

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL**
(Through Video Conferencing)

Original Application No. 63/2022 (CZ)

Aditya Singh Mandloi.

Applicant(s)

Versus

State of Madhya Pradesh & Ors

Respondent(s)

Date of hearing: 23.08.2022

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr.Ravikant Patidar, Adv.

For Respondent(s):

None

ORDER

1. The issue raised in this application pertains to proper implementation of Bio Medical Waste Rules and Guidelines issued by Central Pollution Control Board along with monitoring over generation, collection, storage, transportation and disposal of Bio Medical Waste generated in and around districts such as Narsinghpur, Seoni, Balaghat, Mandala, Dindori and Chindwara.
2. During the course of hearing the learned counsel for the applicant and Mr. Rohit Sharma, learned counsel for the RSPCB submitted that the distances from Narsinghpur to Seoni is approximately 128 km, Seoni to Balaghat is 88 km, Balaghat to Mandala is approximately 120 km, Mandala to Dindori is approximately 100 km and Dindori to Chindwara is approximately 300 km.
3. Biomedical Waste is one of the most hazardous waste generated in today's time and various state agencies have formulated various laws time and again with necessary improvements so as to ensure that Bio-Medical Waste is treated and disposed of properly so as to minimize the pollution of environment by way of Bio-Medical Waste pollutants. Initially, for treatment of Bio-Medical Waste, there used to be captive incinerators but eventually with the passage of time when it was realized that captive plants are difficult to monitor and can be one of the major reasons attributable towards violation

of the environmental norms, it was formulated that there shall be establishment of common Bio-Medical Waste treatment facilities throughout the nation. This was done majorly to limit the number of bio medical waste treatment facility and disposal plants and to keep a proper check and monitor over these by the concerned State Pollution Control Boards as well as the Central Pollution Control Board.

4. Hospital beds in India are growing at a rate of 7.70% per annum for five years, whereas 9.40% per year increase in BMW can be seen in the data at National level. While looking at the data of Madhya Pradesh it is concluded that the growth rate of hospital beds in the last five years is 9.58% per annum, the growth rate in the BMW generation is 13.38% per annum.
5. A revised guideline for CBWTF has been published by CPCB on 21.12.2016. Brief highlights of this guidelines regarding CBWTF location criteria (S.No. 6 of guidelines) and coverage area (S.No. 8 of Guideline) are reproduced as under:-

Location Criteria (Point – 6)

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

Coverage area of CBWTF (Point -8)

(a) A CBWTF located within the respective state/UT shall be allowed to cater healthcare units situated at a radial distance of 75km. However, in a coverage area where 10000 beds are not available within a radial distance of 75km. Existing CBWTF in the locality (Located within the respective state/UT) may be allowed to cater the healthcare units situated up to 150km. radius w.r.to its location provided the bio-medical waste generated is collected, treated and disposal of within 48 hours as stipulated under the BMW Rules.

(b) In case, number of beds is exceeding 10000 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 provision notified under the environment (protection) Act, 1986 to cater services only to such additional bed strength of the HCFs located.

6. The CPCB has issued revised guidelines for common bio medical waste treatment and disposal facilities uploaded on the website of Parivesh Portal on 21.12.2016, which is as follows :-

2) Criteria for development of a new Common Bio-medical Waste Treatment and Disposal Facility for a locality or region.

Prior to allowing any new CBWTF, following criteria or steps may be followed:

- a) Prescribed authority under the BMWM Rules, 2016 [i.e., State Pollution Control Board (SPCB) in the respective State or Pollution Control Committee (PCC) in the respective Union Territory Administration] 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 bio-medical waste treatment and disposal facility. The prescribed authority is also required to extrapolate the coverage-area wise bio-medical waste generation for the next ten years.*
- 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.*

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 guideline. 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.

- c) SPCB/PCC shall identify the coverage area, which require additional treatment facility and bring it to the notice of the*

concerned department in the business allocation of land assignment in the respective State Government or UT Administration. The department in the business allocation of land assignment shall be responsible for providing suitable site in the identified coverage area for setting up of a CBWTF, in consultation with the prescribed authority (i.e., SPCB/PCC), other stakeholders and in accordance with these guidelines issued by CPCB from time to time.

- d) Alternately, a CBWTF may also be allowed to be established on a land procured by an entrepreneur in accordance with the location criteria suggested under these guidelines.
- e) The SPCB/PCC or concerned department in the business allocation of land assignment in the respective State Government or UT Administration may seek expression of interest from the proponents for development of new CBWTF (s) in the identified coverage area. Upon allocation of site to the proponent, the proponent is required to take necessary approvals as required under the Environment (Protection) Act, 1986 for development of the new CBWTF in accordance with these guidelines.
- f) In the absence of expression of interest by any proponent, then SPCB/PCC shall insist health care facilities to form association and to develop its own CBWTF in line with these guidelines or to have captive treatment facilities for ensuring treatment and disposal of generated bio-medical waste as stipulated under the BMW Rules, 2016.
- g) In case of any regulatory action including closure of any existing CBWTF is inevitable, the respective SPCB/PCC may take action under the BMW Rules including for making alternate arrangement to ensure safe disposal of the bio-medical waste generated from the member health care facilities of such default CBWTF through CBWTF located nearby.
- h) In case of hilly areas considering the geography, only one CBWTF with adequate treatment capacity may be developed covering atleast two districts to cater treatment services to the HCFs 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.

3) 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 basis:

- 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 odour 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 (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.

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 upto 150 KM radius w.r.to its location provided the bio-medical waste generated is collected, treated and disposed of 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.*
- c) *In case of hilly areas, considering the geography, only one CBWTF with adequate treatment capacity may be developed covering atleast two districts to cater treatment services to the HCFs 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.”*

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Continuous emission monitoring system (CEMS)

Monitoring provision for continuous monitoring of the incinerator/plasma pyrolysis stack emission shall be installed by the CBWTF operators for the parameters as stipulated by the respective

SPCB/PCC as per the authorisation granted under the BMWM Rules, 2016. Other-wise, at present, all the existing CBWTF operators are required to carry out stack emission monitored using continuous emission monitoring system for the flue gas parameters such as C 2, O 2, CO as well as primary & secondary chamber temperatures, and records maintained. The continuous emission monitoring system for stack emission should be installed as per the guidelines issued by SPCB/PCC/CPCB. Also, the real time continuous stack emission monitoring data is also required to be transmitted to the servers of the respective SPCB/PCC as well as CPCB, by all the existing CBWTF operators.”

7. During the course of hearing a question was raised with regard to the facilities of vehicle available in the unit for transportation of Bio Medical Waste in all six districts having distance more than 300 km, but sufficient reply has not been submitted.
8. The condition for Bio Medical Waste is that in case number of bed is exceeding 10,000 beds in an locality coverage area of the CBWTF and the existing treatment capacity is not adequate, in such a case, a new CBWRF may be allowed. Secondly, the Bio Medical Waste must reach to the disposal facility within 48 hours and thirdly that there must be sufficient number of vehicles for transportation.
9. In light of the above facts, the present application is not maintainable. However, we direct the MPSEIAA to take appropriate decision in light of the CPCB guidelines quoted above.
10. The **Original Application No. 63/2022** is **disposed** of accordingly.

Sheo Kumar Singh, JM

Dr. Arun Kumar Verma, EM

23rd August, 2022
OA No. 63/2022(CZ)
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