

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

Principal Bench, New Delhi

Original Application No. 110/2020

In the matter of: -

News item published on 01.07.2020 in "The Hindu" titled "Ramky Group accused of dumping biomedical waste in the open in Hosur"

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(B. Vinod Babu)

Scientist-E

Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi- 110032.

Date: 24.02.2021

Place: Delhi

Consolidated Report in the matter of O.A. No. 110 of 2020 regarding News item published on 01.07.2020 in "The Hindu" titled "Ramky Group accused of dumping biomedical waste in the open in Hosur" before Hon'ble National Green Tribunal

1. Introduction:

Hon'ble National Green Tribunal (herein after will be referred as Hon'ble NGT) heard the Original Application of 110 of 2020 in the matter regarding News item published on 01.07.2020 in "The Hindu" titled "Ramky Group accused of dumping biomedical waste in the open in Hosur".

As per the inspection report of Tamil Nadu Pollution Control Board, vehicle engaged by Common Biomedical Waste Treatment Facility of M/s Ramky Group at Edappadi Taluk, Salem District was found dumping biomedical waste on open land located at the back side of M/s. Noble Steel Trading Company, ESI Ring Road, Mookondapalli Village, Hosur Taluk, Krishnagiri District, (Tamilnadu) instead of taking it to its common facility at Edappadi, Salem for scientific treatment and disposal.

Based on observations, made during the inspection by Tamilnadu SPCB, directions (directions under which provision) were issued by TNPCB to M/s. Ramky Energy and Environment Ltd, SF No.10, Thangaiyur village, Edappadi Taluk, Salem vide letter dated 04.07.2020 to show cause within seven days from the date of receipt of the notice;

- i. As to why the Board shall not recover the Environmental Compensation of Rs. 11,87,500/-for non compliance of

the provisions of the Biomedical Waste Management Rules, 2016 as amended; and

- ii. As to why the Penal action for offences punishable under Section 15 of the Environment (Protection) Act, 1986 should not be initiated; and
- iii. As to why the Direction under Section 5 of the said Act should not be issued to the unit for closure of the unit, stoppage of power supply, water supply, sealing of the unit etc.

The copy of the directions dated 04-07-2020 is annexed herewith as ANNEXURE-I

2. Order of Hon'ble Tribunal

Hon'ble NGT taking suo-moto cognizance in the matter of News item published on 01.07.2020 in "The Hindu" titled "Ramky Group accused of dumping biomedical waste in the open in Hosur" heard Original Application of 110 of 2020 on 20.07.2020 and pleased to pass following directions:

"In view of admission of the incident, violation of law by the Ramky Group stands clearly established. Lack of knowledge of illegal action of their employees cannot be any excuse for such liability. While dealing with hazardous substances, responsibility for illegal actions cannot be disowned. We direct a joint Committee of CPCB and State PCB to further examine the matter and ensure that the compensation assessed is recovered. Having regard to the serious consequences of unscientific disposal of Covid-19 waste, the compensation must have deterrent element.

The CPCB may also consider the need for investigation of such incidents and violations by other waste disposal facilities elsewhere by directing to the concerned State PCBs/PCCs by of a special drive. The CPCB may improve its monitoring system in coordination with the concerned State PCBs or other authorities and issue a separate guideline on this aspect within one month from today. The guidelines may have a checklist which may be helpful in auditing performance of different waste management facilities, particularly the Covid-19 waste management facilities.

Monitoring reports with reference to such checklist may be taken from all the State PCBs/PCCs and a consolidated status of compliance as on 30.11.2020 may be furnished."

A copy of order dated 20.07.2020 is given at **Annexure-II**.

3. Action taken by CPCB

Action taken by CPCB in compliance to directions of Hon'ble NGT, is given below;

3.1 Joint Committee comprising officials from CPCB and Tamilnadu State Pollution Control Board (hereafter called as "TNPCB"), has observed that Environmental Compensation of Rs. 11, 87, 500/- imposed against the facility M/s Ramky Energy and Environment Limited, was as per the guidelines/formula prepared by CPCB and accepted by the Hon'ble NGT. In compliance to directions, the facility had

deposited the said Environment Compensation amount to TNPCB vide CR No. 107732 dated 26.08.2020.

3.2 CPCB has prepared guidelines for “**Monitoring Compliance of Common Biomedical Waste Treatment Facilities by State Pollution Control Boards / Pollution Control Committees**” in which checklists is given to assess the performance of CBWTFs to verify the compliance status w.r.to Biomedical Waste Management Rules, 2016 as well as CPCB guidelines. These guidelines envisage monitoring over-all functional aspects of CBWTFs based following criteria:

- Operational Compliance;
- Adequacy of Infrastructure;
- Verification of compliance to standards; and
- Verification of data reported.

A copy of said guidelines is annexed herewith as **ANNEXURE -III.**

3.3 CPCB has forwarded the above guidelines to every State Pollution Control board and Pollution Control Committee vide D.O. letter B-31011/BMW(42.59)/2020/WMD-I/6240-6274 dated 17.09.2020 with a request to initiate special drive to identify and investigate incidents of improper handling of biomedical waste and also monitor compliance of CBWTFs as per the checklist provided in guidelines as well as Bio-Medical Waste Management Rules, 2016. Copy of said D.O. letter dated 17.09.2020 is annexed herewith as **ANNEXURE-IV.**

- 3.4 CPCB has reminded 29 SPCBs and PCCs to submit the compliance report vide letter dated 19.01.2021. Copy of letter dated 19-01-2021 is annexed herewith as **ANNEXURE V**.
- 3.5 That in compliance of the letters of the CPCB, Information about the compliance status of CBWTFs received from SPCBs/PCCs has been compiled by CPCB.

4. Status of compliance by CBWTFs

Reports submitted by SPCBs/PCCs on special drive to identify incidents of improper handling of biomedical waste and to monitor compliance of CBWTFs, has been compiled, and the details of the same are given below;

- 4.1 32 SPCBs/PCCs have submitted compliance reports to the CPCB with respect to performance verification of CBWTFs. **SPCBs namely Jharkhand, Jammu & Kashmir, and Uttar Pradesh have not yet submitted their compliance report so far.**
- 4.2 As per the report received from State Boards, 128 out of 200 CBWTFs were monitored by the State Boards.
- 4.3 As per the assessment, 53 out of 128 CBWTFs monitored were reported as complying with the emission and effluent standards, having adequate infrastructure and reporting data as required under BMWM Rules, 2016.
- 4.4 SPCBs have also reported that **55 out of 128 CBWTFs** monitored were partially complying at operational level. **Common short-comings attributing to operational issues are given below:**

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- Separate spaces for receiving untreated color coded biomedical waste is not provided.
- Details pertaining to Annual Report, treatment and authorization not shared on website.
- Partial implementation of Bar-code tracking system.
- Vehicles are not provided with GPS system.

4.5 Further, **20 out of 128, CBWTFs monitored were not complying with stack emission norms as well as treated effluent standards as prescribed under BMWM Rules, 2016.**

4.6 State-wise details of monitoring conducted by State Boards is given below:

S.No.	States/UTs	Total No of CBWTFs	Total No. of CBWTFs monitored by SPCBs	No. of defaulting Facilities		
				Complying	Partial complying	not complying
1	Andaman Nicobar	no CBWTF in the State				
2	Andhra Pradesh	12	12	7	-	5
3	Arunachal Pradesh	No CBWTF in the State				
4	Assam	1	1	-	1	-
5	Bihar	4	4	2	-	2

S.No.	States/UTs	Total No of CBWTFs	Total No. of CBWTFs monitored by SPCBs	No. of defaulting Facilities		
				Complying	Partial complying	not complying
6	Chandigarh	1	1	1	-	-
7	Chhattisgarh	4	4	2	1	1
8	Daman &Diu and Dadra & Nagar Haveli	waste handover to Gujarat facility				
9	Delhi	2	2	2	-	-
10	Goa	No CBWTF in the State				
11	Gujarat	20	12	8	3	1
12	Haryana	11	11	2	9	0
13	Himachal Pradesh	2	2	-	2	-
14	Jharkhand	4	Not Submitted			
15	J & K	3	Not Submitted			
16	Karnataka	27	It is informed by KSPCB that 3rd party (M/s Environmental Management Policy research Institute, Bangalore) auditing in respect of M/s Maridi CBWTF and M/s Medicare CBWTF has already carried out. However, 3rd party auditing is yet to be carried out in respect of Remaining 24 CBWTF. after submission report by field officers, status report will be submitted by KSPCB			
17	Kerala	1	1	1	-	-

S.No.	States/UTs	Total No of CBWTFs	Total No. of CBWTFs monitored by SPCBs	No. of defaulting Facilities		
				Complying	Partial complying	not complying
18	Lakshadweep	No CBWTF in the State				
19	Madhya Pradesh	12	12	12	-	-
20	Maharashtra	31	17	5	9	3
21	Manipur	1	1	-	-	1
22	Meghalaya	1	1	-	-	1
23	Mizoram	No CBWTF in the State				
24	Nagaland	No CBWTF in the State				
25	Orissa	5	6	-	5	1
26	Puducherry	1	1	1	-	-
27	Punjab	5	5	5	-	-
28	Rajasthan	8	8	1	6	1
29	Sikkim	No CBWTF in the State				
30	Tamil Nadu	8	8	1	4	3
31	Telengana	11	11	-	11	-
32	Tripura	No CBWTF in the State				
33	Uttarakhand	2	2	-	2	-
34	Uttar Pradesh	18	Not Submitted			
35	West Bengal	6	6	3	2	1

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5. Status of complaints on dumping of biomedical waste:

Subsequent to re-notification of BMW Rules, 2016, from June, 2016 to date January 2021, CPCB has received 19 nos. of public complaints regarding illegal dumping / open burning of biomedical waste by Common Biomedical Waste Treatment Facilities. Such complaints were forwarded to concerned State Pollution Control Board/ Pollution Control Committee for further examination and necessary action. Details of such public complaints is given below:

S.No.	Name of State	No. of complaints received by CPCB	Subject of complaint	Action taken
1.	Bihar	1	Improper disposal of bio-medical waste by Narayan Medical College & Hospital Village Mauja, Jamuhar PO Jamuhar PS, Dehri Dist. Rohtas Bihar	Complaint forwarded to Bihar SPCB for investigation
2.	Chhattisgarh	1	Improper segregation of solid waste and COVID-19 bio-medical waste by Govt. District Hospital, M/s CIMS Hospitals & some other hospitals.	Complaint forwarded to CECB for investigation
3.	Delhi	4	1. Violation of BMW Rules, 2016 in GTB Hospital BMW mixing with General Waste &	Complaint forwarded to DPCC for investigation

S.No.	Name of State	No. of complaints received by CPCB	Subject of complaint	Action taken
			virus spreading amongst common mass	
			2. Illegal dumping of hospital waste in agricultural land at Rohini sector 34 & 29.	Complaint forwarded to DPCC for investigation. CPCB team inspected the site and findings forwarded to DPCC.
			3. illegal functioning of HCF M/s ICD Healthcare India Pvt. Ltd. New delhi.	Complaint forwarded to DPCC
4.	Himachal Pradesh	1	Burning of expired medicines By M/s Civil Hospital Shimla,	Letter forwarded to HPPCB for investigation
5.	Jharkhand	1	Complaint against unknown HCFs of Jharkhand for throwing BMW in Bokaro Steel Township	Complaint forwarded to JSPCB for investigation

S.No.	Name of State	No. of complaints received by CPCB	Subject of complaint	Action taken
6.	Maharashtra	1	non-compliance of BMWM Rules, 2016 by HCFs located in Nagpur	Complaint forwarded to Maharashtra SPCB for investigation
7	Puducherry	1	Complaint against HCF of Puducherry for improper segregation and illegal dumping of BMW at Munciple Solid Waste Dumping Yard	Complaint forwarded to PPCB for investigation
8.	Punjab	1	Gross violation of Bio-medical waste management at Guru Nanak Dev Hospital Majitha Road Amritsar	Complaint forwarded to Punjab SPCB for investigation
9.	Rajasthan	2	1. 10 hospital violating BMWM Rules, 2016 in Jaipur Rajasthan	Letter send to Rajasthan SPCB for investigation. CPCB team also inspected the HCFs, and directions were issued.
			2. Complaint against HCF of Rajasthan regarding	Complaint forwarded to

S.No.	Name of State	No. of complaints received by CPCB	Subject of complaint	Action taken
			illegal disposal of waste i.e. X-ray hypo fixer solution and X-ray films reg.	RSPCB for investigation
10.	Tamilnadu	3	1. illegal dumping of Bio-Medical Waste near Manivakkam lake Dist. Chengalpattu, Tamilnadu	Complaint forwarded to TNPCB
			2. regarding dumping of waste in patta land, location behind Pasumai Pharmacy and behind VAO Office/RI Quarters	Complaint forwarded to TNPCB for investigation
			3. illegal dumping of Bio-Medical Waste adjacent to service road of outer ring road, left side from Ponnamalle highway	Complaint forwarded to TNPCB for investigation
11.	U.P.	2	1. Bias Action on the private Hospital in TTZ area and no Action on the Government hospital	Complaint forwarded to UPPCB for investigation

S.No.	Name of State	No. of complaints received by CPCB	Subject of complaint	Action taken
			2. Illegal activities by M/s Medicare Environmental Management Pvt. Ltd., C-21, UPSIDC, Masoori, Gulawati Road, Ghaziabad	Complaint forwarded to UPPCB for investigation.
12.	West Bengal	1	Complaint against M/s Health World Hospital, Durgapur, West Bengal regarding violation of BMWM Rules, 2016	Complaint forwarded to WBPCB for investigation.

6. Way Foreword

- SPCBs who have not yet completed verification of compliance by CPBWTFs may complete the task immediately.
- SPCBs may also initiate appropriate action against non-complying and partially complying CBWTFs.
- Any incidents or reports of illegal dumping or open burning of waste and non-complying facilities should be acted upon quickly and appropriate action may be initiated including imposition of Environmental Compensation Charges.

- State Pollution Control Boards and Pollution Control Committees may identify dedicated teams to monitor compliance of CBWTFs located in their respective State or Union Territory and to take action against defaulting facilities.
- State Boards should closely monitor or track the movement of biomedical waste generated by Healthcare Facilities and treated and disposed through CBWTF.
- SPCBs/PCCs may atleast once in six month monitor over-all functional aspects of CBWTFs with respect to Operational Compliance, Adequacy of Infrastructure, compliance to standards and verification of data reported as per the checklists provided in CPCB guidelines for "Monitoring Compliance of Common Biomedical Waste Treatment Facilities by State Pollution Control Boards / Pollution Control Committees".
- SPCBs/PCCs may also provide status of redressal of complaints against CBWTF in the State/UT.
- SPCBs/PCCs may ensure that coverage of CBWTFs is available to every healthcare facility to extent possible to ensure effective treatment and disposal of biomedical waste.

That the above status report is filed by CPCB in compliance of the order of the Hon'ble Tribunal. The CPCB is abided by the orders of the Hon'ble Tribunal.



TAMILNADU POLLUTION CONTROL BOARD



By Speed Post

Proc. No. T4/TNPCB/F-011274/CBMWTF/RS/SLM/2020 Dated 04.07.2020

- Sub: TNPCB – BMW – **M/s. Ramky Energy and Environment Ltd, SF No.10, Thangaiyur village, Edappadi Taluk, Salem District** – Levy of Environmental compensation, penal action and issue of closure direction for non compliance under Section 5 of the Environment (Protection) Act, 1986 as amended – Show cause notice- Issued-Regarding.
- Ref: 1. Hon'ble National Green Tribunal (NGT), Principal Bench order dated 15.07.2019 in O.A. No. 710-713 of 2017
 2. CPCB Guidelines for imposition of Environmental Compensation against Health Care Facilities and CBMWTFs
 3. Complaint received through the District Collector, Krishnagiri District on 30.6.2020
 4. News published in the Hindu dated 01.07.2020
 5. DEE's Lr. No.F.35/Tech/RS/Comp/DEE/HSR/2020 dated 1.7.2020

Whereas a complaint has been received through District Collector, Krishnagiri District on 30.6.2020 stating that the **CBMWTF of M/s. Ramky Energy and Environment Ltd, SF No.10, Thangaiyur village, Edappadi Taluk, Salem District** has dumped the Bio-medical wastes collected from their member Hospitals illegally on open land located at back side of M/s. Noble Steel Trading Company, ESI Ring Road, Mookondapalli Village, Hosur Taluk, Krishnagiri District instead of taking it to their common facility at Edappadi for treatment and disposal.

Whereas, the location has been inspected by the DEE/Hosur and AE/Hosur on 30.6.2020 and 1.7.2020 and has furnished the following details vide reference fifth cited:

1. During inspection, about 3 T of Bio-medical wastes were found to be dumped in the open land at back side of M/s.Noble Steel Trading Company, ESI Ring Road, Mookondapalli Village, Hosur Taluk, Krishnagiri District.
2. There were Glucose bottles, IV tubes, Dialysis kits, Urology bags, etc containing plastic materials in the Bio-medical wastes dumped in the area. There are no COVID-19 wastes found in the area since those wastes packed in boxes and are being sent directly to the common facility.



TAMILNADU POLLUTION CONTROL BOARD



3. The CBWMTF people was instructed to collect and take the wastes in their vehicles to their common facility at Edappadi immediately for treatment and disposal.
4. A total quantity of 3.015 Tonnes of Bio medical wastes were collected on the same day on 30.6.2020 and sent to their common facility at Edappadi for treatment and disposal.
5. Further 'THE HINDU' has published a news on 1.7.2020 and urged for immediate action in this regard.
6. It has been ascertained that one scrap dealer namely Thiru K.S. Rajan living adjacently has received the Bio Medical Wastes through the CBWMTF's vehicle in the said open rental land to segregate the plastic items from the wastes and sell to the plastic recyclers.
7. It has been observed that the drivers and the Assistants of the CBMWTF vehicles have unloaded the Bio medical wastes to Thiru K.S. Rajan S/o.Subramani for segregating the plastic items from the wastes and sell to the plastic recyclers
8. It has been ascertained from the local enquiry that the dumping of wastes started taking place from the week end of just after the Corona lock down from 28.3.2020 and receiving 2 loads per week till 30.6.2020 in the open land.
9. The CBMWTF has not monitored the movement of their GPS fitted vehicles properly and regularly to comply the rules prescribed in the Bio Medicals Waste Management Rules, 2016 as amended.
10. The CBWMTF M/s. Ramky Energy and Environment Ltd has failed to comply with the conditions of the consent order and Authorization issued by the Board and violated the Bio Medicals Waste Management Rules, 2016 as amended by illegally dumping the collected Bio medical wastes from their member HCFs on open land instead of taking it to their common facility at Edappadi for treatment and disposal.
11. Further, the video footage sent through the whatsapp has clearly shown that the vehicle bearing Registration No. TN30-BP-3479 owned by CBWMTF of M/s. Ramky Energy and Environment Ltd, SF No.10, Thangaiyur village, Edappadi Tk, Salem District has taken diversion from the main road to the back side of M/s.Noble steel company and unloaded the Bio medical wastes on open land.



TAMILNADU POLLUTION CONTROL BOARD



Whereas, the Hon'ble National Green Tribunal (PB), New Delhi in the matter of O.A.No.710 of 2017 filed by Shailesh Singh vide its order dated 12.03.2019 directed CPCB to undertake study and prepare a scale of compensation to be recovered from violators of BWM Rules, 2016 vide reference second cited.

Based on the above, CPCB has evolved the guidelines for the imposition of Environmental compensation charges against the CBMWTFs vide reference second cited.

Whereas, in view of the above said violations and based on the CPCB guidelines, the environmental compensation has been calculated as below for the damage caused to the environment on account of the violations by the CBMWTF :

$$EC \text{ for CBMWTF} = PI \times S \times R \times N$$

EC is Environmental compensation in Rs.

PI is Pollution Index = 100

S is Size of operation = 0.5

R- Environmental compensation factor = 250

N- Number of days of violation = 95 (Mar-4, April-30, May-31 & June-30)

$$\text{Environmental compensation} = 100 \times 0.5 \times 250 \times 95$$

$$EC = \text{Rs. } 11,87,500/-$$

Whereas an amount of **Rs. 11,87,500/- (Rupees Eleven lakhs eighty seven thousand five hundred only)** is assessed as environmental compensation from 04.03.2020 to 30.06.2020 for the violations.

Thereby, it is concluded that the CBMWTF is violating the provisions of the Rule 18 (1) of the Biomedical Waste Management Rules, 2016 as amended which is an offence punishable under section 15 of the Environment (Protection) Act, 1986.

Now therefore, you hereby are directed to show cause within FIFTEEN days from the date of receipt of this notice why the Board shall not recover the Environmental Compensation of **Rs. 11,87,500/- (Rupees Eleven lakhs eighty seven thousand five hundred only)** for the period from 04.03.2020 to 30.06.2020 against you for the non compliance of the provisions of the Biomedical Waste Management Rules, 2016 as amended, and also to why penal action for offences punishable under Section 15 of the Environment (Protection) Act, 1986 should not be initiated against you, and to why direction under Section 5 of the said Act should not

No. 76, MOUNT SALAI, GUINDY, CHENNAI - 600 032.

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TAMILNADU POLLUTION CONTROL BOARD



be issued to the unit for closure of the unit, stoppage of power supply, water supply, sealing of the unit etc.

It is informed that non-receipt of any reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above said contraventions and action will be taken on merits in accordance with law.

The receipt of this proceeding shall be acknowledged.

**Sd/-
CHAIRMAN**

To

The Occupier,
M/s. Ramky Energy and Environment Ltd,
SF No.10, Thangaiyur village,
Edappadi Taluk,
Salem District

Copy to

1. The Joint Chief Environmental Engineer (M),
Tamil Nadu Pollution Control Board,
Salem.
2. The District Environmental Engineer
Tamil Nadu Pollution Control Board,
Kumarapalayam .
3. The District Environmental Engineer
Tamil Nadu Pollution Control Board,
Hosur.

R. Rajendran
4/07/2020
FOR CHAIRMAN

Item No. 03

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 110/2020

News item published on 01.07.2020 in "The Hindu" titled "Ramky Group accused of dumping biomedical waste in the open in Hosur"

Date of hearing: 20.07.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent(s): Mr. Rajkumar, Advocate for CPCB
Mr. Rajshekhar Rao and Mr. Matragupta Mishra, Advocates for Ramky Group
Mr. Ram Shankar, Advocate for State of Tamil Nadu and State PCB

ORDER

1. The matter has been put up on the basis of news item in *Hindu* dated 01.07.2020 titled "Ramky Group accused of dumping biomedical waste in the open in Hosur". The report *inter-alia* mentions that the Ramky Group's van turned into the open field and dumps heaps of biomedical waste. Livestock, dogs and stray monkeys are seen foraging the field. The van was seen dumping heaps of bio-medical waste on an open plot near the ESI out ring road, less than 2 Km. from the ESI Hospital, a Covid - 19 treatment facility. The heaps included swab collection kits, blood sample test tubes, urology bags, ventilator tubes, IV tubes among other biomedical waste. The medical waste was also being sold to scrap dealers.

(19)

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2. The Registry issued advance notice of the hearing to the Departments of Environment, Health and Family Welfare, Municipal Administration and Water Supply, Tamil Nadu, Tamil Nadu State PCB, District Collector, Krishnagiri District, Municipal Corporation Hosur, Ramky Energy and Environment Ltd. Salem and Medicare Environment Management Pvt. Ltd., Hyderabad.

3. Reply has been filed jointly by Ramky Energy and Environment Ltd. Salem and Medicare Environment Management Pvt. Ltd., Hyderabad to the effect that the said respondents were unaware of illegal activities till publication of the news report and has taken mitigation measures after publication of the news report. The lapse has been admitted in paragraph 12. It is further stated that a show cause notice was given to four employees who cited shortage of funds on account of which they colluded with local scrap vendors to earn profit. The employees have been suspended (para 16) and a complaint lodged against the drivers and helpers (para 17). It is difficult to detect and track down collusion due to lock down. Show cause notice dated 04.07.2020 has been issued by the State PCB for the violation to which response was being filed.

4. Learned counsel for the CPCB states that in view of the clear lapse on the part of the Ramky Group in dumping the bio-medical waste in open, compensation of Rs.11, 87,500/- has been assessed.

5. In view of admission of the incident, violation of law by the Ramky Group stands clearly established. Lack of knowledge of illegal action of their employees cannot be any excuse for such liability. While dealing with hazardous substances, responsibility for illegal actions cannot be disowned. We direct a joint Committee of CPCB and State PCB to further

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examine the matter and ensure that the compensation assessed is recovered. Having regard to the serious consequences of unscientific disposal of Covid-19 waste, the compensation must have deterrent element. The CPCB may also consider the need for investigation of such incidents and violations by other waste disposal facilities elsewhere by directing to the concerned State PCBs/PCCs by of a special drive. The CPCB may improve its monitoring system in coordination with the concerned State PCBs or other authorities and issue a separate guideline on this aspect within one month from today. The guidelines may have a checklist which may be helpful in auditing performance of different waste management facilities, particularly the Covid-19 waste management facilities.

6. Monitoring reports with reference to such checklist may be taken from all the State PCBs/PCCs and a consolidated status of compliance as on 30.11.2020 may be furnished before next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List for further consideration on 12.02.2021.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

July 20, 2020
Original Application No. 110/2020
A

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**Guidelines for Monitoring Compliance of Common Biomedical Waste Treatment Facilities by
State Pollution Control Boards / Pollution Control Committees**

1. Background:

Common Biomedical Waste Treatment Facilities (CBWTFs) are required to function in compliance with standards notified under Biomedical Waste Management Rules, 2016 (BMW Rules, 2016) and the guidelines issued by Central Pollution Control Board (CPCB). State Pollution Control Boards/Pollution Control Committees are the prescribed authority to ensure implementation of Rules as well as the compliance.

There have been several public complaints regarding open dumping of untreated biomedical waste, burning of waste etc. In one such case, Hon'ble NGT took suo-moto cognizance of illegal disposal of biomedical waste by CBWTFs, in Original Application No. 110 of 2020. In its Order dated 20.07.2020, Hon'ble NGT directed CPCB to prepare separate guidelines to improve monitoring system for Common Biomedical Waste Treatment Facilities. It was also directed that SPCBs shall initiate a special drive to monitor incidents of illegal BMW disposal by CBWTFs.

This guidance document will provide check-lists for monitoring CBWTFs specially to monitor illegal handling of biomedical waste.

2. Monitoring Compliance by CBWTFs

Apart from obtaining Consent to Operate and authorization under BMW Rules, 2016, the CBWTFs are responsible for environmentally safe handling of biomedical waste in its coverage area. Monitoring of compliance by CBWTFs envisaged in following areas;

- (a) Operational Compliance
- (b) Adequacy of Infrastructure
- (c) Reporting of data
- (d) Inspections and Monitoring

2.1 Operational Compliance

Operational compliance by CBWTFs is related to safe collection, handling, transportation, reception, treatment, and disposal, that include compliance to following activities/aspects;

- (a) Collection
- (b) Use of Personal Protective Equipment (PPEs)
- (c) Transportation of BMW
- (d) Tracking of BMW
- (e) Handling at CBWTFs
- (f) Compliance to norms

Part-A of check-list for auditing performance monitoring operational compliance by SPCBs/PCCs is given at **Annexure-I**.

SPCBs shall maintain a separate operational check-list for each of the CBWTFs, which should be linked to authorization file. Operational check-list may be updated at the level of Regional Officers of SPCBs once every month.

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2.2 Adequacy of Infrastructure

Adequate infrastructure at CBWTFs is essential for achieving compliance to standards and guidelines. Subsequent to notification of BMW Rules, 2016, most of the CBWTFs in the country are required to upgrade their facilities so as to comply with revised standards. Target time given under the Rules to CPBWTFs has expired.

The following infrastructure is essential for auditing performance of CBWTFs.

- (a) Vehicles
- (b) Area of operations
- (c) Upgradation of Combustion Chamber
- (d) Upgraded APCDs
- (e) Waste reception
- (f) Treated waste handling

Part - B of check-list for auditing adequacy of CBWTFs based on available infrastructure is given at **Annexure-II**. SPCBs shall issue appropriate directions to CBWTFs for augmenting infrastructure in time bound manner and maintain records of progress made.

2.3 Data Submission

Data reporting is an essential requirement on part of CBWTFs to report compliance to Rules and service provided. Such data is essential for SPCBs and other departments such as Health Department to monitor compliance by CBWTFs. The data is also essential to assess the gaps in waste generation and disposal, trends in generation, compliance monitoring, need for additional facilities or capacity enhancement, etc.

SPCBs shall ensure that records are maintained by CBWTFs as per Part - C check-list given at **Annexure III**.

2.4 Inspections and Monitoring by SPCBs/PCCs

Periodic inspection of CBWTFs by SPCBs/PCCs is necessary to monitor compliance. SPCBs/PCCs may evolve their own schedule of monitoring and compliance verification, by ensuring the following minimal requirement for inspection and monitoring:

S. No.	Type of inspection and Monitoring	Scope of inspection	Frequency of inspection
1.	Physical Inspection (field visit)	Verification of site conditions, fill-in formats Table-A to C given at Annexures I to Annexure III, log-book verification, OCEMS installation, etc. as per inspection format given at Annexure IV	Monthly
2.	Inspection cum Monitoring (field visit)	Physical verification as well as monitoring of incinerator stack, autoclave, shredder, ETP etc. Report outcome as per inspection format given at Annexure IV	Quarterly

3	Inspection of dumpsites, illegal dumps, outside CBWTF premises, etc (field visit)		At least 4 random visits per Annum as well as when complaints are received.
4	Inspection of BMW collection and transport (field work in transit)		Random spot checks of vehicles and operations for 3 or 4 occasions in a year.
5	Monitoring of GPS Tracking	Desktop monitoring	Daily
6	Monitoring of COVID19BWM Tracking App	Desktop monitoring	Daily monitoring and reporting to CPCB on App
	Monitoring of Barcode Tracking	Desktop monitoring	Daily
7	OCEMS Data	Desktop monitoring	Daily
8	Inspection of specific complaints (field work)	Field investigation	As and when necessary

3. Mechanism to Monitor illegal activities pf CBWTFs

There have been several complaints against CBWTFs for improper handling of BMW. The type of complaints range from illegal transfer to informal recyclers, dumping, high emissions from incinerators, discharge of untreated wastewater, improper transport etc. It is important redress such complaints on priority since improper treatment or disposal may result into spread of diseases.

In view of the numerous incidents of violations, especially in COVID19 pandemic situation, SPCBs/PCCs may initiate special drive for monitoring activities of CBWTFs. SPCBs may also implement various measures, essentially including the following activities;

- (i) Develop complaint redressal mechanism through web portal as well as suitable mobile App like Sameer Platform
- (ii) Use social media platform to report incidents
- (iii) Collect local intelligence from field staff
- (iv) Conduct periodic random checks
- (v) Imposition of Environmental Compensation Charges

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Part A: Format for Operational Compliance Verification

Name of Facility: _____ Status for _____ (Month)

S.No	Operational Activity	Requirement	Status - Tick V or X	Remarks/ Action Taken
1	BMW Collection			
	a.	Waste generated is collected and disposed within 48 hours.		
	b.	Separate compartments for color coded wastes		
2	Use of PPEs	Waste collectors are required to wear adequate PPEs –including three layer masks, splash proof aprons/gowns, gloves, gum boots and safety goggles. Does workers wearing adequate PPEs ?		
3	Transportation			
	a.	Weather dedicated Vehicle used for collection of COVID19 waste?		
	b.	Registration of vehicles with SPCBs		
	c.	Use of separate dedicated vehicle for COVID19 waste		
4.	Tracking of BMW			
	a.	Installation of GPS based devices in vehicles		
	b.	GPS based tracking access to SPCBs/PCCs to monitor location or route of vehicles		
	c.	Use of COVID19 Tracking App at collection point		
5.	Handling at CBWTFs			
	a.	Separate spaces provided for reception of color coded wastes		
	b.	Space adequate for reception of waste		
	c.	Space adequate for storage of treated waste		
6.	Compliance to Standards			

S.No	Operational Activity	Requirement	Status - Tick ✓ or X	Remarks/ Action Taken
	a.	Compliance to emission Standards - sample collected by SPCB or its agency	Yes/ No/ Partial	
	b.	Compliance to emission Standards - as per NABL/ EPA accredited laboratory		
	c.	Compliance to emission Standards - sample collected by SPCB or its agency		
	d.	Compliance to emission Standards - as per NABL/ EPA accredited laboratory		
	e.	Compliance to Temperature standards		
	f.	Compliance to disinfection standards (Autoclave / Microwave)		

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Part B: Format to Assess Adequacy of Infrastructure

Name of Facility: _____ Status for _____ (Month)

S.No.	Infrastructure	Requirement	Status - Tick ✓ or X	Remarks/ Action Taken
1	Vehicles			
	a.	Whether the unit has adequate fleet to lift BMW daily from bedded HCFs		
	b.	Dedicated Vehicle provided for COVID19 waste		
2	Area available for CBWTF operations			
	a.	Area of operations is more than 0.5 acres?		
3	Upgradation of Combustion Chamber			
	a.	Secondary Combustion Chamber upgraded to 2 sec Retention Time..?		
4.	APCDs upgradation			
	a.	Whether APCDs upgraded to meet revised standards for PM?		
	b.	Control systems for Dioxins and Furans Installed?		
6.	Waste Reception			
	a.	Separate spaces provided for receipt of on untreated colour coded BMW		
	b.	Containers used to receive BMW prior to chagrining into incinerator		
7.	Facilities for treated Waste Handling			
	a.	Covered sheds provided for (i) all treatment/disposal equipment, (ii) handling treated/un-treated wastes, (iii) Ash storage, etc.		

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Part C: Format to verify data submission by CBWTFs

Name of Facility: _____ Status for _____ (Month)

S.No	Records	Requirement	Status - Tick ✓ or X	Remarks/ Action Taken
1	Daily COVID19 data upload			
		Usage of COVID19BWM Tracking App to report COVID19 waste collection and disposal		
2	Barcode based Tracking data			
		Implemented Barcode Labelling and tracking System as per BMWM Rules, 2016 – Provided Login and data access to SPOCBs/PCCs		
3	Logbook on maintenance			
		Logbook maintained and shown to SPCBs/PCCs, as when asked for.		
4	Web-site information			
		Displays details of authorization, treatment, annual report etc. on web-site		
5	Annual Report Submission			
		Whether submitted for previous year?		
6	Reporting of incidents			
		Incidental reporting of fires, accidents during handling, spillages,		

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Part A – General Information

S.No.	Details		Particulars
1.	Name of CBWTF with contact details	:	
2.	Month / year of establishment and the Consents status	:	Establishment Month/Year :
3.	CBWTF operated by	:	
4.	Contact Details		Contact Person: E-Mail: Telephone: Mobile phone:
5.	Consent under Water (Prevention and Control of Pollution) Act, 1974	:	Consent is valid upto and issued by .....SPCB/PCC vide letter dated
6.	Consent under Air (Prevention and Control of Pollution) Act, 1981	:	Consent is valid upto and issued by .....SPCB/PCC vide letter dated
7.	Environmental Clearance (EC)		EC issued by MoEF vide letter dated
8.	Authorization Status	:	Authorisation is valid upto and issued by .....SPCB/PCC vide letter dated
9.	Area or plot size of CBWTF (in Sq. ft.)	:	
10.	Name of Districts/Cities / places being covered	:	
11.	Cost charged to the healthcare facilities	:	
12.	Separate space for treatment equipment room	:	<input type="checkbox"/> Yes <input type="checkbox"/> No
13.	Separate space for treated and untreated waste	:	<input type="checkbox"/> Yes <input type="checkbox"/> No

Part-B: Operational Information

S.No.	Details		Particulars
1.	Total number of healthcare facilities and beds covered (as on date of visit)	:	Total no. of HCFs : Bedded HCFs : Non-bedded HCFs : No. of Beds : No. of beds upto 75 KM radius : No. of beds more than 75 KM radius, if any:

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2.	Total Bio-medical Waste Treatment Capacity of CBWTF (in kg / day)	:	Incineration : (in kg/day) Autoclave : (in kg/day) Any other treatment and disposal: Total: ETP Capacity..... KLD
3.	Daily operation schedule (timings)	:	Collection : Am/pm to Am/pm. Treatment through incinerator (in hrs): Treatment through autoclave (in hrs):
4.	Average quantity of bio-medical waste Collected As per records (if required, one moth data may be checked)		Non-COVID waste
	Yellow	:	..... Kg /day
	Red	:	..... Kg/day
	white	:	..... Kg/day
	Blue	:	..... Kg/day
5.	Average quantity of bio-medical waste treated As per records (if required, one moth data may be checked)		Non-COVID waste
	Yellow	:	..... Kg /day
	Red	:	..... Kg/day
	white	:	..... Kg/day
	Blue	:	..... Kg/day
6.	Information related to Incinerator		Upgraded to 2 second residence time <input type="checkbox"/> Yes <input type="checkbox"/> No Temperature in Primary Chamber : Temperature in Secondary Chamber : OCEMS installed : <input type="checkbox"/> Yes <input type="checkbox"/> No OCEMS connected with CPCB/SPCB server : <input type="checkbox"/> Yes <input type="checkbox"/> No Also, daily record of operational parameters may be checked through OCEMS server for: Temperature in combustion chambers: Combustion Efficiency of incinerator:
7.	Type of APCDs attached with incinerator		Unit operations [pl. tick all applicable boxes] <input type="checkbox"/> High rate Ventury scrubber; <input type="checkbox"/> spray scrubber; <input type="checkbox"/> packed bed tower; <input type="checkbox"/> flue gas cooling system; <input type="checkbox"/> dry chemical injection (for activated carbon / lime / other chemicals) prior to bag filers; <input type="checkbox"/> carbon slurry scrubber; <input type="checkbox"/> bag filers; <input type="checkbox"/> waste heat recovery system; <input type="checkbox"/> ceramic scrubbers; <input type="checkbox"/> cooling tower; <input type="checkbox"/> dry-adsorption reactor prior to bag filter; If any other units please specify:
8.	Information related to red category waste		Operational parameters for Autoclave or Microwave:

			Temperature: Pressure: Time:														
9.	Information related white category Waste	:	Sharp Pit provided : <input type="checkbox"/> Yes <input type="checkbox"/> No Is it as per CPCB guideline : <input type="checkbox"/> Yes <input type="checkbox"/> No Records maintained : <input type="checkbox"/> Yes <input type="checkbox"/> No Total quantity of waste sharps stored (in Kg): Total quantity of waste sharps treated and disposed (in Kg):														
10.	Information related blue category Waste		Mode of treatment : <input type="checkbox"/> Autoclaving <input type="checkbox"/> Microwaving <input type="checkbox"/> Hydroclaving <input type="checkbox"/> By Chemical Disinfection (sodium hypochlorite) After Sterilization, facility for rinsing and washing of glass containers <input type="checkbox"/> Yes <input type="checkbox"/> No Detergent waste: <input type="checkbox"/> Yes <input type="checkbox"/> No Residual chemicals collected : <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA														
11.	Wastewater management		ETP capacity : KLD Quantum of wastewater treated : KLD Final mode of disposal of treated water:														
12.	Frequency of incinerator / autoclave / microwave / hydroclave / ETP discharge effluent testing and name of the laboratory (specify approved or not).	:	Monthly/Quarterly/Yearly Copies of the analysis reports of treated effluent, incinerated ash, stack monitoring														
13.	Monitoring Results :																
14.	Incinerator stacks emission (parameters stipulated in the Rules, temperature attainment in the chambers, residence time in the secondary chamber etc.)	:	<table border="1"> <thead> <tr> <th>Parameter</th> <th>PM</th> <th>Total Dioxin & furans</th> <th>HCl</th> <th>NOx</th> <th>Hg and its compounds</th> <th>C.E.</th> </tr> </thead> <tbody> <tr> <td>Value</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Date of monitoring: All values are in mg/Nm³, except CE</p>	Parameter	PM	Total Dioxin & furans	HCl	NOx	Hg and its compounds	C.E.	Value						
Parameter	PM	Total Dioxin & furans	HCl	NOx	Hg and its compounds	C.E.											
Value																	
15.	Incineration characteristics ash	:	Is it hazardous waste as per HWM Rules: <input type="checkbox"/> Yes <input type="checkbox"/> No Transboundary														
16.	ETP inlet/outlet characteristics	:	<table border="1"> <thead> <tr> <th>Parameter</th> <th>pH</th> <th>TSS</th> <th>COD</th> <th>BOD</th> <th>O&G</th> </tr> </thead> <tbody> <tr> <td>ETP Outlet Analysis Result</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>All values are in mg/l except pH</p>	Parameter	pH	TSS	COD	BOD	O&G	ETP Outlet Analysis Result							
Parameter	pH	TSS	COD	BOD	O&G												
ETP Outlet Analysis Result																	

17.	No. of Vehicles used for collection of waste from member HCFs	:	Number of vehicles used for non-COVID waste collection: Number of vehicles used for COVID-19 waste collection:
18.	Whether Bar code system is adopted or not?		<input type="checkbox"/> Yes <input type="checkbox"/> No

Part C – COVID-19 waste related Information

16.1	Member HCFs for COVID-19 generation	:	..... Isolation Centers.....HCFs.....quarantine camps/homes.....sample collection center.....laboratories
16.2	Quantity of COVID waste collection per day and COVID waste treatment per day.		Collection: .....per day Disposal :per day (Record of COVID waste collected and treated since March, 2020)
16.3	Whether COVID waste collected is treated on same day?		<input type="checkbox"/> Yes <input type="checkbox"/> No
16.4	Whether COVID and non-COVID waste has been stored separately?		<input type="checkbox"/> Yes <input type="checkbox"/> No
16.5	Member HCFs registered in COVID19BWM App.	:	..... Isolation Centers.....HCFs.....quarantine camps/homes.....sample collection center.....laboratories
16.6	Whether CBWTF have registered on COVID19BWM App developed by CPCB and register all the vehicles dedicated for COVID waste generation?		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes.....number of vehicles dedicated for COVID waste generation (record of usage of App for last one week)
16.7	Whether sanitization of vehicles dedicated for COVID waste collection has been done daily?		<input type="checkbox"/> Yes <input type="checkbox"/> No Chemical used
16.8	Is PPEs used by workers involved in handling and collection of biomedical waste is adequate?		<input type="checkbox"/> Yes <input type="checkbox"/> No

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D.O. No. B-31011/BMW (42.59)/2020/WMD-I/
September 17, 2020

6240-6274

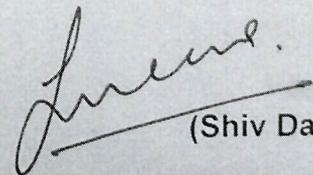
Sub: Special drive to monitor compliance of Common Biomedical Treatment and Disposal Facilities (CBWTFs).

There have been several public complaints regarding open dumping of untreated biomedical waste, burning of waste etc. and such incidents become very alarming in COVID19 pandemic situation. Therefore, it is utmost important to closely monitor operations of CBWTFs as well as their compliance to notified standards.

02. Taking suo-moto cognizance of one such case in the matter on O.A. 110 of 2020, Hon'ble NGT directed CPCB to prepare separate guidelines to improve monitoring system for Common Biomedical Waste Treatment Facilities. It was also directed that SPCBs shall initiate a special drive to monitor incidents of illegal BMW disposal by CBWTFs.

03. Accordingly, CPCB has prepared guidelines for "Monitoring Compliance of CBWTFs by State Pollution Control Boards/Pollution Control Committees". A copy of the guidelines is enclosed herewith for ready reference. It is requested to initiate special drive to identify and investigate incidents of improper handling of biomedical waste and also monitor compliance of CBWTFs as per the check-lists provided in the guidelines. A status report as on 30/11/2020 be submitted to CPCB by email to bmw.cpcb@gov.in.

Yours Sincerely


(Shiv Das Meena)

Chairman,
All State Pollution Control Board/Pollution Control Committee

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत... NS
दिनांक... 22/09/2020

o/c

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Reminder-I

By Speed Post

January 19, 2021

B-31011/BMW (42.59)/2020/WMD-I / 15237 TO 15265
To,The Member Secretary,
(29 SPCBs/PCCs except Mizoram, Goa, Delhi, Tamil Nadu, Andhra Pradesh and Tripura)

Sub: Special drive to monitor compliance of Common Biomedical Treatment and Disposal Facilities (CBWTFs)- reg.

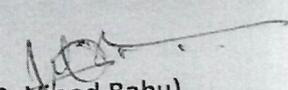
Ref: D.O. No. B-31011/BMW (42.59)/2020/WMD-I/6240-6274 dated 17.09.2020

Sir,

This has reference to above CPCB D.O. letter dated 17.09.2020 regarding Special drive to monitor compliance of Common Biomedical Treatment and Disposal Facilities (CBWTFs) wherein it was requested to initiate special drive to identify and investigate incidents of improper handling of biomedical waste and also monitor compliance of CBWTFs as per the check-lists provided by CPCB. The said report is not yet received by CPCB.

In view of above, it is requested to kindly arrange for submission of aforesaid compliance report by 25.01.2021 through email at bmw.cpcb@gov.in.

Yours faithfully,

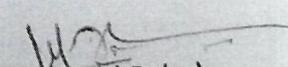

(B. Vinod Babu)

AD & DH, WMD-I

Copy to:

(i) PS to 'MS'

: For kind information of 'MS' please


(B. Vinod Babu)

NSingh
22.01.2021

/c

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