BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH AT DELHI

APPEAL NO. 27 /2024

IN THE MATTER OF:

INDOTECH WASTE SOLUTION ---- APPELLANT

//**VERSUS**//

UTTAR PRADESH STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (UPSEIAA) & ORS. ---- RESPONDENTS

INDEX

Place :: New Delhi
Date :: 16th January, 2025

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Minutes of the 813th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on17-05-2024

The meeting of 813th State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 17.05.2024 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 Sanjeev Kumar Singh — Member Secretary, SEIAA, U.P

Agenda-A

1. Gap analysis report of Indo Tech received from UPPCB for Common Bio-medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District Kasganj, U.P., M/s Indo Tech Waste Solution. File No. 6191/Proposal No. SIA/UP/ MIS/60737/2021.

SEIAA noted that Hon'ble NGT passed an order dated 22.03.2024 in Appeal no. 13 of 2023, which states that:

"11. On the basis of the above submission of Learned Counsel for the SEIAA, UP, impugned orders/minutes of the meetings dated 11.05.2023, 04.04.2023 and 07.04.2023 are set aside with a direction to SEIAA, UP, to reconsider the application of the appellant and pass fresh reasoned speaking order by complying the Principles of Natural Justice."

As per Revised Guidelines for Common Bio-medical Waste Treatment Facilities, 2016:

"2 b) 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."

Hence, SEIAA in its 808th meeting dated 08.04.2024 opined that a letter be sent to MS, UPPCB for submission of Gap analysis report and accordingly letter no. 58/parya/Shamanya/2023 dated 24.04.2024 was sent to UPPCB. Gap analysis report was received vide letter no. H10643/C4/NoC-104/2024 dated 10.05.2024 which states that:-

Gap Analysis in respect of proposed
Bio Medical Waste Treatment Facility
(M/s Indotech Waste Solution) in District-Kasganj

Kasganj district in Uttar Pradesh is situated on the bank of Kali river and 03 Tehsils namely Kasganj, Patiyali and Sahawar are situated within the boundary of the said district. The total area of Kasganj district is 1993 sq. km. and

the total population is 14,36,719 (as per year 2011) and Kasganj comes under the jurisdiction of Aligarh division. The neighboring districts of the said district Kasganj are Aligarh, Hathras and Etah.

The following provisions have been laid down regarding establishment of Common Bio- medical Waste Facilities (CBWTF) in the Revised Guidelines for Common Bio- medical Waste Treatment and Disposal Facilities (URL https://cpcb.nic.in/uploads/Projects/Bio-Medical Waste / Common Bio Medical Waste treatment facilities.pdf) issued by the Central Pollution Control Board in the year 2016:-

6) Location criteria-

In the context of these guidelines, buffer zone represents a separation distance between the source of pollution in CBWTF and the receptor following the principle that the degree of impact reduces with increased distance. The following parameters may be considered for ascertaining buffer distance on case-to-case bash:

(i) potential for spread of infection from wastes stored in the premises.

(ii) applicable standards for pollution control and the relative efficiency of the existing incinerators and emission control systems,

(iii) potential of fugitive dust emission from incinerators

(iv) potential for discharge of wastewater

(v) the potential for odor production,

(vi) the potential for noise pollution,

(vii) the risk posed to human health and safety due to exposure to emissions from incinerator,

(viii) the risk of fire and

(ix) Significance of the residual impacts such as bottom ash and fly ash.

As far as possible, the CBWTF shall be located near to its area of operation in order to minimize the transportation distance in waste collection, thus enhancing its operational flexibility as well as for ensuring compliance to the time limit for treatment and disposal of bio-medical waste as stipulated under the BMWM Rules (i.e. within 48 hours). Also, the location of the CBWTF should be in conformity to the CRZ Norms and other provisions notified under the Environment (Protection) Act, 1986. The location shall be decided in consultation with the State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC).

The location criteria for development of a CBWTF are as follows:

(a) A CBWTF shall preferably be developed in a notified industrial area without any requirement of buffer zone (or)

(b) A CBWTF can be located at a place reasonably far away from notified residential and sensitive areas and

should have a buffer distance of preferably 500 m so that it shall have minimal Impact on these areas in case of non-availability of such a land, the buffer zone distance from the notified residential area may be reduced to less than 500 m by SPCB/PCC without referring the matter to CPCB by prescribing additional control measures such as

(i) adoption of best available technologies (BAT) by the proponent of CBWTF

(ii) prescribing stringent standards for operation of the CBWTF by the SPCB/PCC;

(iii) adoption of zero liquid discharge by the CBWTF and

(iv) in case of any complaints from the public, then CBWTF should prove that the facility is not causing any adverse impact on environment and habitation in the vicinity. If SPCB/PCC is not in a

position to resolve the issue relating to buffer zone while selecting the site for CBWTFs, in such a case. SPCBs/PCCs may refer the matter to CPCB

(c) The CBWTF can also be developed as an integral part of the Hazardous Waste Treatment Storage and Disposal Facility (TSDF) subject to obtaining of necessary approvals from the authorities concerned including 'environmental clearance as per Environmental Impact Assessment 2006 and further amendments notified under the Environment (Protection) Act, 1986, provided there is no CBWTF exist within 150 KM distance from the existing TSDF

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 (bath 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 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.

8) Coverage area of CBWTF

Suggested coverage area for development of a CBWTF is as follows:

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 w.r to its location provided the bio-medical waste generated is collected, treated and disposed within 48 hours as stipulated under the BMWM Rules.

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

Regional Office Uttar Pradesh Pollution Control Board Aligarh has collected information of the concerned districts regarding the Bio Medical waste generated from various hospital health care facilities established in the said area.

The estimated quantity of bio medical waste district wise is as follows, as per the methodology to Conduct gap analysis with respect to generation and treatment of biomedical waste prescribed by Central Pollution Control letter B-31011- BMW(3398)-2023-WM-1 dated 10.10.2023

Sl. No.	Name of district	No. of total HCF	No. of total HCF bed	No. of HCF non beded	No. of total bed	Details of total medical waste generated (274 gm per bed)
1.	Aligarh	1160	10983	519	11502	3152
2.	Hathrash	452	2160	261	2421	664
3.	Etah	333	2031	161	2192	501
4.	Kasganj	254	1542	128	1670	458
	Total	2199	16716	1069	17785	4875

A new industry M/s Indotech Waste Solution has proposed to set up Common Bio Medical Waste Treatment Facilities (CBWTF) in Khasra No. 1181, Village-Kumroa, Tehsil District-Kasganj. In the project, it is proposed to set up Static Dry Incinerator-200 Kg/hour, Autoclave 2500 Ltr/hour & Shredder-150 Kg/hour. The total daily capacity of CBWTF is proposed to be 4000 Kg/day.

For collection and disposal of Bio Medical Waste generated from 4 districts falling within 75 km radius of the said proposed project, common medical waste is being treated by 04 Common Bio Medical Waste Treatment Facilities located at Mathura, Sambhal, Agra and Mainpuri respectively, comparative details of which are as follows:

S. No.	Name & Address of CBWTF	Installed Capacity (Kg/day)	Present Disposal Quantity (kg/day) as per annual return	Present Disposal Quantity (kg./day) within 75 km from IndoTech	Unutilized capacity (kg./day)
1.	M/s. Bio Medical Waste Disposal Agency, … non gaon road,	2500	2500	1748	0

	village Uhda, Mathura				
2.	M/s. Punah Chakran Pvt. Ltd. Industrial Area, Dabrala District – Sambhal	5000	80	10	4920
3.	M/s J.R.R. Waste Management Pvt. Ltd. Sanjay Place, Agra	4800	1800	180	3000
4.	M/s. Green House	4800	315	175	4485

	Waste Management, Mainpuri				
		17100	**4095**	**2130**	**12405**

On the basis of the annual report of Bio-Medical Waste Generation And Treatment sent earlier to the Central Pollution Control Board, the data of bio-medical waste generated at the state level between 2015 to 2001 has been made available through the letter dated 14.07.2003 of WMD cell, on the basis of which the annual increase is as follows:-

Year	BMW Generated (Kg./day)	Percentage increase
2016	37655	--
2017	**43554**	**15.67**
2018	46401	6.5
2019	52500	13.15
2020	64038	21.98
2021	71264	11.28

At present, the total amount of Bio Medical Waste generated from HCF located at a radius of 75 km from the establishment site of M/s Indotech Waste Solution is 4875 Kg/day. By estimating an average increase of 10 percent for the next 10 years, it is possible that the total accumulated Bio Medical Waste generation in the said districts in future will be 12626 Kg/day.

Conclusion

It is clear from the above calculation that in view of the provisions contained in the Methodology to Conduct gap analysis with respect to generation and treatment of biomedical waste prescribed by Central Pollution Control Board letter no. 8-31011-BMW(3398) 2023-WM-1 dated 10.10.2023 and the Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities promulgated by Central Pollution Control Board in the year 2016, even after assessing the overlapping area of 04 Common Bio-medical Waste Treatment Facility established within a radius of 90 km from the proposed site of M/s Indotech Waste Solution, at present, the total capacity of

12405 Kg/day is estimated to be unutilized in relation to the total purification capacity, which is sufficient in relation to the estimated quantity of biomedical waste generated in the next 10 years.

Therefore, at present, as per the above calculation, there does not seem to be a need for an additional Common Bio-medical Waste Treatment and Disposal Facility (CBWTF) in the above referenced area. The report is respectfully presented for your perusal.

Sd/-	Sd/-	Sd/-
(Jitendra Kumar Sharma)	(Jitendra Kumar)	(Upendra Prasad)
Laboratory Assistant	Monitoring Assistant	Assistant Environmental Engineer

Regional Officer Sir,

Sd/-
07.05.2024

In light of the above SEIAA opined that EC cannot be granted for Common Bio-Medical Waste Treatment Facility at Village-Kumraua, Block-Soron, Tehsil & District- Kasganj, UP,

Nodal Officer

SEIAA, UP

MoM prepared by Secretariat in consultation with Chairman & Members Oil the basis of …. taken by SEIAA during that meeting.

(Smt. Mamta Sanjeev Dubey) Chairman SEIAA	Sd/- (Sanjeev Kumar Singh) Member-Secretary SEIAA	(Paras Nath) Member SEIAA