

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

**Original Application No. 50 of 2019 (SZ)**

Suo Motu the Tribunal on its own motion  
in the matter of 'Riverbeds on City's outskirts  
Turn dump yard for biomedical waste'  
News item published in English Daily Newspaper  
Times of India, Chennai dt.03.12.2019

... Applicant(s)

***Versus***

Government of Tamil Nadu,  
Represented by its Chief Secretary,  
Govt. Secretariat, Fort St. George,  
Chennai and Ors.

... Respondent(s)

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**Filed by  
Thiru. C. Kasirajan,  
Advocate, Chennai.**

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**REPORT FILED BY THE TAMIL NADU POLLUTION CONTROL BOARD.**

I, Tmt. R.Sarasavani, D/o. Raghavan, Hindu, aged about 55 years,  
having my office at No. 76, Mount Salai, Guindy, Chennai -600032, do  
hereby solemnly affirm and sincerely state as follows:-

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

2. It is respectfully submitted that the Hon'ble NGT has passed  
order dated 05.10.2020 and directed as follows:-

“However, unfortunately the committee's report has not come and  
further, there is no effective mechanism that is being adopted as directed  
by this Tribunal in previous orders for disposal and monitoring of the  
disposal of the bio medical waste generated in the health care facility and  
hospitals and these aspects are not reflected in the report submitted by the

  
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regulating authority namely, the Tamil Nadu Pollution Control Board in the form of the copy of the letter referred to above”.

“They have not mentioned as to whether they have traced out the persons who were responsible for the same and what was the action taken against them. It is also mentioned in the report that some of the units are functioning without getting authorization but no effective steps have been taken against those units by the regulating authorities, except issuing some show cause notice without mentioning about the outcome of that show cause notice”

“Further, implementation of Bio Medical Waste Rules, 2016 is also being monitored by the Principal Bench of National Green Tribunal, New Delhi and periodical directions are being issued in this regard as well.

“So considering the circumstances, we are not satisfied in the manner in which the report has been submitted and we are directing the joint committee as well as the regulating authority to come with specific steps taken by them to ensure that such things do not happen in future. They have also been directed by this Tribunal in the earlier orders and also in similar matters as to how such mechanism will have to be evolved to have a proper monitoring of generation, collection and disposal of bio medical waste as per Rules and the nature of action taken by them against the violators”

“They are directed to submit the report to this Tribunal on or before 17.11.2020 by e-filing along with necessary hardcopies to be produced as per Rules”.

Further it is submitted that when the case came up for hearing on 17.11.2020, the Hon’ble NGT has stated inter alia that:-

  
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“Even today the report of the Joint Committee has not been received. Instead we received an e-mail dated 05.10.2020 along with internal letter of Tamil Nadu State Pollution Control Board (TNPCB) to be filed through e-filing received on 11.11.2020 which has already been considered by this Tribunal in the earlier order.

When this was pointed out, the learned counsel appearing for the Tamil Nadu Pollution Control Board submitted that they will come with the proper report to be filed by the committee as directed by this Tribunal if some more time is granted.”

It is submitted that, in this regard the case was posted on 22.12.2020 and the case was later adjourned to 27.01.2021.

3. It is respectfully submitted that in pursuance to the said order, the status of compliance of the Hon'ble NGT (SZ) is as follows:

**I. Effective mechanism for the collection and disposal of Bio medical waste generated from the health care facilities**

The health care facilities operating in the said area in question had been inspected and it was noticed that they have been segregating the bio medical waste as per the Bio Medical Waste Management Rules, 2016 and provided color coded bins for storing the segregated bio medical wastes in their premises. The collected and stored bio medical wastes were disposed to the Common Bio Medical Waste Treatment Facility (CBMWTF).

It was also ascertained that the bio medical wastes generated from these health care facilities were disposed through Common Bio Medical Waste Treatment and Disposal Facility (CBMWTF) operated by M/s. GJ Multiclave India Pvt Ltd only.

  
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The unit of M/s. GJ Multiclave India Pvt Ltd had installed bar coding system for each individual health care facility so as to monitor the quantity of bio medical waste generated from each health care facility and also the bio medical waste generated from these health care facilities were collected and treated on day today basis at their facility.

The said CBMWTF has 25 dedicated vehicles fitted with Global Position System to collect the bio medical wastes generated from the health care establishments.

**II. Status of tracing identifying those who dumped bio medical wastes in the areas in question**

Whenever it was noticed/brought to the notice about the dumping of the bio medical wastes in the areas in question i.e., i) Vandalur, ii) Thiruneermalai, iii) Anakaputhur and iv) Kundrathur, the site was inspected and the bio medical wastes dumped were collected and disposed through the M/s. GJ Multiclave India Pvt Ltd for further treatment at their facility, however it was not able to trace the person responsible for throwing the bio medical waste at these areas in question.

The health care facilities operating in the said areas in question were inspected and ascertained that the health care facilities have executed agreement with the CBMWTF M/s. GJ Multiclave India Pvt Ltd and were disposing the bio medical waste generated from their facilities to the CBMWTF only as they have already paid the annual charges to the M/s. GJ Multiclave India Pvt Ltd for collecting and treating the bio medical waste generated from their premises.



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**III. Status of the health care facilities for whom show cause notice was issued**

**1. Vandalur area**

It is also submitted that, after issuing show cause notice, out of the 92 Nos. of health care establishments 70 Nos. of health care establishments have obtained one time authorization of the Board, 12 Nos. of health care establishments were found closed/not in operation, 9 Nos. of health care establishments were found to be carrying out either consultation only or homeopathy or physiotherapy clinic which does not generate bio medical wastes and the remaining 3 No. of health care establishments have not applied for one time authorization of the Board.

Hence, the 3 Nos. of non bedded health care facilities were again inspected on 09.11.2020 and they were found operating without one time authorization under Bio Medical Waste Management Rules, 2016 and also without executing agreement with the Common Bio Medical Waste Treatment Facility, hence the Board vide its proceedings dated 11.12.2020 has issued directions under Section 5 of the Environment (Protection) Act, 1986 as amended to comply the following immediately

- a) The HCF shall stop the activity immediately
- b) The HCF shall apply and obtain authorization under BMWM Rules, 2016 within a week's time.

Further, the above said 3 clinics were inspected on 22.01.2021 and it was noticed that the said clinics are not in operation.

**2. Thiruneermalai Area**

It is also submitted that, after issue of show cause notice 2 Nos. of the said non bedded health care establishments have obtained one time

  
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authorization of the Board and the remaining one health care facility was found to be in closed condition.

### 3. Anakaputhur Area

It is also submitted that, after issue of show cause notice, the 4 Nos. of non bedded health care establishments have obtained one time authorization under Bio Medical Waste Management Rules, 2016 and the remaining 1 No. of health care facilities is found to be in closed/not in operation condition.

### 4. Kundrathur Area

It is also submitted that, after issue of show cause notice; 8 Nos. of said non bedded health care establishments have applied and obtained one time authorization under Bio Medical Waste Management Rules, 2016 and remaining 2 Nos. of health care establishments were found closed/not in operation.

### IV. Action plan to prevent the dumping of bio medical wastes in the areas in question

i) The said local bodies were addressed to make vigil in the areas in question and take action on the violators and also monitor by providing CCTV cameras in the areas in question.

ii) The health care facilities operating in the said areas will be regularly monitored by carrying out surprise inspections and if any health care facility found disposing bio medical wastes other than handing it over to the common bio medical waste treatment facility for treatment and disposal, environmental compensation will be levied against such unit and action will also be taken against the violators by way of issuing directions for the closure and the stoppage of power supply under Section 33A of the

  
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Water(P&CP) Act, 1974 and under Section 31A of the Air (P&CP) Act,1981.

iii) The health care facilities which are in operation without consent or authorization of the Board will be identified and action will be taken against those health care facilities

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (SZ) may be pleased to 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.

  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.  
**BEFORE ME**

### VERIFICATION

I, Tmt. R.Sarasavani, D/o. Raghavan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.

Verified at Chennai on this      day of January,2021.

  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
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**REPORT FILED BY THE TAMIL  
NADU POLLUTION CONTROL  
BOARD.**

**Advocate for Respondent No. TNPCB  
Thiru.C. Kasirajan,  
Advocate, Chennai.**

**Date: 25.01.2021.**

**Date of hearing on 27.01.2020.**