

**REPORT OF THE OVERSIGHT COMMITTEE IN OA No 180 OF 2021
MUKUL KUMAR VS. STATE OF UTTAR PRADESH & ORS**

In the case of OA No 180 of 2021 in re: **Mukul Kumar vs. State of Uttar Pradesh & ors** Hon'ble NGT vide its order dated 27.07.2021 had directed this Oversight Committee to furnish report about the compliance status in the State of Uttar Pradesh. Apart from it, a 4-member Joint Committee was also constituted by Hon'ble NGT comprising CPCB, State PCB, District Magistrate, Bareilly and the Nodal Officer Biomedical Waste Department of Medical and Health, Kaiserbagh, Lucknow, UP. The aforesaid Committee was directed to send report with regard to the allegations made in the OA.

In pursuance of the direction given to this Committee, the Committee considered it necessary to physically inspect some of the Common Biomedical Waste Treatment Facilities (hereinafter referred to as the 'facility') to assess the actual status in the State of Uttar Pradesh.

First of all, this Committee called for a list of Facilities functioning at present in the State of UP. The following list along with other details was provided to this Committee by the State PCB:

**List and Details of Common Bio Medical
Waste Treatment Facility in UP.**

S. N.	Concerned Circle	Name of the CBWTF operator Name & Address	Treatment facility available			BMW Treatment capacity Kg/day	Number of Vehicles	Status of On Line Continuous Emission Monitoring System	Validity of issued Authorization	operational status
			Incinerator (kg/hr)	Auto Clave	Shredder					
1	2	3	4	5	6	7	8	9	10	11
1	1	M/s Medicare Environmental Management Pvt.Ltd. C-21 Phas-1 Masuri Gulowthi Road, UPSIDC, Hapur.	150	430 ltr/shift	50 kg/hr	4500	13 (GPS in 13 vehicles)	Installed	31.12.2023	operational
2	2	M/s Ferro Build Hard (India) Pvt. Ltd. 83-A Maheba Purab Patti, Naini, Prayagraj	200	720 kg/day	400 kg/day	3800	9 with GPS	Installed	18.12.2024	operational
3	2	M/s Willword Environmental Inc.- Chaudhrypur Mandhava, Kanpur	100	250 ltr/shift	50 kg/hr	1700	4 with GPS & hologram	Installed	31.12.2023	operational
4	2	M/s Sangam Medicare , Handiya, Prayagraj	250	500 ltr/shift	400 kg/day	4000	10 with GPS	Installed	19.01.2023	operational
5	2	M/s MPCC Bhelamau, Bhavti, Kanpur	200	800 ltr/shift	100 kg/hr	4000	10 with GPS & hologram	Installed	31.12.2023	operational
6	2	M/s MPCC Bijauli, Jhansi	100	500 ltr/shift	50 kg/hr	2000	5 with GPS	Installed	31.12.2023	operational

7	3	M/s Synergy Waste Management (p) Ltd. 011-26933371 Subharti Medical College, Subharti Puram, Meerut	300	300 kg/batch	300 kg/hr	4000	20 with GPS & hologram	Installed	31.12.2024	operational
8	4	M/s J.R.R Waste Management Pvt. Ltd (Formely Name M/s Dutt Interprises Ltd. (Office)-29, Alkapuri Hirabag, Dayalbag, Agra-282003, (Plant)- Khasra No.- 670,	200	50 kg/shift	100 kg/hr	2500	11 with GPS	Installed	31.12.2024	operational
9	4	M/s Bio Medical Waste, Disposal Agency- Khasra No.- 622, Vill. Padrona Raya- Maat Mathura	200	50 kg/shift	100 kg/hr	2500	5 (GPS in 1 vehicle)	Installed	20.03.2024	operational
10	5	M/s Synergy Waste Management (P) Ltd. Plot No. 36,37,72 Vill- Mohammadpur Nawabganj, Barabanki.	250	75 kg/hr	50 kg/hr	3100	8 with GPS	Installed	05.03.2023	operational
11	5	M/s S.M.S.watergrace Mediawaste Management Pvt.Ltd.Mohanlalganj Lucknow	250	175 lit/hr	300 kg/hr	8000	15 with GPS	Installed	14.12.2024	operational
12	5	M/s Spectrum Waste Solutions Pvt. Ltd. Khasra No.- 597, Jawar Nagar Mastemau, Sultanpur Road, Mohanlal Ganj Lucknow	250	200 kg/shift	50 kg/hr	3400	10 (GPS not working)	Installed	07.07.2025	operational
13	2	M/s Bamdev Smart Solutions Pvt Ltd, 474, Mohanourwa, Jignauda, Banda	250	250 kg/shift	250 kg/hr	4000	3 with GPS	Installed	31.12.2024	operational
14	5	M/s Star Pollutech, Gata no. 1425 & 1426, Vill-Chandra, Tehsil-Maholi, Sitapur	100	500 ltr/hr	50 kg/hr	2000	2 with GPS	Installed	31.12.2024	operational
15	6	M/s MPCC, Khalilabad Induslral Area, Sant Kabir Nagar	100	414 kg/shift	100 kg/hr	2000	7 with GPS & hologram	Installed	31.12.2024	operational
16	6	M/s CPC Power India Limited, Mohansarai, Varanasi.	150	100 ltr/shift	50 kg/hr	2000	6 with GPS	Installed	31.12.2023	operational
17	6	M/s Silicon welfare society Vill-Banka Distt- Ghazipur	100	200 ltr/shift	150 kg/hr	1600	7 with GPS	Installed	31.12.2024	operational
18	7	Ms/s SP Green Light Environment Waste Management LLP, Gata No. 433, Saalpur Navadiya, Meerapur Katra, Shajahapur.242301	150	500 ltr/bach	50 kg/hr	2700	10 with GPS	Installed	31.12.2021	operational
19	7	M/s Envirad Medicare Pvt. Ltd. Parsakhera, Bareilly.	150	180 ltr/shift	200 kg/hr	2100	6 with GPS & hologram	Installed	31.12.2021	operational
20	1	M/s Environ Waste Connections, LLP, Hapur.	150	180 ltr/shift	200 kg/hr	2100	6 with GPS & hologram	Installed	31.12.2021	operational
21	2	M/s UTTAR PRADESH WASTE MANAGEMENT PROJECT A DIVISION OF RAMKY ENVIRO ENGINEERS LTD, Plot No 672 on NH-2 Sikandra Road,Vill-Kumbhi,Tehsil-Akbarpur,Distt-Kanpur Dehat-209101, PIN 209101, Contact No. 9335745566.	2000	1250 ltr/shift	250 kg/hr	10000	02 with GPS (08 Proposed)	Installed	06.04.2026	operational

As per this list, at present 21 facilities are working in the State of U.P. and all are functional.

Before proceeding further, we would like to mention in this regard another case i.e. OA No. 915 of 2019 in re: **Ravi Sharma, MLA, Jhansi vs. State of Uttar Pradesh** against alleged unscientific dumping of biomedical waste in open in Bijoli area of Jhansi District, Uttar Pradesh. With regard to that, one of us (Justice SVS Rathore) inspected the above mentioned facility with regard to the allegations made in the aforesaid OA.

Apart from it, two complaints from Mr Vinod Khanna of Jawalapuri, Delhi against M/s Synergy Waste Management Pvt Ltd, CBMWTF, Meerut, UP and also against another facility run by the same company situated in the district of Barabanki were received by this Committee.

During inspection of the Bijoli, Jhansi facility, it was found that the allegations made in OA No. 915 of 2019 in re: **Ravi Sharma, MLA, Jhansi vs. State of U.P.** were true at that time, but the facility has rectified the said defects. It was candidly admitted by the operator of the facility that the allegations relate to the period during the outbreak of Covid-19 period. At that time inflow of medical waste was so much that it was almost impossible to treat the entire waste received even after running the plant at its full capacity. Apart from it, the drain of the washing area that is connected to ETP was damaged due to excessive vehicle movement. It was the reason due to which water from the washing-line was spilling even outside the premises of the facility. However, at the time of inspection the allegations that were made in the OA were not found in existence. Biomedical waste was stored in a gated room which was situated at the back of the facility. However, bags of all colours were stored there in a mixed position.

So far as the complaints made by Mr. Vinod Khanna, referred above, are concerned, the allegation made against M/s Synergy Waste Management Pvt Ltd, Meerut is that the facility has enhanced its incinerator capacity to 300 kg/hr though it had initial authorization for 50 kg/hr capacity. On inspection of documents with regard to this allegation, it came to light that authorization of this facility is for use of incinerator of 300 kg/hr capacity. Therefore, prayer of Mr. Vinod Khanna that directions be issued to said facility to use incinerator of 50 kg/hr does not appear to have any substance. Apart from it, when this matter was brought to the notice of the UPPCB, then it was revealed that as per rule prior environmental clearance was not taken and, therefore, action in accordance with law has been initiated and notice has been issued to the aforesaid facility.

So far as complaint made by Mr. Vinod Khanna against the other facility run by M/s Synergy Waste Management Pvt Ltd, Barabanki, is concerned, the main allegation made by the complainant is that the Oversight Committee headed by Hon'ble Mr. Justice D.P. Singh had imposed environmental compensation (EC) to the tune of rupees two crores against said facility, but the said facility has not deposited the EC so imposed upon it and steps be taken to recover the same. We refrain to make any comment regarding the validity of order imposing EC by earlier Oversight Committee. For the prayer made by Mr Vinod Khanna in this regard, it is always open for him to take appropriate steps as may be provided under law, but this Oversight Committee has no jurisdiction to initiate recovery proceedings.

In order to assess the actual working of the CBWTFs, this Oversight Committee has inspected the following facilities:

SL NO.	Date of Inspection	Name of facility	Districts attached with the facility
1	23.08.2021	M/s MPCC Bijoli, Jhansi	Jhansi, Jalaun and Lalitpur
2.	14.09.2021	M/s Medicare Environmental Management Pvt Ltd, Masuri Gulowthi Road, Hapur	Ghaziabad, Gautam Budh Nagar, Hapur, Meerut, Amroha, Moradabad and Sambhal.
3.	14.09.2021	M/s Environ Waste Collections LLP, Hapur	Saharanpur, Muzaffarnagar, Bijnore, Meerut, Ghaziabad, GB Nagar, Hapur.
4.	16.09.2021	M/s Synergy Waste Management Pvt Ltd, Meerut	Meerut, Muzaffarnagar, Shamli, Saharanpur, Bulandshahr, Ghaziabad, Noida/Greater Noida,

			Bijnore, Baghpat, Hapur and Moradabad.
5.	18.09.2021	M/s Biomedical Waste Disposal Agency, Mathura	Mathura, Aligarh, Kashganj and Sambhal.
6.	22.10.2021	M/s S.M.S. Watergrace Mediwaste Management Pvt Ltd, Mohanlalganj, Lucknow.	Lucknow, Lakhimpur Kheri, Sitapur, Barabanki and Unnao.
7.	25.10.2021	M/s Synergy Waste Management Pvt Ltd, Barabanki	Barabanki, Lucknow, Sitapur and Hardoi
8.	15.11.2021	M/s Spectrum Waste Solution Pvt Ltd, Sultanpur Road, Lucknow	Lucknow, Bahraich, Gonda, Lakhimpur Kheri, Balrampur and Shrawasti.
9.	18.11.2021	M/s CPC Power India Ltd, Mohansarai, Varanasi	Varanasi, Bhadohi and Chandauli.
10.	23.11.2021	Bamdev Smart Solution Pvt Ltd. Banda	Banda, Mahoba and Chitrakoot
11.	25.11.2021	M/s MPCC, Khalilabad Industrial Area, Sant Kabir Nagar	Gorakhpur, Sant Kabir Nagar, Kushinagar, Sidharthnagar, Maharajganj, Basti and Deoria.
12.	29.11.2021	M/s J.R.R. Waste Management Pvt Ltd, Agra	Agra, Firozabad, Mainpuri, Hathras and Etah.

All the inspection reports are annexed along with this report.

All the facilities are run by private operators and there is no Government owned facility. The picture which emerges from all the inspections made is that

some of the facilities are working properly; their collection of Biomedical waste, transportation storage and treatment is as per the provisions of the Biomedical Management Rules, 2016 and guidelines issued by the CPCB, but some of them need substantial improvement regarding collection, storage and treatment of Biomedical waste. Some of the facilities were not having proper arrangements to meet any exigency of fire or spillage. For that, necessary directions were issued at the time of inspection.

So far as safety of workers involved in collection and treatment process of Biomedical waste etc. is concerned, much improvement is required. During inspection, only in few facilities, proper storage of safety gadgets was found available. Register of safety gadgets received, distributed and available was being maintained in some facilities while in some facilities, stock and distribution register is not being maintained. The operators of such facilities tried to shirk their responsibility to maintain such register by saying that such register is being maintained at their Headquarter. In most of such cases, the Headquarter is situated at a distance of more than 25 kilometers. The Oversight Committee is of the view that this practice must be stopped forthwith. All the relevant records/documents should be kept at the site of operation.

Inspections also revealed that guidelines issued regarding collection of waste by the facilities within a radius of 75 kilometers is also not being followed in letter and spirit. The Committee is also of the view that this guideline must be observed strictly and each and every facility must be directed to collect Biomedical waste from the HCFs situated within a radius of 75 kilometers of their plant. Any relaxation in such distance can be considered only in cases where no facility is available within the radius of 75 kilometers and in such cases, the District Administration must also take appropriate steps for establishment of a new facility so that the limitation of 75 kilometers radius provided in the guidelines is followed in true spirit. Relaxation can be considered only till the establishment of a new facility within the prescribed area.

Inspections also revealed that all the Health Care Facilities are not providing segregated waste, yet the facility does not bring this fact, in writing or even orally to the notice of the prescribed authority i.e. Regional Officer, UPPCB. It was also noticed that even the HCFs have not made any written complaint to the operators about non-lifting of segregated waste in time. Apparently, the complaints, if any, are resolved telephonically on mutual basis. However, there should be a formal mechanism to redress grievances of the stakeholders including general public. The Medical and Health Department of the State Government should provide space for this on its web-portal and use the input for effective monitoring. A general direction also needs to be issued by the Health Department to their field officers and by them to all health care facilities, to ensure that only segregated Biomedical waste, as per the Rules, in different colour bags is handed over to the facility when vehicles come for collection.

The Committee also noted during inspection that Biomedical waste was stored at one place, meaning thereby that different colour bags were stored in a mixed position. This practice is also not permissible and wherever such type of condition was found, necessary instructions were issued to the operator of the facility to ensure arrangement at least for separate compartments if separate rooms for storage of different colour bags are not available. Concerned Regional Officers, UPPCB were also directed to ensure its compliance and to ensure that incinerator ash and ETP sludge is stored properly.

During three of such inspections, it was found that incinerator ash was lying on the floor in a space partially closed from three sides and entirely open on the fourth side and it was not even kept in bags or covered containers. This is highly objectionable and not permissible. Necessary directions were given to facility and the Regional Officer concerned to ensure strict compliance.

In most of the facilities, it was found that prescribed fuel was not being used in the incinerator. Almost all facilities except the facility in districts Banda and Agra

were using High Speed Diesel to run the incinerator. Schedule II (g) of the Biomedical Management Rules, 2016 provides:

“Only low Sulphur fuel like Light Diesel Oil or Low Sulphur Heavy Stock or Diesel, Compressed Natural Gas, Liquefied Natural Gas or Liquefied Petroleum Gas shall be used as fuel in the incinerator”

Some of the facilities have made plantation, but in most of the facilities, the number of plantation was not adequate to absorb the entire carbon emission. Necessary directions were given to all facilities in this regard. The facility at Banda has planted 2500 plants on their adjacent plot out of which 1700 have survived.

During inspection, it was also revealed that barcoding of different colour bags is not practiced in almost all the facilities. For this, the field officers of the Health Department and Pollution Control Board and the District Environment Committee will have to do the enforcement work effectively. In order to ensure this, close monitoring by the respective Heads of the Department and Departments in the Government will be necessary. A direction by the Hon’ble NGT in this regard to all concerned will be helpful in achieving the desired results.

In some of the facilities, it was found that neither the operator nor any other responsible person of the facility has attended even a single training programme conducted online by the UPPCB or the Medical Department.

It was also noticed that at the time of induction of the workers, their medical health checkup was not done. However, subsequently vaccination and medical checkup was done. Only in some of the facilities medical checkup was done and they also maintain proper record of it. But generally, medical check-up was not done at the time of induction of workers.

The operators of all the facilities told that the vehicles used in collection of Biomedical waste are washed and sanitized daily. They are covered and fitted with GPS and online tracking system.

ETP in all facilities has been established and was found working properly. In some of the facilities, the inflow meter was not found, therefore, directions were issued for installation of inflow meters.

Inspections also revealed that all the facilities are not taking due care regarding health of the workers. It was found that except in a few facilities, workers are not provided adequate safety gadgets like PPE Kit, Apron, Goggles, and Gumboots etc. Their annual medical checkups are also very casual and inadequate. This practice is absolutely not acceptable because anything that may affect human life cannot be tolerated. Therefore, direction was given on the spot to all such operators to maintain stock of all safety gadgets and also maintain stock and distribution register in the facility itself. The stock in hand should be sufficient to cater atleast 15 days' need.

Regional officers were asked about the district level meetings being held under the chairmanship of the District Magistrate concerned then it was informed that such meetings are being held. Minutes of such meetings were also asked but only few ROs provided the same. Perusal of the minutes also reveals that the issue of BMW collection and treatment was not even considered in such meetings.

So far as the water sample testing of the ETP and stack emission is concerned it is being practiced largely and record of the same is being maintained.

All the facilities have installed online air quality monitoring system and the same are connected to the CPCB and UPPCB servers.

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

- (1) Health Department and State PCB are the key Departments for ensuring compliance of these Rules by various stakeholders, but they don't seem to have geared up their field units for this. They should be directed to strengthen their monitoring mechanism in co-ordination with and co-operation from each other to ensure that the

field officers enforce the provisions of these Rules effectively in letter and spirit.

- (2) Rules provide for maintenance of Registers/Log-books on the sites of various activities in the campus, either in physical or digital form by the Facility, but quite few of them do not comply with it. ROs, UPPCB should be directed to make frequent random checks of the facilities to ensure that their functioning is as per norms.
- (3) A direction be issued to all the authorities to ensure that guidelines for collection of Biomedical waste within radius of 75 kilometers must be strictly followed in letter and spirit. Any relaxation in this regard can be considered only in cases when there is no facility available within the distance of 75 kilometers and even in that case, the nearest facility should be permitted to collect Biomedical waste. Such relaxation should be only for the period till establishment of a new facility. All efforts should be made by the authorities concerned to take immediate steps to get established a facility where no such facility is available within the radius of 75 kilometers.
- (4) Practice of barcoding was adopted in some of the facilities during the period of Covid-19, but generally it is not being followed by them at present. Medical and Health Department has appointed vendors for this purpose. They should be directed to issue necessary directions to all the field officers to ensure that all the HCFs and operators use only barcoded bags for waste collection.
- (5) Safety of the workers involved in the collection and treatment of Biomedical waste is of great concern, therefore, directions should be issued to all the facilities to ensure sufficient stock of safety gadgets within the premises of the facility and also maintain proper stock and distribution register. Such stock must be sufficient to cater

the need for at least 15 days. The Regional Officers, UPPCB should be directed to make frequent random checks of stock and distribution register and to ensure that the same are being used by the workers.

- (6) Medical and Health Department of the State Government should be directed to prescribe objective criteria, in terms of various medical tests, for declaring a worker, working in the CBWTFs, medically fit by any doctor during the initial and annual checkups.
- (7) A direction must be issued to the concerned health authorities of the State of Uttar Pradesh to direct all Health Care Facilities to handover only segregated waste to the Biomedical waste collectors.
- (8) Directions should also be issued to all such facilities to ensure adequate plantation in the facility premises and if it is possible then on the adjacent plots also to minimize the carbon emission.
- (9) A direction should also be issued to all operators of all the facilities to make arrangement of, at least, separate compartments, if not separate rooms, for storage of different colour bags containing BMW.
- (10) Direction needs also to be issued to all the operators for use of prescribed fuel only as provided in Schedule – II of the BMW Rules, 2016
- (11) All the district Magistrates should be directed to take up the issue of collection and treatment of BMW in the monthly meeting regarding environment.
- (12) All the operators should be directed to bring to the notice of RO UPPCB any difficulty, if any, being faced by them regarding proper functioning of the facility as per Rules and guidelines so that the said

issue may be raised and resolved in the monthly meeting of the District Magistrates.

03-12-2021

03-12-2021

X Anant Kumar Singh

Shri Anant Kumar Singh
Member, Oversight Committee
Signed by: ANANT KUMAR SINGH

X SVS Rathore

Justice SVS Rathore
Chairman, Oversight Committee
Signed by: SURENDRA VIKRAM SINGH RATHORE

Dated: 03.12.2021

Annexures: As above

Please visit our website: oscngt.upsdc.gov.in for more information.