

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 894 of 2019

Trustee, Environment Protection and
Anti Pollution Group Trust

...Applicant

Vs

State of Tamil Nadu & ors

...Respondents

**ACTION TAKEN REPORT FILED BY THE
TAMIL NADU POLLUTION CONTROL BOARD**

I, G. Gopalakrishnan, Son of V. Gandhi, Hindu, aged about 57 years, having my office at 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-600 032, and I am filing this Action Taken Report on behalf of the Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case from the records.

2. It is respectfully submitted that the petitioner has filed a petition before the Hon'ble NGT stating that all the private medical colleges including Dental, Homeopathy & Siddha disciplines are operating in Salem District, Tamilnadu without obtaining Environmental Clearance as per EIA Notification, 2006 as amended and the private medical colleges are discharging sewage and effluent without proper treatment in public sewers and open channels. Further, it has been stated that the private colleges are not following proper guidelines towards disposal of



G. Gopalakrishnan
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI GUINDY

the Biomedical waste as per the Biomedical Waste Management Rules, 2016.

3. It is submitted that the Hon'ble NGT (PB) has passed order dated 30.10.2019 that:

“Let the Tamil Nadu State Pollution Control Board (TNSPCB) look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within one month by e-mail”.

4. It is respectfully submitted that, as per the EIA Notification 2006, building or construction projects (including hospitals) with built up area >20,000 Sq.m requires Environmental Clearance from concern authority. However, as per the MoEF & CC, GOI Office Memorandum dated 09.06.2015, Educational buildings are exempted from obtaining Environmental Clearance and hospital alone requires prior Environmental Clearance under EIA Notification, 2006.

5. It is respectfully submitted that, there are 8 Numbers of private medical colleges in Salem District as reported below:

1. M/s. Vinayaga Missions Kirupananda Variyar Medical College & Hospital,
2. M/s. Annapoorna Medical College & Hospital
3. M/s. Vinayaka Mission's Sankarachariya Dental College.
4. M/s. Penang International Dental College – A Vinayaga Mission Research Foundation

5. M/s. Vinayaka Missions Homoeopathic Medical College & Hospital



G. Govindarajan
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD
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6. M/s. Sivaraj Siddha Medical College
7. M/s. Sivaraj Homoeopathic Medical College And Research Institute
8. M/s. Sivaraj Naturopathy And Yoga Medical College

M/s. Vinayaga Missions Kirupananda Variyar Medical College & Hospital

M/s. Vinayaga Mission's Kirupananda Variyar Medical College & Hospital is an existing medical college with hospital located at Seeragapadi Village, Salem South Taluk, Salem District functioning since 1995. The HCF has provided 630 No. of beds and generates 300 KLD of sewage and 5 KLD of trade effluent.

The built up area of the facility is more than 20000 sq.m and requires prior Environmental Clearance as per the EIA notification 2006 amended in 2009. The unit has not obtained the necessary Environmental Clearance and also in operation without obtaining consent of the Board under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 as amended. Further, the unit has not obtained Authorization under the Bio Medical Waste Management Rules, 2016 as amended.

Hence, a case has been filed under the provision of Environmental (Protection) Act, 1986 against the medical college before the Hon'ble court of Judicial Magistrate, Salem in C.C.No.

148/2014 and the next hearing is posted on 16/12/2019. The case has



G. Govindarajan
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD
 76, MOUNT SALAI, GUINDY,
 CHENNAI - 600 032.

been filed during the year 2014. The matter is under sub-judice before the Hon'ble Judicial Magistrate Court, Salem.

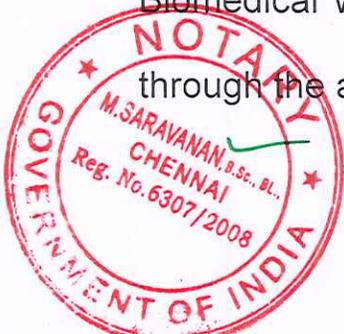
The unit has provided septic tank for the treatment of sewage and discharges on Industry's own land. The trade effluent generated is disinfected and utilized on land for gardening. The unit generates 320 kg/Day of biomedical waste which is disposed to the Common Bio-Medical Wastes Disposal Facility (CBMWTF) M/s. Ramky Energy and Environment Ltd located at Thangayur Village, Idappady Taluk, Salem District.

M/s. Annapoorna Medical College & Hospital

M/s. Annapoorna Medical College & Hospital is an existing medical college with hospital located at Rakkipatti and Kadathur Agraharam villages, Salem South Taluk, Salem District with 530 No. of beds. This medical college is functioning since 04/06/2012.

The unit is generating about 400 KLD of sewage and 5 KLD of trade effluent. The unit has provided sewage treatment plant to treat the sewage and the treated sewage is being utilized for toilet flushing and on land for gardening purposes within the premises. The trade effluent is being disinfected with 2% Hypochlorite solution and let into the STP.

The unit has executed an agreement with the common biomedical waste treatment facility of M/s. Ramky Energy and Environment Ltd located at Thangayur village, Edapadi Taluk, Salem District. The Biomedical Waste of about 90 Kg/Day is being collected and disposed through the above said common facilitator.



The built up area of M/s. Annapoorna Medical College & Hospital is more than 20000 sq.m which requires the prior Environmental Clearance as per the EIA Notification 2006 amended in 2009. The unit has not obtained the necessary Environmental Clearance and it is in operation without obtaining consent of the Board under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981. Also the unit has not obtained authorization under the Bio-Medical Waste Management Rules, 2016 as amended.

The unit authorities informed that they have applied for the Environmental Clearance and it is under process. Show cause notice was issued vide Procs.No.DEE/TNPCB/ F.NA/W&A/2019 dt 07.05.2019 by the District Environmental Engineer, Salem for operating the unit without consent of the Board. The unit has furnished reply to the above show cause notice that the unit has applied for Environmental Clearance and it is under process.

Further, the Board has issued direction to the unit vide Proceedings No. T4/TNPCB/F.12462/RL/W&A/SLM/2019 dated 07.06.2019 to comply with the following conditions within a period of one month:

- i. The unit shall obtain Environmental Clearance as per the EIA Notification 2006, since the buildup area of the unit is more than 20000 Sq.m.
- ii. The unit shall obtain consent to operate under the Water (P&CP) Act, 1974 as amended and the Air (P&CP) Act, 1981 as amended.

iii. The unit shall obtain authorization under the Bio Medical Waste



[Signature]
 JOINT CHIEF ENVIRONMENTAL ENGINEER
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Management Rules, 2016.

- iv. The unit shall dispose all the Bio Medical Waste to the common Bio medical waste disposal facility.
- v. The treated trade effluent shall meet the standard prescribed by the Board.
- vi. The unit shall operate and maintain the sewage treatment plant continuously so as to comply with discharge standards prescribed by the Board.

The unit vide letter dated. 09.07.2019 has requested for 3 months period to obtain Environmental Clearance.

Further, the Board had issued directions to the unit vide Proc.No.T4/TNPCB/ F.12462SLM/W&A/2019 dated 20.08.2019 to comply with the following conditions:

- i. The unit shall stop the admission of new patients on receipt of the direction.
- ii. The unit shall close down the entire operation of the hospital by 05th September, 2019.
- iii. The unit shall comply with the directions issued in the proceedings dated 07.06.2019.

Further based on the unit's letter dated 09.09.2019, the Board has issued suspension of the above direction for the period of three months vide Proceedings dated 30.09.2019 to comply with the following conditions:



[Signature]
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD
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- i. The unit shall obtain Environmental Clearance as per the EIA Notification 2006 within a period of three months.
- ii. The unit shall obtain consent to operate of the Board under the Water (P&CP) Act, 1974 as amended and the Air (P&CP) Act, 1981 as amended within a period of three months.
- iii. The unit shall obtain authorization under the Bio Medical Waste Management Rules, 2016 within three months.
- iv. The unit shall operate and maintain the ETP and STP effectively to achieve the treated trade effluent and treated sewage standards prescribed by the Board.
- v. The unit shall maintain log book for the operation and maintenance of the ETP and STP.
- vi. The unit shall maintain the log book for the operation and disposal of the Bio Medical Wastes.
- vii. The unit shall remit a performance Bank Guarantee of Rs.1,00,00,000 (Rupees one crore) to carry out the above said measures within the stipulated time.
- viii. The unit shall also remit the Environmental Compensation to be levied against the unit for the violations.

Hence, already necessary action has been taken against the Private Medical College and Hospital for the violations.

M/s. Vinayaka Mission's Sankarachariyar Dental College

M/s. Vinayaga Mission's Sankarachariyar Dental College is an existing dental college with hospital located at S.F.No. 211/1 etc,



G. Govindarajan
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD
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Veerapandi village, Salem South Taluk and Salem District. This is a dental college and has not provided beds.

Show cause notice was issued to the unit vide Proc dated 07.05.2019 for operating the unit without obtaining CTO under the Water and the Air Acts & without having valid BMW authorization for handling of the Bio medical wastes. The unit vide letter dated 15.05.2019 has replied for the SCN and submitted the applications through online.

The unit generates 10 KLD of sewage which is treated in septic tank followed by dispersion trench and discharged on units land. The unit generates 1 KLD of trade effluent which is disinfected and utilized on land for gardening. The unit generates 3 kg/Day of biomedical waste which is disposed through Common Bio-Medical Wastes Disposal Facility (CBMWTF) M/s. Ramky Energy and Environment Ltd located at Thangayur Village, Idappady Taluk, Salem District.

Now, the unit applied and obtained Consent under the Water (P& CP) Act, 1974 as amended and under the Air (P&CP) Act, 1981 as amended vide Proc. dated 01.08.2019 valid upto 31.03.2022 and authorization under Bio Medical Waste Management Rules, 2016 vide Proceeding dated 27.11.2019 valid upto 31.03.2022.

The built-up area is less than 20,000 Sq.M. Hence, there is no violations under the provisions of Water (P&CP) Act, Bio-Medical Wastes Rules 2018 and EIA Notification, 2006.



G. Govindarajulu
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD
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**M/s. Penang International Dental College – A Vinayaga Mission
Research Foundation**

The unit of M/s. Penang International Dental College / Vinayaga Mission Research Foundation located at S.F.No. 97/2A2 (P) etc, Veerapandi Village, Salem South Taluk, Salem District is a dental college and has not provided beds.

Show cause notice was issued to this unit vide Proc. dated 07.05.2019 for operating the dental college without obtaining consent orders of the Board.

The unit generates 3.6 KLD of sewage which is treated in septic tank and discharged on unit's land. The unit does not generate trade effluent and Biomedical waste, as it conducts only theoretical classes.

Now, the unit applied and obtained Consent under the Water (P& CP) Act, 1974 as amended and under the Air (P & CP) Act, 1981 as amended vide Proc. dated 26.07.2019 valid upto 31.03.2029. Authorization under Bio medical waste Management Rules, 2016 is not applicable to the unit, as there is no generation of biomedical waste.

The built-up area is less than 20,000 Sq.M. Hence, there is no violation under the provisions of the Water (P&CP) Act and EIA Notification, 2006.

M/s.Vinayaka Missions Homoeopathic Medical College & Hospital

The unit of M/s. Vinayaka Missions Homoeopathic Medical College & Hospital, SF No. 88/1B1B etc, Veerapandi Village, Salem



G. Govindarajan
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

South Taluk, Salem District is an existing Homoeopathic Medical College & Hospital operating with 600 No. of beds.

Earlier, show cause notice was issued to the unit vide Proc. dated 09.10.2019 for operating the dental college without obtaining consent orders of the Board and without obtaining authorization under the Bio-Medical Waste Management Rules, 2016, as amended.

The unit generates 13 KLD of sewage which is treated in septic tank followed by dispersion trench and discharged on Industry's own land and 0.5 KLD of trade effluent which is disinfected and utilized on land for gardening.

The unit generates 3 kg/Day of biomedical wastes which is disposed through Common Bio-Medical Waste Disposal Facility (CBMWTF) M/s. Ramky Energy and Environment Ltd located at Thangayur Village, Idappady Taluk, Salem District.

Now, the unit applied and obtained Consent under the Water (P&CP) Act, 1974 as amended and under the Air (P&CP) Act, 1981 as amended vide Proc. dated 20.11.2019 valid upto 31.03.2020 and Authorization under Bio medical waste Management Rules, 2016 vide Proc. dated 27.11.2019 valid upto 31.03.2020.

The built-up area is less than 20,000 Sq.M. Hence, there is no violations under the provisions of the Water (P&CP) Act, Bio-Medical Wastes Rules 2018 and EIA Notification, 2006.



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 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD
 76, MOUNT SALAI, GUINDY,
 CHENNAI - 600 032.

M/s. Sivaraj Siddha Medical College

The unit of M/s. Sivaraj Siddha Medical College located at SF No. 43/13 etc, Thumbathulipatti Village, Salem West Taluk, Salem District is an existing Siddha Medical College operating with 75 No. of beds.

Show cause notice was issued to the unit vide Proc. dated 12.11.19 for operating the dental college without obtaining consent orders of the Board and without obtaining authorization under the Bio-Medical Waste Management Rules, 2016, as amended.

The unit generates 6.4 KLD of sewage which is treated in septic tank followed by dispersion trench and discharged on Industry's own land and 0.2 KLD of trade effluent which is disinfected and utilized on land for gardening.

The unit generates 15 kg/Day of Bio-Medical Wastes which is disposed through Common Bio-Medical Wastes Disposal Facility (CBMWTF) M/s. Ramky Energy and Environment Ltd located at Thangayur Village, Idappady Taluk, Salem District.

Now, the unit applied and obtained Consent under the Water (P&CP) Act, 1974 as amended and under the Air (P&CP) Act, 1981 as amended vide Proc. dated 23.11.2019 valid upto 31.03.2026 and Authorization under Bio Medical Waste Management Rules, 2016 vide Proc. dated 27.11.2019 valid upto 31.03.2026.

The built-up area is less than 20,000 Sq.M. Hence, there is no violations under the provisions of the Water (P&CP) Act, Bio-Medical Wastes Rules 2018 and EIA Notification, 2006.



[Signature]
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD
 76, MOUNT SALAI, GUINDY,
 CHENNAI - 600 032.

M/s. Sivaraj Homoeopathic Medical College and Research Institute

The unit of M/s. Sivaraj Homoeopathic Medical College And Research Institute located at SF No. 43/3A Part,, Thumbathulipatti Village, Salem West Taluk, Salem District is an existing Homoeopathic Medical College And Research Institute operating with 25 No. of beds.

Show cause notice was issued to the unit vide Proc. dated 12.11.19 for operating the dental college without obtaining consent orders of the Board and without obtaining authorization under the Bio-Medical Waste Management Rules, 2016, as amended.

The unit generates 6.4 KLD of sewage which is treated in septic tank followed by dispersion trench and discharged on Industry's own land and 0.1 KLD of trade effluent which is disinfected and utilized on land for gardening.

The unit generates 7 kg/Day of Bio-Medical Wastes which is disposed through Common Bio-Medical Waste Disposal Facility (CBMWTF) M/s. Ramky Energy and Environment Ltd located at Thangayur Village, Idappady Taluk, Salem District.

Now, the unit applied and obtained Consent under the Water (P & CP) Act, 1974 as amended and under the Air (P & CP) Act, 1981 as amended vide Proc. dated 23.11.2019 valid upto 31.03.2026 and Authorization under Bio medical waste Management Rules, 2016 vide Proc. dated 27.11.2019 valid upto 31.03.2026.

The built-up area is less than 20,000 Sq.M. Hence, there is no violations under the provisions of Water (P&CP) Act, Bio-Medical Wastes Rules 2018 and EIA Notification, 2006.



By, Gov. Sivaraj
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD
 76, MOUNT SALAJ GUNDSY

M/s. Sivaraj Naturopathy And Yoga Medical College

The unit of M/s. Sivaraj Naturopathy And Yoga Medical College located at SF No. 42/1, Thumbathulipatti Village, Salem West Taluk, Salem District has not provided beds.

Earlier, show cause notice was issued to the unit vide Proc. dated 12.11.19 for operating the medical college without obtaining consent orders of the Board.

The unit generates 6 KLD of sewage which is treated in septic tank followed by dispersion trench and utilized on Industry's own land and there is no generation of trade effluent and biomedical waste.

Now, the unit applied and obtained Consent under the Water (P&CP) Act, 1974 as amended and under the Air (P & CP) Act, 1981 as amended vide Proc. dated 23.11.2019 valid upto 31.03.2028 and Authorization under Bio Medical Waste Management Rules, 2016 is not applicable, as there is no generation of biomedical waste.

The built-up area is less than 20,000 Sq.M. Hence, there is no violation under the provisions of the Water (P&CP) Act and EIA Notification, 2006.

6. It is respectfully submitted that the Abstract of the Medical College and Hospitals in Salem is enclosed in **Annexure – I**.

7. It is further submitted that, the Board has taken necessary action against the two Medical Colleges located in the Salem District for the



G. Govindaraj
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD
 76, MOUNT SALAI, GUINDY,

violations. There is no violation in respect of the remaining six Medical Colleges.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Principal Bench) 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.

G. Gopalakrishnan
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD
 76, MOUNT SALAI, GUINDY,
 CHENNAI - 600 032.

BEFORE ME

VERIFICATION

I, G. Gopalakrishnan, Son of V. Gandhi, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai – 600032, 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 December, 2019.



M. Saravanan
M. SARAVANAN, B.Sc., B.L.,
ADVOCATE & NOTARY PUBLIC
 No.29, 2nd Cross Street, Sankar Nagar,
 Pammal, Chennai – 600 075.
 Cell : 9841081607

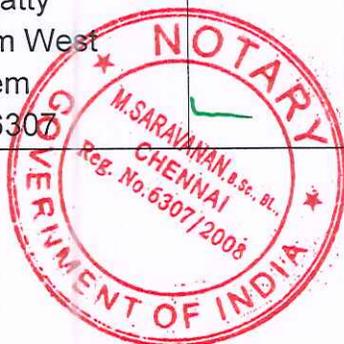
G. Gopalakrishnan
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD
 76, MOUNT SALAI, GUINDY,
 CHENNAI - 600 032.

Annexure – IABSTRACT OF THE MEDICAL COLLEGE AND HOSPITALS IN SALEM

Sl.No	Name and Address of the Facility	Status of EC		Status of consent Validity	Status of BMW Authorization Validity	Action taken by the Board
		Built-up (Sq.M)	EC Required/ Not Required			
1	M/s.Vinayaka Mission Super Specialty Hospital Private Limited, NH-47, Sankari Main Road,Veerapandi Post, Salem.,636308	More than 20000 Sq.M	EC Required	-	-	A case has been filed under the provision of Environmental (Protection) Act, 1986 in Hon'ble Judicial Magistrate, Salem - C.C.No. 148/2014
2	M/s.Annapoorna Medical College & Hospital, Sankari Main Road, NH-47, Veerapandi union Salem,636008	More than 20000 Sq.M	EC Required	-	-	Direction has been issued and levied performance bank guarantee. Recommended to levy interim Environmental Compensation
3	M/s.Vinayaga Mission's Sankarachariyar Dental college, S.F.No.211/2B,3B,212/1B9..etc.,Veerapandi Village, Salem South Taluk and Salem District.,636308	11906.36Sq.M	EC Not Required	Consent order issued with validity upto 31.03.2022	BMW Authorisation issued with validity upto 31.03.2022	Nil



4	M/s.Penang International Dental College /Vinayaga Mission Research Foundation SF.Nos,97/2A2(P), Etc. Veerapandi Village, Salem South Taluk and Salem District.,636308	11004.07 Sq.M	EC Not Required	Consent order issued with validity upto 31.03.2029	Not Applicable- Since it is an academic facility only	Nil
5	M/s.Vinayaka Mission'shomoeopathi c Medical College & Hospital S.F.Nos. 88/1B1B, etc., Veerapandi Village, Salem South Taluk and Salem District,636308	6612.96 Sq.M	EC Not Required	Consent order issued with validity upto 31.03.2020	BMW Authorisation issued with validity upto 31.03.2020	Nil
6	M/s.Sivaraj Homoeopathic Medical College And Research Institute SiddharKovil Main Road, Thumbathulipatty, Perumampatty Post, Salem West Taluk, Salem District,636307	2845.9 Sq.M	EC Not Required	Consent order issued with validity upto 31/03/2026	BMW Authorisation issued with validity upto 31/03/2026	Nil
7	M/s.Sivaraj Siddha Medical College, SiddharKovil Main Road, Thumbathulipatty, Perumampatty Post, Salem West Taluk, Salem District,636307	4981.5 Sq.M	EC Not Required	Consent order issued with validity upto 31/03/2026	BMW Authorisation issued with validity upto 31/03/2026	Nil
8	M/s.Sivaraj Naturopathy and Yoga Medical College, SiddharKovil Main Road, Thumbathulipatty, Perumampatty Post, Salem West Taluk, Salem District,636307	3740.6 Sq.M	EC Not Required	Consent order issued with validity upto 31/03/2028	Not Applicable- Since it is an academic facility only	Nil



M. SARAVANAN, B.Sc., B.L.,
ADVOCATE & NOTARY PUBLIC
 No.29, 2nd Cross Street, Sankar Nagar,
 Pammal, Chennai - 600 075.
 Cell : 9841081607