

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
IN**

**APPLICATION NO 43 of 2017 (SZ)
[SUO MOTO]**

Applicant : **The Tribunal on its own motion on the
Implementation of the Bio-Medical Waste
Management Rules, 2016 in Kerala**

Respondents : **The State of Kerala & Others**

**VOLUME 2
Index**

Sl.No	Description	Pages
1.	Annexure1: Copy of the meeting minutes of the Additional Chief Secretary,Environment Department held on 29.06.2021.	1-2
2.	Annexure 2: Copy of meeting minutes of the Chairman, KSPCB held on 19.07.2021.	3-6
3.	Annexure 3: Copy of the letter from the Additional Chief Secretary, Environment Department dated 03.08.2021.	7
4.	Annexure 4: Copy of the email dated 13.08.2021 from the Additional Chief Secretary, Environment Department	8

Dated this the 23rd October 2021.

Rema Smrithi, Advocate
ADDITIONAL STANDING COUNSEL FOR THE 5th RESPONDENT

Minutes of the meeting held by Additional Chief Secretary, Environment Department on 29.06.2021 through VC

Meeting commenced at 5.45 P.M. with Additional Chief Secretary in the chair. He asked Joint Secretary, Health Department to briefly inform the status of Bio Medical Waste Management in the Health sector. The Joint Secretary mentioned that the Bio-Medical Waste Management is properly being done in the State. The operation of KEIL had started in Kochi and now, the State is capable of disposing more quantum of BMW.

2. The Chairman, Kerala State Pollution Control Board explained that though two numbers of common treatment facilities are in the State, the effective distribution of waste among the two facilities could not be achieved due to the lack of clear bifurcation of areas. It is understood from the mobile tracking app 'COVID19BWM' that there is a lag of about 6-8 tonnes of non-COVID BMW daily at the IMAGE facility in Palakkad. KEIL is receiving only a maximum of 2 tones per day. The effective capacity utilization of both plants is required, for proper disposal of BMW and to avoid accumulation of waste.

After detailed discussion the following decisions were taken:

1. The BMW from the entire State shall be reallocated to make use of the entire treatment capacity. For this the PCB and Health Department may prepare a logistic plan taking the views of both the agencies.
2. PCB may take a stand on further course of action required like allotment of districts to service providers. Allotment of both Govt. & Private Sector hospitals-fixing of rate etc. A draft frame work may be evolved. For this a consultative meeting may be taken up with the service providers. A proactive solution to deal with BMW in an effective manner may be worked out in one week time and brought to the notice of the Environment Department.
3. Health Department has addressed private health care facilities also in this regard and is trying to bring in units which are yet to execute tie up with common facilities. Health Department also envisages to issue a notification under Clinical Establishment Act to bring all health care facilities under the service providers for catering to BMW Management.

4. The STP of Kalamassery Medical College has not been completed and the delay has to be avoided at any cost.
5. The Joint Secretary, Health shall immediately take up the matter with the Kalamassery Medical College authorities and the project consultant and inform the time required for completion of the STP. The Eloor District Office of the Board shall explore the possibility of helping the hospital authorities in identifying any nearby STP, which can take care of the effluent from the hospital until the STP is augmented and made functional.
6. The Additional Chief Secretary mentioned that the Board is under pressure owing to NGT cases and all efforts have to be put in by the Health Department to ensure proper discharge of treated effluent from all health care institutions.
7. Regarding Vandanam Medical College, Alappuzha and other Govt. Health Care Institutions, the Health Department shall conduct a review meeting with all the concerned Institutions and ensure all possible steps to avoid untreated effluent from being discharged and also ensure proper segregation and disposal of COVID BMW and non COVID BMW.

The meeting ended at 6.30 P.M.

**Minutes of the meeting held by the Chairman, KSPCB on 19.07.2021 with IMAGE & KEIL the
CBWTF operators of the State**

The meeting commenced at 11.00 am with the Chairman presiding. The Member Secretary, Chief Environmental Engineer, Environmental Engineer- 2 and Assistant Engineer also attended the meeting. The request of IMAGE authorities to join the meeting through VC was approved. KEIL authorities attended in person. The list of participants is attached as Annexure. In the meeting convened by ACS (Envt.) on 29.06.2021 the matter of effective distribution of BMW among the two facilities was discussed. The current situation of one facility struggling to operate the facility with optimum capacity while the other facility operating with full capacity and still accumulating waste of around 8T/day was noted. The Pollution Control Board Chairman was instructed to convene a meeting with KEIL & IMAGE authorities to solve this issue and work out a solution in a weeks' time.

At the outset the Chairman acknowledged with gratitude the service of IMAGE in the State in the midst of the pandemic situation and mentioned that continuous support is always expected. The meeting is convened to arrive at an amicable and economically feasible solution for the treatment of bio medical waste being generated in the State. Chairman requested IMAGE authorities to express their opinion regarding the bifurcation of area among the two service providers as the new CBWTF started functioning since May 2021. The points raised by IMAGE and KEIL are furnished below:

Dr. Jayakrishnan, Chairman, IMAGE Technical Committee

Dr. Jayakrishnan said that in a meeting by the Joint Secretary, Health, it was decided to allot the BMW generated from the Govt. hospitals in the three district of Ernakulam, Malappuram and Pathanamthitta to KEIL and accordingly IMAGE had issued communication to the hospitals in the above districts to handover the BMW to KEIL. As KEIL had not started processing COVID waste and as the Govt. asked IMAGE to collect the COVID BMW from these hospitals, IMAGE is still collecting COVID BMW from these hospitals. Regarding the back log of waste pointed out by Chairman, it was informed that as the COVID BMW is to be disposed within the stipulated time they gave priority and utmost care and importance for its disposal and hence there occurred a back log of non COVID BMW. The situation is not existing now as there is a general reduction in the quantity of waste generation, both COVID and non COVID, as the situation has improved.

Dr. N.K. Pillai, CEO, KEIL

Though KEIL started operation from May 2021, they were initially hesitant to process COVID BMW. The collection of non COVID BMW from the Govt. hospitals from the three districts is now stabilized and the average daily collection is only 2.1 T/D as against the plant capacity of 16 T/D. With this limited quantity, continuous operation of the facility is not practical and is economically not viable. The CPCB has now issued registration ID and password to KEIL for registration in the mobile tracking app for collecting COVID BMW also from these hospitals. Now, even if they start collection of COVID BMW from these hospitals it would come to around 1 to 1.5 T/D only additionally as there is reduction in COVID cases now. Hence at least a quantity enough to run the plant economically should be allotted to them.

Dr. P. N. Parameswaran Moothattu, Director, KEIL

Dr. P.N. Parameswaran requested for granting permission to collect BMW from all health care facilities both Govt. and private within 75 km from the location of their plant. He also pointed out that as service charge for Govt. health care facilities is at subsidised rate, the transportation cost could be utilized effectively only if the waste from both the Govt. hospital and private hospitals in the same area are allotted. He explained that only 80% of beds are considered for payment from Govt. hospital and as there is no affiliation charge, the financial difficulty in operating the plant worsens.

The Chairman requested IMAGE to supplement their suggestions on the request of allotment of Pvt. hospitals along with Govt. to KEIL.

Dr. Jayakrishnan, IMAGE , Chairman of IMAGE Technical Committee

IMAGE started the project at Palakkad about 20 years back with the demand of the Private hospitals and they had maintained good working relationship of about 10 to 20 years with these private hospitals. They have no objection if the private hospitals are willing to join KEIL facility. The relationship of IMAGE with these private hospitals may not be delinked forcefully, unilaterally and discriminately.

The Chairman pointed out the suggestion of the Chief Secretary in the meeting on 08.03.2021 that it will be ideal to split up the rates as service charges and transportation charges separately so that the rate for processing is unified and variation in the transportation cost based on the actual distance of waste being transported would be more justifiable. Considering all the facts above, the Chairman asked IMAGE to submit their proposal to solve the matter in a mutually beneficial manner within two days. He also requested both agencies to peruse the guideline issued by the CPCB with respect to fixing of rates.

The IMAGE authorities requested for a week's time to work out a proposal from their side. The meeting ended at 12.10 pm.


CHAIRMAN

The lists of participants

IMAGE

1. Dr. P T. Zacharias, IMA State President
2. Dr. V. U. Seethi, IMAGE Chairman
3. Dr. Abraham Vargese, IMA Immediete Pasar President
4. Dr. Gopikumar P, IMA State Secretary
5. Dr. Sharafudeen K. P., IMAGE Secretary
6. Dr. A.V. Jayakrishnan, Chairman of IMAGE Technical Committee

KEIL

1. Dr. P. N. Parameswaran Moothattu, Director, KEIL
2. Dr. N. K. Pillai, CEO, KEIL
3. Sri. Krishnan Namboothiri, GM, KEIL
4. Sri. Rajesh Gopinathan, Sr. Manager, KEIL

Action over Annexure-1)
Annexure 3

Dr. VENU V. IAS
Additional Chief Secretary to Govt.



Higher Education & Environment Depts.
Government of Kerala
Government Secretariat
Thiruvananthapuram-695 001
Phone - Office : 0471-2331509
0471-2518997
E-mail : venu@nic.in

1903
05/08/2021

D.O. No.B2/77/2017/Envt dated 3.8.2021

Dear Shri Pradeep,

A
PE2
CHAIRMAN

Please recollect the decisions taken in the meeting chaired by me regarding the collection of bio-medical waste held on 29.6.2021 (copy enclosed). The PCB was to prepare a logistic plan taking the views of both the agencies. PCB was also required to prepare a draft frame work for allotting districts to each of the agencies.

Please let me know the progress achieved and the draft frame work for implementation. It may be noted that the matter is under consideration of National Green Tribunal and the report has to be filed before 17.8.2021.

Please treat this as most urgent.

regards,

Yours' sincerely,

Dr. Venu V

Shri A.B. Pradeep Kumar
Chairman
Pollution Control Board
Plamoodu, Pattom PO
Thiruvananthapuram 695004
chn.kspcb@gmail.com

GA
SD

CHAIRMAN KSPCB <chn.kspcb@gmail.com>

Order dated 24.06.2021 of the National Green Tribunal in O.A No. 43 of 2017 (SZ)

venu <venu@nic.in>

Fri, Aug 13, 2021 at 12:15 PM

To: CHAIRMAN KSPCB <chn.kspcb@gov.in>

Cc: Pri Secy Health <secy.hlth@kerala.gov.in>, chn kspcb <chn.kspcb@gmail.com>, Sreekala S <ms.kspcb@gov.in>, envtkerala@gmail.com, pcbhoawareness2@gmail.com, healthmsection@gmail.com, sharmilacnair97@gmail.com, kspcbholegal@gmail.com

Dear Shri Pradeep,

Please recollect our discussions on the subject.

As mentioned, PCB may issue orders clearly demarcating the areas of operations for the two service providers, as statutorily provided.

The action taken may be submitted before the Hon. Tribunal before the next hearing date.

regards,

Venu

From: "envt mc" <envt.mc@gmail.com>**To:** "Pri Secy Health" <secy.hlth@kerala.gov.in>, "venu" <venu@nic.in>, "chn kspcb" <chn.kspcb@gmail.com>**Cc:** "Sreekala S" <ms.kspcb@gov.in>, envtkerala@gmail.com, pcbhoawareness2@gmail.com, healthmsection@gmail.com, sharmilacnair97@gmail.com, kspcbholegal@gmail.com**Sent:** Wednesday, August 11, 2021 3:21:56 PM**Subject:** Fwd: Order dated 24.06.2021 of the National Green Tribunal in O.A No. 43 of 2017 (SZ)

[Quoted text hidden]

