

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
M.A No. 90/2023 & M.A No. 94/2023**

**In  
Original Application No. 774/2022**

**In the matter of :**

**Gaurav Garg**

**.....Applicant**

**Versus**

**Union of India & Ors.**

**.....Respondents**

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THROUGH

*Priyanka*

Priyanka Swami  
Advocate

Counsel for SEIAA, U.P

F-13, Jangpura Extension, New Delhi 110014

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STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,  
U.P.:-**

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MOST RESPECTFULLY SHOWETH:

1. That it is in compliance with the order dated 23.09.2024, passed by the Hon'ble Tribunal, certain directions were directed by the court:-

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

2. *We fail to understand as to why final order on the part of SEIAA is dependent upon the response of Proponent. We could not find any reason as to why SEIAA, UP could not have passed any final order, though judgment of Tribunal was delivered on 02.03.2023 and more than one and a half year has passed.*
  
3. *On account of inaction of SEIAA, UP, Proponent is able to function its facility without any EC and in utter violation of provisions of Environment Impact Assessment Notification dated 14.09.2006 as amended from time to time. This is nothing but an ex-facie violation of environmental laws and permitting a proponent to continue to function in a wholly illegal manner merely because of inaction on the part of SEIAA, UP in passing a final order in the matter.*
  
4. *At this stage, Learned Counsel for SEIAA, UP has requested that as a last opportunity, one month time may be granted within which SEIAA, UP may pass final order.*
  
5. *Let it be done within one month and a compliance report be submitted by 25.10.2024.”*

2. That it is respectfully submitted that Action taken Report along with the affidavit in compliance of Hon'ble NGT order dated 30.10.2023 has been filed by State Level Environment Impact Assessment Authority U.P. on 21.09.2024.

3. That it is also submitted that Project Proponent has submitted reply on 26.09.2024 of additional data sought as raised by SEIAA/SEAC on Parivesh Portal.

4. That the case was considered in 810<sup>th</sup> SEAC Meeting Dated 01.10.2024 wherein:-

*“The committee has gone through the file, documents and reply submitted by the project proponent. The committee observed that during the appraisal of the project proposal in SEAC meeting dated 17/05/2023 and 20/11/2023 the committee already recommended to issue the terms of reference for the project in name of “Existing Common Bio-Medical Waste Treatment Facility at Subharti Medical College Campus, Subharti Puram, Meerut, U.P., M/s Synergy Waste Management Pvt. Ltd.”.*

*However, the SEIAA in its meeting dated 28/12/2023 decided to grant the terms of reference for “Captive Treatment Facility (but Proposed*

*Existing Common Bio-Medical Waste Treatment Facility) at Subharti Medical College Campus, Subharti Puram, Meerut Uttar Pradesh”. The terms of reference issued on 18/01/2024 and SEIAA imposed the additional TOR point no. 1 i.e. “ The project proponent shall submit an affidavit along with EIA, stating that the facility will be operated as Captive Treatment Facility only”.*

*In view circumstances/ facts mentioned by Project Proponent, the SEAC agrees with the amendment in TOR asked by Project Proponent. There is no denial of the fact that this common Bio-medical Waste Treatment Facility is existing one and in operation from 2003 much before the notification of Biomedical Waste Rules. However, SEAC also feels that it should be ensured that there is no adverse environmental impact on surrounding area due to this plant. To ensure it, SEAC opines that following additional TOR condition may be imposed in this project:-*

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

*The SEIAA may like to take appropriate decision.*

A true copy of minutes, dated: 01.10.2024 is being annexed here as **Annexure no.01**.

5. That subsequently, the case was considered in 846<sup>th</sup> SEIAA Meeting 18.10.2024 wherein, SEIAA agreed to issue an Amendment in prior Terms of Reference (ToR). In view of the lesser area of land possessed by the existing CBWTF, SEIAA added the following additional condition:-

*1. At the time of EIA presentation the project proponent shall submit:-*

*(a) Details of availability of land for storage of waste (both treated and untreated), waste treatment equipment, vehicle washing bay, vehicle parking space, ETP, incineration ash storage provision, administrative room, space for DG Set etc. If this land is in the ownership of project proponent, then copy of ownership documents should be submitted and if it is taken on lease then copy of lease deed should be submitted .A map showing these facilities as well as their distance from each other should also be submitted.*

*(b) Project proponent shall submit an affidavit stating that this project will not indulge in any hazardous activity and no pollution will be*

*caused while transportation or storage of Bio-Medical Waste from different hospitals and different districts.*

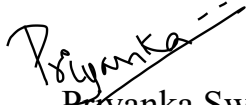
A true copy of minutes, dated 18.10.2024 is being annexed here as

**Annexure no.02.**

6. Further, SEIAA, vide ToR Identification No. TO24B3301UP5778549A dated 21.10.2024 issued grant of Amendment in prior Terms of Reference (ToR) granted to the project under the provision of the EIA Notification 2006 and as amended thereof regarding Existing Common Bio-Medical Waste Treatment Facility at Subharti Medical College Campus, Subharti Puram, Meerut, U.P., M/s Synergy Waste Management Pvt. Ltd. A true copy of Amendment in prior Terms of Reference (ToR) letter dated 21.10.2024 is being annexed here as **Annexure no.03.**

---

THROUGH



Priyanka Swami  
Advocate

Counsel for SEIAA, U.P  
F-13, Jangpura Extension, New Delhi 110014

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AFFIDAVIT

I. Sh. ANURAG YADAV aged about 48 years s/o Sh. P.N. SINGH is presently posted as DEPUTY DIRECTOR, REGIONAL OFFICE, NOIDA, DIRECTORATE OF ENVIRONMENT, UP having an office at E - 12/1, NOIDA, UTTAR PRADESH. **Presently at New Delhi**

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





*[Signature]*

DEPONENT

VERIFICATION

23 OCT 2024

Verified on solemn affirmation at New Delhi on this \_\_\_\_ day of OCTOBER 2024, that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

*[Signature]*

DEPONENT

*Poojanka...*  
D/4476/2010  
I identified the deponent who has signed in my presence

ATTESTED  
NOTARY PUBLIC  
(INDIA)

23 OCT 2024

As per the above decision of SEIAA, the matter was listed in 885<sup>th</sup> SEAC-1 meeting dated 01/10/2024. The project proponent/consultant submitted their replies through letter dated 30/09/2024 regarding the queries raised by SEIAA and submitted as follows:

S.N.	Query	Reply
1.	MoU/NOC from the neighboring land owners regarding use of its plots for the purpose of mineral transportation/Excavation.	All Gata Nos. 132, 130 151, 150, 157, 66, 65 area attached with the existing road/chak road which will be used for the transportation of the mineral. Hence, no MoU/NOC has to be taken from the adjacent land owners.
2.	Certified khasra map clearly indicating the haulage road of the project site.	Certified khasra map indicating the haulage road and the proposed gata no. is attached.

### **RESOLUTION AGAINST AGENDA NO. 13**

**The committee has gone through the reply/documents submitted by the project proponent and the committee is of the opinion that reply seems to be satisfactory. Hence, the committee recommended to grant the environmental clearance for the project proposal along with general and specific conditions as earlier stipulated in 874<sup>th</sup> SEAC-1 meeting dated 20/08/2024**

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

The committee noted that the matter was earlier discussed in 867<sup>th</sup> SEAC meeting dated 01/08/2024 wherein:

“...The committee has gone through the reply submitted by project proponent and presentation made before SEAC and found that the reply submitted by the project proponent is not satisfactory. Hence, the committee directed the project proponent to submit brief note regarding the query raise in earlier meeting along with its chronology. Gap analysis report from UPPCB, Lucknow as per revised CBWTF guidelines along with recommendation.”

The project proponent submitted their reply through online Parivesh Portal and the matter was listed in 885<sup>th</sup> SEAC-1 meeting dated 01/10/2024. A presentation was made by the project proponent along with their consultant M/s Ind Tech House Consult. The project proponent also submitted the following chronology/reply before the SEAC:

#### **1. Chronology of the project:**

- I. As per the NGT order dated 02.03.2023, application for ToR approval was submitted on 01st April 2023.
- II. ToR was recommended for grant by the SEAC in its meeting on 17/05/2023 and 20/11/2023 for the project in the name of ‘Existing Common Bio-Medical Waste Treatment Facility’.
- III. However, ToR has been issued by the SEIAA vide letter no. 381/Parya/SEIAA/7761/2023 dated 18/01/2024 in the name of Captive Treatment Facility instead of “Existing Common Bio-Medical Waste Treatment Facility”.
- IV. Therefore, application for amendment of ToR was submitted vide proposal no. SIA/UP/INFRA2/459662/2024 dated 23/01/2024 to remove the ‘Captive’ term from the name of the project and additional condition no. 1 of the ToR letter dated 18/01/2024.

- V. The case was taken up in the SEAC-1 meeting on 06/03/2024. As the decision of putting the additional condition and captive term was taken by the SEIAA, the SEAC decided to forward the case to the SEIAA to consider any change/amendment in ToR points.
- VI. The matter was discussed in 810<sup>th</sup> SEIAA meeting on 30/04/2024 where SEIAA opined to refer the matter to the SEAC and seek clarification regarding the minimum area required for the 'Common Bio-Medical Waste Treatment Facility'.
- VII. Project was considered in 851<sup>st</sup> SEAC-1 meeting on 16/05/2024, During the meeting the committee has informed that a letter from the MoEF&CC (HSM Devison) [letter no. 20/4/2021-HSMD dated 13/03/2024] has been received by the SEIAA regarding the Project and in reference to the same, the RO-UPPCB has also issued a letter to the PP on 07/05/2024. The committee had asked the PP to submit a reply against the issues raised by the MoEF&CC and RO UPPCB.
- VIII. In compliance to the letter received from the RO-UPPCB, reply was submitted to the RO-UPPCB on 08/05/2024.
- IX. After submission of the reply to the SEAC on 12/07/2024 (Annexed as annexure-02), the project was considered in 867<sup>th</sup> meeting of the SEAC 1 held on 01/08/2024 and the committee has asked PP to submit brief note regarding the query raise in earlier meeting along with its chronology and Gap analysis report from the UPPCB.
- X. After submission of the reply on 26/09/2024, the case was considered in SEAC meeting dated 01/10/2024.

**2. Reply/Brief note of earlier query submitted to RO, UPPCB, Meerut:**

S. No.	Observation	Reply
1	Whether the project is captive Bio medical waste facility or Common Bio medical waste facility.	This is an existing Common bio-medical waste treatment Facility operating since 2003 and it is one of the first of this kind of facility in the state. The facility is currently providing services in 11 districts of Uttar Pradesh as a common biomedical waste treatment facility with valid Bio-medical Waste Authorization and Consent to Operate from the UPPCB. Honorable National Green Tribunal in its order in [Petition M.A. No. 90/2023 & M.A. No. 94/2022 in O.A. Order 774/2022] has also asked to obtain Environmental Clearance as a common biomedical treatment service.
2	Whether the landuse of the project is institutional or not? If yes, under what circumstances operation of the plant at the said site is permissible?	The landuse of our plot is institutional. However, the facility is operational since 2003 and at that time the provisions of the Biomedical Waste Management Rules 2016 were not in place. At that time there was no authorized or unauthorized residential area developed near the project site. Further, the committee may please note other similar cases filed in the Honorable National Green Authority [M.A. No. 90/2023 & M.A. No. 94/2022 in O.A. 774/2022] in the context of various biomedical treatment services in the country running in institutional areas which are under subjudice.
3	What is the plot area of the unit. Is this area of unit according to the CPCB guidelines or not.	The total plot area of our unit is 1242 m <sup>2</sup> . The minimum land requirement criteria of one acre as per Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities issued by the CPCB in 2016 is not applicable to this project as this is an existing facility operational since 2003 with Consent to Operate and BMW Authorization from the UPPCB.

		The project requires Post-Facto EC Approval as per NGT order dated 02.03.2023.
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### 3. Gap analysis report:

- **Revised CPCB guideline 2016 published on 21 Dec 2016, regarding the Criteria for development of a new Common Bio-medical Waste Treatment and Disposal Facility for a locality or region, Point 2 (b) States that for:**

*“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, as given in Annexure-I.*

*All the SPCBs and PCCs shall conduct the gap analysis and based on the gap analysis, action plan for development of new CBWTFs is required to be prepared and submitted to MoEF & CC & CPCB within six months’ time. In case of States/UTs, where no CBWTF is available, in such a case, SPCB/PCC being prescribed authority under the BMWM Rules is required to submit the detailed proposal to MoEF & CC/MoH & FW through the respective State Government or UT Administration. Also, the option of forming association by the group of health care facilities (HCFs) to develop their own CBWTF also be encouraged following these guidelines. In case, any coverage area requires additional treatment capacity, in such a case, action may be initiated by the prescribed authority for allowing a new CBWTF in that locality without interfering the coverage area of the existing CBWTF and beds covered by the existing CBWTF”.*

Therefore, Gap Analysis report is not applicable to our project as this is an existing project established in 2003 long before the Bio-Medical Waste management Rules 2016.

### **RESOLUTION AGAINST AGENDA NO. 14**

The committee has gone through the file, documents and reply submitted by the project proponent. The committee observed that during the appraisal of the project proposal in SEAC meeting dated 17/05/2023 and 20/11/2023 the committee already recommended to issue the terms of reference for the project in name of *“Existing Common Bio-Medical Waste Treatment Facility at Subharti Medical College Campus, Subharti Puram, Meerut, U.P., M/s Synergy Waste Management Pvt. Ltd.”*.

However, the SEIAA in its meeting dated 28/12/2023 decided to grant the terms of reference for *“Captive Treatment Facility (but Proposed Existing Common Bio-Medical Waste Treatment Facility) at Subharti Medical College Campus, Subharti Puram, Meerut Uttar Pradesh”*. The terms of reference issued on 18/01/2024 and SEIAA imposed the additional TOR point no. 1 i.e. *“ The project proponent shall submit an affidavit along with EIA, stating that the facility will be operated as Captive Treatment Facility only”*.

In view circumstances/ facts mentioned by Project Proponent, the SEAC agrees with the amendment in TOR asked by Project Proponent. There is no denial of the fact that this common Bio-medical Waste Treatment Facility is existing one and in operation from 2003 much before the notification of Biomedical Waste Rules. However, SEAC also feels that it should be ensured that there is no adverse environmental impact on surrounding area due to this plant. To ensure it, SEAC opines that following additional TOR condition may be imposed in this project:-

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

The SEIAA may like to take appropriate decision.

### Directorate of Environment, U.P.

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

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

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

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

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

- |                             |                              |
|-----------------------------|------------------------------|
| 1. Smt. Mamta Sanjeev Dubey | Chairman, SEIAA, U.P         |
| 2. Shri Paras Nath          | Member, SEIAA, U.P           |
| 3. Shri Ajay Kumar Sharma   | Member Secretary, SEIAA, U.P |

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

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

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

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

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

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

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

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

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

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

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

...“7) **Land requirement**

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

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

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

Although this facility was established before issuance of above guidelines but because appraisal is taking place today so SEIAA has to place reliance on these guidelines. As per the guidelines minimum area requirement is one acre but the project proponent has only 1242 m<sup>2</sup> area so while presenting EIA/EMP the project proponent shall give clear information on certain issues regarding availability of adequate area for various operations and storage.

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

1. At the time of EIA presentation the project proponent shall submit:-
  - (a) Details of availability of land for storage of waste (both treated and untreated), waste treatment equipment, vehicle washing bay, vehicle parking space, ETP, incineration ash storage provision, administrative room, space for DG Set etc. If this land is in the ownership of project proponent, then copy of ownership documents should be submitted and if it is taken on lease then copy of lease deed should be submitted. A map showing these facilities as well as their distance from each other should also be submitted.
  - (b) Project proponent shall submit an affidavit stating that this project will not indulge in any hazardous activity and no pollution will be caused while transportation or storage of Bio-Medical Waste from different hospitals and different districts.

  
**Nodal Officer**  
**SEIAA, UP**

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



**(Smt. Mamta Sanjeev Dubey)**  
**Chairman**  
**SEIAA**

**(Ajay Kumar Sharma)**  
**Member-Secretary**  
**SEIAA**

**(Paras Nath)**  
**Member**  
**SEIAA**



सत्यमेव जयते

560

File No.: 7761

Government of India

Ministry of Environment, Forest and Climate Change

(Issued by the State Environment Impact Assessment Authority(SEIAA),  
UTTAR PRADESH)

\*\*\*



Dated 21/10/2024



To,

Shri Neeraj Aggarwal  
M/s SYNERGY WASTE MANAGEMENT PRIVATE LIMITED  
517-518, 5th Floor, D-Mall, Sector-10, Rohini, New Delhi, 110085, Sector-10, NORTH WEST, DELHI,  
110085  
info@synergyworld.co.in

**Subject:** Amendment in prior Terms of Reference (ToR) granted to the project under the provision of the EIA Notification 2006 and as amended thereof regarding Existing Common Bio-Medical Waste Treatment Facility at Subharti Medical College Campus, Subharti Puram, Meerut, U.P., M/s Synergy Waste Management Pvt. Ltd.

**Sir/Madam,**

This is in reference to your application submitted to Ministry vide proposal number SIA/UP/INFRA2/459662/2024 dated 01/04/2023 for grant of an amendment in prior Terms of Reference (ToR) to the project under the provision of the EIA Notification 2006-and as amended thereof.

2. The particulars of the proposal are as below :

(i) TOR Identification No.	TO24B3301UP5778549A
(ii) File No.	7761
(iii) Clearance Type	Amendment in TOR
(iv) Category	B1
(v) Schedule No./ Project Activity	7(da) Bio-Medical Waste Treatment Facilities
(vii) Name of Project	Existing Common Bio-Medical Waste Treatment Facility at Subharti Medical College Campus, Subharti Puram, Meerut, Uttar Pradesh
(ix) Location of Project (District, State)	MEERUT, UTTAR PRADESH
(x) Issuing Authority	SEIAA
(xii) Applicability of General Conditions	No

3. In view of the particulars given in the Para 1 above, the project proposal interalia including Form-1(Part A and B) were

submitted to the Ministry for an appraisal by the State Expert Appraisal Committee (SEAC) in the Ministry under the provision of EIA notification 2006 and its subsequent amendments.

4. The above-mentioned proposal has been considered by SEAC meeting Dated 01-10-2024 and SEIAA in the meeting held on 18/10/2024. The minutes of the meeting and all the project documents are available on PARIVESH portal which can be accessed by scanning the QR Code above.
5. The brief about the reasons for an amendment requested and comparison table, as submitted by the Project Proponent in Form-1 (Part A and B) and presented during SEAC are annexed to this letter as Annexure (1) and Annexure (2), respectively.
6. The SEAC meeting Dated 01-10-2024 and SEIAA, in its meeting held on 18/10/2024, based on information & clarifications provided by the project proponent and after detailed deliberations recommended the proposal for grant of amendment in Terms of Reference under the provision of EIA Notification, 2006 and as amended thereof.
7. his issues with the approval of the Competent Authority.

**The committee has gone through the file, documents and reply submitted by the project proponent. The committee observed that during the appraisal of the project proposal in SEAC meeting dated 17/05/2023 and 20/11/2023 the committee already recommended to issue the terms of reference for the project in name of “Existing Common Bio-Medical Waste Treatment Facility at Subharti Medical College Campus, Subharti Puram, Meerut, U.P., M/s Synergy Waste Management Pvt. Ltd.”.**

**However, the SEIAA in its meeting dated 28/12/2023 decided to grant the terms of reference for “Captive Treatment Facility (but Proposed Existing Common Bio-Medical Waste Treatment Facility) at Subharti Medical College Campus, Subharti Puram, Meerut Uttar Pradesh”. The terms of reference issued on 18/01/2024 and SEIAA imposed the additional TOR point no. 1 i.e. “The project proponent shall submit an affidavit along with EIA, stating that the facility will be operated as Captive Treatment Facility only”.**

**In view circumstances/ facts mentioned by Project Proponent, the SEAC agrees with the amendment in TOR asked by Project Proponent. There is no denial of the fact that this common Bio-medical Waste Treatment Facility is existing one and in operation from 2003 much before the notification of Biomedical Waste Rules. However, SEAC also feels that it should be ensured that there is no adverse environmental impact on surrounding area due to this plant.**

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

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

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

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

... “7) **Land requirement**

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

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

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

Although this facility was established before issuance of above guidelines but because appraisal is taking place today so SEIAA has to place reliance on these guidelines. As per the guidelines minimum area requirement is one acre but the project proponent has only 1242 m<sup>2</sup> area so while presenting EIA/EMP the project proponent shall give clear information on certain issues regarding availability of adequate area for various operations and storage.

**Annexure 1**

**Specific Terms of Reference for (Bio-medical Waste Treatment Facilities)**

**1. Environmental Attributes**

S. No	Terms of Reference
1.1	1. The EIA report prepared by the consultant should be vetted by the environment department of any IIT/NIT or NEERI so that there is no adverse environmental impact on surrounding areas due to the technology of this plant.
1.2	1. At the time of EIA presentation the project proponent shall submit:-  (a) Details of availability of land for storage of waste (both treated and untreated), waste treatment equipment, vehicle washing bay, vehicle parking space, ETP, incineration ash storage provision, administrative room, space for DG Set etc. If this land is in the ownership of project proponent, then copy of ownership documents should be submitted and if it is taken on lease then copy of lease deed should be submitted. A map showing these facilities as well as their distance from each other should also be submitted.  (b) Project proponent shall submit an affidavit stating that this project will not indulge in any hazardous activity and no pollution will be caused while transportation or storage of Bio-Medical Waste from different hospitals and different districts.

**Signature Not Verified**

Digitally Signed by: Mr Ajay Kumar  
Sharma  
Member Secretary, SEIAA

Date: 21/10/2024