

**BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI**

Original Application No. 26 of 2021 (SZ)

Tribunal on its own motion
SUO MOTU Based on the
News item in the New Indian Express Newspaper
Dated 23.01.2021, 'Biomedical waste dumped near
Chennai's Thiruneermalai Lake not removed even after a week'

-Vs-

1. The Chief Secretary to Govt. of Tamil Nadu,
Govt Secretariat, Fort St. George
Chennai, Tamil Nadu 600 009.

...Respondents

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**Filed by
Thiru. S. Sai Sathya Jith
Advocate, Chennai.**

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1. The Chief Secretary to Govt. of Tamil Nadu,
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Chennai, Tamil Nadu 600 009.

...Respondents

REPORT FILED ON BEHALF OF THE 5th RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.

I, R. Rajamanickam, Son P.M. Ramasamy, Hindu, aged about 57 years, having my office at No.76, Mount Salai, Guindy, Chennai- 600 032, do hereby solemnly affirm and sincerely state as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, and I am filing this Report on behalf of the 5th Respondent, Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the as per the records.

2. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ) in its order dated 17.12.2021 directed as follows:

"Para 5: The counsel appearing for Tamil Nadu Pollution Control Board (TNPCB) submitted that there is some discrepancy between Bio Medical Waste Management Rules, 2016 and Hazardous & other Wastes (Management & Transboundary Movement) Rules, 2016 which will have to be considered and certain directions will have to be issued and they will submit a report in this regard if some time is granted

para 9: the official respondents including the Principal Secretary for Health, Principal Secretary for Environment, Chairman,


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Tamil Nadu Pollution Control Board (TNCPB) and Thiruneermalai Town Panchayat and also to the newly added 9th respondent/Commissioner, Tambaram Municipal Corporation immediately through e-mail along with the copy of the newspaper paper report and the gist of the Suo Motu proceeding with full cause title so as to enable them to comply with the direction and for filing their independent response to the allegations made in the newspaper report and filing the report as directed by this Tribunal.

Bio-Medical Waste Management Rules, 2016:

3. It is respectfully submitted that the Bio-Medical Waste Management (BMWM) Rules, 2016 notified by the MoEF & CC to improve the collection, segregation, processing, treatment and disposal of the bio-medical wastes in an environmentally sound management thereby, reducing the bio- medical waste generation and its impact on the environment.

The BMWM Rules, 2016 states that the infectious Bio-Medical Wastes (BMW) generated from the Health Care Facilities (HCFs) shall be segregated, collected and handed over to Common Bio-Medical Waste Treatment Facilities (CBMWTFs) for treatment and disposal and the BMW (infectious) shall not be stored beyond a period of forty eight hours.

Rule 10 of the BMWM Rules, 2016, prescribes that the bedded Health care Facilities (HCFs) shall obtain consent under Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 and authorisation under Bio-medical Waste Management Rules, 2016. Non-bedded HCFs (clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories, blood banks, ayush, hospitals, clinical establishments, research or educational institutions, health camps, medical or surgical camps, vaccination camps, blood donation camps, first aid rooms of schools, forensic laboratories and research labs) shall obtain one-time authorisation under Bio-medical waste management Rules, 2016


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4. It is respectfully submitted that, the Health Care Facilities (HFCs) covered under Bio-medical Waste Management Rules, 2016 as on January 2022 is 26995 Nos. The average generation of regular BMW is 35 T/day and COVID-19 BMW is 11 T/day for the period April 2020- January 2022. TNPCB is taking necessary action to bring the non-inventorised HCFs (bedded & non-bedded) to apply and obtain authorization under BMWM Rules, 2016. Veterinary hospitals, Animal houses, Ayush hospitals, etc., are being brought under inventorization and are being monitored. Consent & authorization under BMWM Rules, 2016 for bedded HCFs (AYUSH, HOMEOPATHY) and one time authorization to the non-bedded HCFs have been issued on verification of the compliance of the provisions of BMWM Rules, 2016.

Common Bio-Medical Waste Treatment Facilities (CBMWTFs):

5. It is respectfully submitted that, at present, there are 12 CBMWTFs, out of which 10 facilities are in operation and two facilities at Ooty and Ramanathapuram have been closed due to non-compliance of consent order conditions and Bio Medical Waste Management Rules, 2016. The total installed capacity of 10 CBMWTFs in operation is 90.35 TPD (Incinerator - 56.5 TPD & Autoclave – 33.85 TPD). In addition, three common facilities are under establishment in Gummidipoondi, Hosur and Tiruppur Districts and one more facility in Tiruvallur is under pipeline.

Based on the CPCB revised guidelines IV for COVID waste management, the TNPCB has issued instructions to all the CBMWTFs to operate for extra hours to the installed capacity so as to treat their increased quantity of COVID19 BMW.

Further, the TNPCB has issued permission to the Treated Storage and Disposal Facility (TSDF), Gummidipoondi to utilize the existing Hazardous Waste incinerator of capacity 1 T/hr (22 Ton Per Day) to incinerate the COVID 19 bio medical waste as per the CPCB guidelines.

Action taken by the TNPCB against the violators for non-compliance:

6. It is respectfully submitted that TNPCB is initiating action against the HCFs such as issue of Directions for closure and stoppage of power supply and levy of Environmental Compensation, if found violating the

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BMWM Rules, 2016 as amended. Further, any non-compliance observed during regular inspections, the HCFs are being issued with necessary instructions, so as to ensure compliance of the provisions of the BMWM Rules, 2016 at all times. Further TNPCB has taken the following steps for implementation of BMWM Rules, 2016 in the State of Tamil Nadu:

- Indian Medical Association, TN has been addressed to instruct all the HCFs to implement BMWM Rules including pre-treatment of yellow category waste and Bar Coding.
- All the HCFs have been issued with standing instructions to comply with BMWM Rules including pre-treatment of yellow category waste
- All the HCFs have been issued with standing instructions to comply with BMWM Rules including bar coding system

Status of Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016

7. It is respectfully submitted that the Ministry of Environment, Forest and Climate Change, Government of India, New Delhi has notified the Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 for safe and environmentally sound management of hazardous and other wastes. As per the HOWM Rules, 2016, hazardous waste means any waste which by reason of characteristics such as physical, chemical, biological, reactive, toxic, flammable, explosive or corrosive, cause danger or is likely to cause danger to health or environment.

Industries are major generator of hazardous waste. Schedule-I of the Rule provides list of processes generating hazardous waste. Schedule-II of the Rule provides list of waste constituents with concentration limits.

The hazardous waste generators primarily industries shall follow the steps namely prevention, minimization, reuse, recycling, recovery, utilization including co-processing and safe disposal of hazardous waste. As per Rule(6), the occupier of the facility who is engaged in handling, generation, collection, storage, packaging, transportation, use, treatment, processing, recycling, recovery, pre-processing, co-processing, utilisation, offering for sale, transfer


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or disposal of the hazardous and other wastes shall be required to obtain an Authorization from the State Pollution Control Board.

8. It is respectfully submitted that the State Pollution Control Boards responsibilities are given in Schedule-VII which is reproduced as follows:-

- (i) Inventorisation of hazardous and other wastes.
- (ii) Grant and renewal of authorization
- (iii) Monitoring of compliance of various provisions and conditions of permission including conditions of permission for issued by Ministry of Environment, Forest and Climate Change for exports and imports
- (iv) Examining the applications for imports submitted by the importers and forwarding the same to Ministry of Environment, Forest and Climate Change
- (v) Implementation of programmes to prevent or reduce or minimise the generation of hazardous and other wastes
- (vi) Action against violations of these rules

9. It is further submitted that TNPC Board has identified 4199 industries generating hazardous waste as of 31.03.2021 and issued authorization to them. During the period 2020-21, about 7.95 lakhs tons of hazardous waste is generated, in which 0.85 lakhs tons (10.69%) is landfillable, 1.24 lakhs tons (15.59%) is recyclable, 5.76 lakhs tones (72.45%) is utilizable and 0.095 lakhs tons (1.19%) is incinerable.

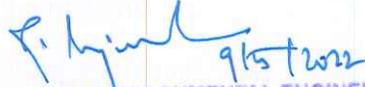
10. It is respectfully submitted that TNPC Board is encouraging recycle of hazardous wastes as listed in Schedule-IV of Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 adopting Environmental Sound Technologies & guidelines issued by CPCB in this regard. The utilization of hazardous waste for co-processing in cement industries is also encouraged to minimize load on landfilling & incineration. Authorization under HOWM Rules, 2016 has been granted to twelve cement industries to process 18, 52,688 TPA of utilizable wastes in cement kilns for co-processing. During the year 2020-21, about 1.7 lakhs tons of ETP sludge


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has been utilized in various cement industries of Tamil Nadu for co-processing.

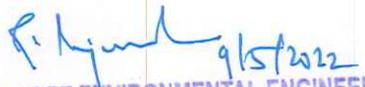
There are two common Hazardous Waste Treatment Storage and Disposal Facilities (HW-TSDFs) in operation, one at Gummidipoondi in Tiruvallur District and another at Unduorumikidakulam in Virudhunagar District for scientific disposal of hazardous waste in safe manner For environmental violations, there is a provision to levy financial penalties as per the provision of the Rule(23) and closure of the facility in case of environmental damaged caused due to improper management /disposal of hazardous waste.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) at Chennai may be pleased to take this Report on Record and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


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BEFORE ME

VERIFICATION

I, R. Rajamanickam, Son of P.M. Ramasamy, Working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, do hereby submit that the contents of the above report are true to the best of my knowledge through records.


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...Respondents

**REPORT FILED ON BEHALF OF
THE 5th RESPONDENT - TAMIL
NADU POLLUTION CONTROL
BOARD.**

**Advocate for Respondent: TNPCB
Thiru.Sai Sathya Jith,
Advocate, Chennai.**

Date:10.05.2022..

Date of hearing on:11.05.2022

