It is also mentioned that the Environmental Clearance is already been granted to a proposed CBWTF at Siddharth Nagar, U.P. which has adequate capacity to management biomedical waste of nearby area and proposed to be located within 25 Km from CBWTF of Respondent No.2. It is further alleged that Environmental Clearance, Consent to Establish and Consent to Operate was granted by the authorities without conducting gap analysis is in violation of BMW Rules, 2016 and guidelines for CBWTFs. In this regard, it is humbly submitted that



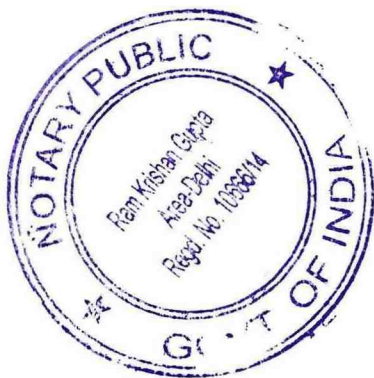
the submissions made at Para 2 and 6 of this reply affidavit are reiterated and the same are not repeated herein for the sake of brevity. (No submission / comments have been incorporated against flood plain zone as provided by the applicant in the OA) Further, it is submitted that demarcation of flood plain zone area around a river is the task of state authorities and thereby the submissions of concerned respondent in this regard may kindly be considered for adjudication of the instant matter.

GROUND

8. That with regard to the averments made under grounds of present Original Application Para (A) to (CC) of OA, it is humbly submitted that the submissions made in the preceding paragraphs are re-iterated and the same are not repeated herein for the sake of brevity.
9. That the answering respondent is exercising its power as available in law to control and abate the pollution.

PRAYER

In view of the above facts and circumstances, it is humbly prayed to the Hon'ble Tribunal that the Hon'ble Tribunal may pass appropriate order in the interest of justice and this answering Respondent no.4 undertakes to abide by the orders/directions passed by this Hon'ble Tribunal in the present Original Application.



विजय प्रकाश यादव / Vijay Prakash Yadav
 निदेशक/ Director
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
 (Mo Environment, Forest & Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032
DEPONENT

VERIFICATION

Verified at New Delhi on this day of 28 JAN 2025, 2025 that the contents of the above reply affidavit are correct and true on the basis of the record of the case as maintained in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

 **विजय प्रकाश यादव / Vijay Prakash Yadav**
 निदेशक/ Director
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
 (Mo Environment, Forest & Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032
DEPONENT

ATTESTED


**NOTARY
 DELHI (INDIA)**

28 JAN 2025



By Speed Post

F.No.B-31011/BMW(50)/2018/WM-I/

March 08, 2018

To

18165-18223

All State
SEIAA/SEAC**Sub: Implementation of CPCB revised Guidelines for Common Bio-medical Waste Treatment Facilities (CBWTF) - reg.**

Sir,

Central Pollution Control Board (CPCB) has been receiving representations from Common Bio-medical Waste Treatment Facilities (CBWTF) operators/ CBWTF Association of India regarding grant of Environmental Clearance by State Environmental Impact Assessment Authority (SEIAA)/ State Expert Appraisal Committee (SEAC) for setting up new CBWTF without following the provisions of CPCB's revised guidelines for Common Bio-medical Waste Treatment Facilities (CBWTFs) especially w.r.to criteria for setting up of new CBWTF, land requirement and coverage area of CBWTF. In this connection, it is to inform that the said CPCB's revised guidelines stipulates following clauses which are required to be complied for setting up of new CBWTF:

1. Gap analysis conducted by the State Pollution Control Boards/Pollution Control Committees w.r.to bio-medical waste generation with its projection over 10 years and the adequacy of the existing CBWTFs with coverage area of 75 Km.
2. Land requirement of not less than one acre to setup any CBWTF. In case of new CBWTF the land requirement may be relaxed (not less than 0.5 acre) by the SPCB/PCC.
3. Coverage area vis-à-vis CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM with 10, 000 beds. If 10,000 beds are not available within radial distance of 75 Km, existing CBWTF may be allowed to cater the healthcare units situated upto 150 KM radius.

Copy of the relevant portion of the CPCB's revised guidelines for CBWTFs are enclose for your ready reference.

In view of the above, it is requested to follow the criteria for setting up of new CBWTF, as well as the provision for location & coverage of CBWTF as laid down under CPCB's revised guidelines for CBWTF before allowing new CBWTF for ensuring proper treatment & disposal of Bio-medical waste.

Yours faithfully,



(A.Sudhakar)

Member Secretary

Encl.: As Above

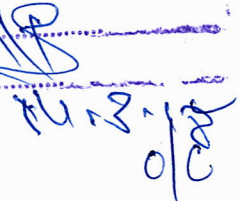
Copy to:

- (i) Joint Secretary, : For kind information, please
Ministry of Environment, Forest & Climate Change
3rd Floor, Prithvi Wing
Indira Parvayaran Bhawan
Jor Bagh Road, New Delhi- 110003
- (ii) PS to 'CCB' : For kind information of 'CCB', please

केन्द्रीय प्रदूषण नियंत्रण बोर्ड

निर्गत.....

दिनांक.....



(A.Sudhakar)

1	Member Secretary Department of Science and Technology, Andaman and Nicobar Administration, Post: City, Dollygunj, Andaman Nicobar	Member Secretary State Environment Impact Assessment Authority Environmental Planning & Coordination Organization (Paryavaran Parisar, E-5, Arera Colony, Bhopal-462 016 (MP)	
2	Member Secretary Andhra Pradesh Pollution Control Board, A-3, Industrial Estate, Sanatnagar, Hyderabad- 500 018.	18	Member Secretary State Environment Impact Assessment Authority Department of Environment, 15th Floor, New Administrative Building, Madam Cama Road, Mantralaya, Mumbai-400032 Maharashtra
3	Member Secretary State Environment Impact Assessment Authority O/o PCCF & Principal Secretary (environment & Forest) Arunachal Pradesh	19	Member Secretary State Environment Impact Assessment Authority Environment Department GOVT. OF MANIPUR POROMPAT, IMPHAL EAST PIN-CODE: 795005
4	Member Secretary State Environment Impact Assessment Authority SEIAA Assam bamunimaidan, Guwahati -21.	20	Member Secretary State Environment Impact Assessment Authority Meghalaya State Pollution Control Board, "ARDEN", Lumpyngngad, Shillong – 793 014, Meghalaya
5	Member Secretary Center for Environment & Nature Conservation, Deptt. Of Zoology, Patna University, Patna Bihar.	21	Member Secretary State Environment Impact Assessment Authority Department of Environment, Forest & Climate Change, PCCF Mizoram Office, Tuikhuahtlang Rd, Aizawl, Mizoram
6	Member Secretary Chairman Sh. Khazan Singh, No. 5, Surya Enclave Sector 115, Kharar Ladrn S.A.S Nagar, Mohali (Punjab)	22	Member Secretary State Environment Impact Assessment Authority Forests, Environment & Wildlife Management Department, Government of Sikkim Sikkim
7	Member Secretary State Environment Impact Assessment Authority Government of Chhattisgarh, Mantralay, Mahanadi Bhavan, Naya Raipur, Chhattisgarh	23	Member Secretary State Environment Impact Assessment Authority Impact Assesment Authority 5RF-2/1, Acharya Vihar, Unit – IX, Bhubaneswar, Odisha 751022
8	Member Secretary ISBT Building, 4th Floor, Keshmere Gate, Delhi-110006.	24	Member Secretary State Environment Impact Assessment Authority Department of Science, Technology and Environment Puducherry- 605 005
9	Member Secretary, State Environment Impact Assessment Authority - SEIAA (Goa) Goa State Secretariat, C/o Goa State Pollution Control Board (GSPCB), Dempo Towers, Patto- Panaji	25	Member Secretary State Environment Impact Assessment Authority Punjab Pollution Control Board , Vatavaran Bhawan, Nabha Road, Patiala, Punjab-- 147001
10	Member Secretary State Environment Impact Assessment Authority Forests and Environment Department, Sachivalaya, Gandhinagar - 382010.	26	Member Secretary State Environment Impact Assessment Authority Aravali Bhawan, Jhalana Institutional Area, Jaipur (Rajasthan)
11	Member Secretary State Environment Impact Assessment Authority Bay's No. 55-58, 1st Floor, Prayatan Bhawan, Sector-2, Panchkula, Haryana	27	Member Secretary State Environment Impact Assessment Authority Forests, Environment & Wildlife Management Department, Deorali, Gangtok 737102
12	Member Secretary State Environment Impact Assessment Authority Government of Himachal Pradesh, Paryavaran Bhawan, Near US Club, Shimla, HP-171001	28	Member Secretary State Environment Impact Assessment Authority Ground Floor, Panagal Maligai, No.1 Jeenis Road, Saidapet, Chennai-600 015, Tamil Nadu
13	Member Secretary State Environment Impact Assessment Authority C-170, Road No.- 4, Ashok Nagar, Ranchi – 834002, Jharkhand.	29	Member Secretary State Environment Impact Assessment Authority Special Secretary, Environment Forest Science & Technology (EFS&T) Dept., 330 A, D Block, Telangana, Secretariat, Hyderabad.
14	Member Secretary State Environment Impact Assessment Authority JAMMU OFFICE: PARYAWARAN BHAWAN, GLADNI, NARWAL, JAMMU - 180010	30	Member Secretary State Environment Impact Assessment Authority Parivesh Bhawan, Pandit Nehru Complex, PO- Kunjaban Agartaia-799006, West Tripura
15	Member Secretary State Environment Impact Assessment Authority Room no 709, 7th floor 4th gate MS building, Bangalore 56001.		
16	Member Secretary State Environment Impact Assessment Authority ASSESSMENT AUTHORITY KERALA Devi Kripa, Pallimukku, Pettah PO, Trivandrum-		

31	Member Secretary State Environment Impact Assessment Authority Ajabpurkala, Mothrowala Road, Near P.N.B. Dehradun, Uttarakhand
32	Member Secretary State Environment Impact Assessment Authority Directorate of Environment, U.P., Vineet Khand 1, Gomti Nagar, Lucknow-226010
33	Member Secretary State Environment Impact Assessment Authority West Bengal Pollution Control Board Paribesh Bhavan, 10A, Block-L.A Sector III, Salt Lake City, Calcutta - 700 098

By Speed Post

F. No. B-31011-BMW (6022)-2024-WM-I 5411-5472

October 01, 2024

To,

All State
SEIAA/SEAC

Sub: Implementation of CPCB guidelines for Common Biomedical Waste Treatment Facilities (CBWTF) –reg.

Ref. : CPCB letter No. : F. No. B-31011/BMW(50)/2028/WM-I/18165-18223 dated 08.03.2018

Sir/Madam,

This has reference to above referred letter dated 08.03.2018 wherein it was requested to follow the provisions of CPCB's guidelines for Common Biomedical Waste Treatment Facilities while granting Environmental Clearance. In this regard, Central Pollution Control Board (CPCB) is still receiving representations regarding grant of Environmental Clearance for setting up new CBWTF by State Environmental Impact Assessment Authority (SEIAA)/ State Expert Appraisal Committee (SEAC) without following the provisions of CPCB's guidelines for Common Biomedical Waste Treatment Facilities.

In view of above, it is requested to kindly follow CPCB guidelines for CBWTF while granting Environmental Clearance to any new CBWTF for ensuring proper treatment and disposal of biomedical waste.

Yours faithfully,



(V. P. Yadav)

Director & Head

Waste Management -I Division

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत.....
दिनांक 01/10/2024

9c

By Speed Post

F. No. CP-23/19/2024-WM-I-HO-CPCB-HO-19160

7498 - 7533

December 12, 2024

To,

The Member Secretary,
All SPCBs and PCCs**Sub: Regarding methodology to conduct gap analysis with respect to generation and treatment of biomedical waste- Revision 1.**

Sir/Madam,

This has reference to CPCB letter dated 10.10.2023 wherein methodology to conduct gap analysis with respect to generation and treatment of biomedical waste was forwarded to SPCBs/PCCs and requested to conduct gap analysis in line with the said methodology. (Name of State/UT) have submitted/ Not submitted the gap analysis report wherein gaps has been observed by CPCB. It was also observed that there is non-uniformity in the data and approach followed for conducting the gap analysis while extrapolating the data on biomedical waste generation. Therefore, the methodology has been revised and copy of the same is attached herewith for ready reference.

In view of above, it is requested to kindly revise / conduct gap analysis with respect to generation and treatment of biomedical waste in your State/UT using the aforesaid methodology and report may be submitted to CPCB within one month.

Yours faithfully,



(V. P. Yadav)

Director & Head

Waste Management -I Division

Encl. As above

Copy to:

i. PS to 'MS'

: For kind information of 'MS' please



(V. P. Yadav)

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत.....
दिनांक... 23/12/24

o/c

Methodology to Conduct gap analysis with respect to generation and treatment of biomedical waste - Revision 1

Guidelines for Common Biomedical Waste Treatment Facilities was prepared by CPCB with an aim to have uniformity in ensuring site selection, allowing and establishment of a state-of-the-art Common Biomedical Waste Treatment Facilities (CBWTFs), operation as well as verification of compliance to the BMW Rules, 2016 throughout the country. As per the said guideline, SPCB/PCC is required to prepare an inventory or review with regard to the bio-medical waste generation at least once in five years in the coverage areas of the existing CBWTF and conduct gap analysis as per format given in Annexure-I of the guideline.

Further, methodology for conducting gap analysis with respect to generation and treatment of biomedical waste prepared by CPCB and circulated to all SPCBs/PCCs. Accordingly, 12 SPCBs/PCCs have conducted gap analysis and submitted the report to CPCB. However, non-uniformity and ambiguity was observed specifically with regard to the method for extrapolating the data on biomedical waste generation and requirement of adequate treatment capacity in the gap analysis reports submitted by SPCBs/PCCs. Therefore, revised methodology have been prepared with an aim to have uniformity in the method for carrying out the gap analysis by State Pollution Control Boards/Pollution Control Committees.

The methodology for conducting gap analysis may be based on following parameters:

S. No.	Parameters	Details
1.	Coverage area of CBWTF	Mention farthest distance covered by CBWTF
2.	No. of HCFs (Bedded and non-bedded)	In Number
3.	No. of Beds covered	In Number
4.	Total biomedical waste generation (in Kg/day)	<p>The generation of biomedical waste may be calculated by considering following aspects:</p> <p>a) Generation from bedded HCFs: The biomedical waste generation rate may be considered as 277* grams per bed per day</p> <p>b) Generation from non-bedded HCFs: The biomedical waste generation may be considered as 274** grams per day</p> <p>c) Biomedical waste generated from occasional waste generators such as health camps, institutions, vaccination camps etc as defined under CPCB guidelines may also be considered.</p> <p>* Reference: Report on Health-care Waste Management status in countries of the</p>

		<p>South-East Asia Region by WHO which is also nearly equal to the average biomedical waste generation per day per bed as per AR information received from States/UTs.</p> <p>**The value is taken based on the data given by CBWTF Associations regarding current average biomedical waste generation from non-bedded HCFs.</p>
5.	Extrapolate the biomedical waste generation for next 10 years	Linear method may be adopted for extrapolation of biomedical waste generation
6.	Total existing treatment capacity (in Kg/day) (Sum of Incineration Capacity and Autoclave/Microwave/Hydroclave Capacity)	<p>For calculation of existing treatment capacity, maintenance time (not more than 12-18 hrs/month) may be considered for calculating operational hours of equipment as below:</p> <p>a) Operational Hours for static incinerator 20 hrs/day b) Operational hours for Rotary incinerator 22 hrs/day c) 18 cycle per day for autoclave</p> <p>The actual capacity may also be considered as 90% of available capacity keeping 10% margin for diverted/extra waste etc.</p>
7.	Total Biomedical Waste treated and disposed (Kg/day)	Sum of all categories of biomedical waste treated and disposal.
8.	Gap between total extrapolated biomedical waste generation (for next 10 years) and existing biomedical waste treatment capacity	Extrapolated biomedical waste generation minus total existing treatment capacity

Speed Post

F.No.B-31011/BMW {6.7 -III}/2016/HWMD/

23379-28421

February 20, 2017

To

(DGAFMS, SPCBs/PCCs and CBWTF Association)

Sub: Revised Guidelines for Common Bio-medical Waste Treatment Facilities- reg.


Sir,

This is to inform that the existing guidelines for Common Bio-medical Waste Treatment Facilities (CBWTFs) issued in the year 2003 has been reviewed in consultation with the concerned stakeholders by the Central Pollution Control Board and same has been revised in line with the Bio-medical Waste Management Rules, 2016 notified by the Ministry of Environment, Forest and Climate Change (MoEF & CC) under the Environment (Protection) Act, 1986.

Presently, these revised guidelines entitled "Revised Guidelines for Common Bio-medical Waste Treatment Facilities" are updated in CPCB Website at <http://cpcb.nic.in/wast/bioimediawast/Common Bio Medical Waste treatment facilities.pdf>.

It is therefore requested that your organization may kindly initiate actions for ensuring compliance to the afore-said finalised guidelines and action taken report may please be submitted to CPCB periodically to apprise the MoEF & CC accordingly.

Yours faithfully,


(B. Vinod Babu)
Nodal Officer,
Waste Management Division

Copy to:

- (i) PS to 'CCB', CPCB : For kind information of 'CCB' please
(ii) PS to 'MS', CPCB : For kind information of 'MS' please

कन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत.....
दिनांक.....


(B. Vinod Babu)

Item No.04

Court No. 1

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

Original Application No. 1216/2024

Medical Pollution Control Committee

Applicant

Versus

SEIAA, UP & Ors.

Respondent(s)

Date of hearing: 14.10.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Anuj Rathee & Mr. Yash Mishra, Advs. for Applicant

Respondent: Ms. Priyanka Swami, Adv. for R - 1 & 3

ORDER

1. In this original application, applicant has questioned the EC dated 10.11.2023, CTO dated 22.05.2024 and CTE dated 22.09.2022 issued to respondent no.2 for setting up biomedical waste treatment facility at Gata No. 663, Village Dhowadaber, Utraula, Balrampur, Uttar Pradesh.

2. Submission of the Counsel for the applicant is that respondent no.2 has been permitted to set up bio-medical waste treatment facility in flood plains of river Rapti.

3. He has submitted that said permission is in violation of the order of the Tribunal dated 13.01.2015 in OA Nos. 6/2012 and 300/2013 in the matter of Manoj Misra v. Union of India. He has also submitted that UPPCB earlier by orders dated 21.06.2022 and 10.08.2022 had rejected the application for CTE by respondent no.2 but without there being any

change in circumstances, subsequently, application for CTE has been allowed and CTE has been granted. Learned Counsel for the applicant has also submitted that no gap analysis has been done before granting EC to respondent no.2.

4. Issue notice to respondents.

5. Ms. Priyanka Swami, Advocate accepts notice on behalf of respondents nos. 1 and 3 and seeks four weeks time to file the reply.

6. Let notice be issued to other respondents for filing their response/reply by way of affidavit at least one week before the next date of hearing through e-filing. Applicant is directed to serve the respondents and file an affidavit of service at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

7. List on 31.01.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

October 14, 2024
Original Application No. 1216/2024
JG..