

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

ORIGINAL APPLICATION NO. 312 of 2024(SZ)

The Tribunal on its own motion SUO MOTU : Applicant(s)
based on the news item published in The New
Indian Express, Chennai Edition dt.17.12.2024,
titled “ Kerala’s Medical Waste dumped in
Nellai Villages”

Vs

The Principal Secretary to Government of : Respondent(s)
Tamil Nadu & Others

**REPORT FILED BY THE CHIEF ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD, REGIONAL
OFFICE, THIRUVANANTHAPURAM FOR AND ON BEHALF OF THE
RESPONDENT**



Adv. Rema Smrithi.V.K

ADDITIONAL STANDING COUNSEL FOR THE SIXTH RESPONDENT

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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The Tribunal on its own motion SUO MOTU based on the news item published in The New Indian Express, Chennai Edition dt.17.12.2024, titled “ Kerala’s Medical Waste dumped in Nellai Villages” : Applicant (s)

Vs

The Principal Secretary to Government of Tamil Nadu & Others : Respondent(s)

VOLUME 1

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Dated this the 22nd day of March 2025

Rema Smrithi. V.K, Advocate

ADDITIONAL STANDING COUNSEL FOR THE SIXTH RESPONDENT

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No.312 of 2024 (SZ)

Applicant : The Tribunal on its own motion SUO MOTU based on the news Item published in The New Indian Express, Chennai Edition dt.17.12.2024, titled "Kerala's Medical Waste dumped in Nellai Villages"

Respondents: The Principal Secretary to Government of Tamil Nadu & Others

Report filed by Chief Environmental Engineer, Kerala State Pollution Control Board, Regional Office, Thiruvananthapuram on behalf of The Kerala State Pollution Control Board, in Original Application No. 312/2024.

I, Vinaya K.S, aged 54 years, working as Chief Environmental Engineer, Regional Office, Thiruvananthapuram, is authorized to represent the 6th Respondent in the Original Application no.312/2024. I know the facts and circumstances of the case. The factual submissions made hereunder are true and correct to the best of my knowledge, information and belief. In these circumstances, it is just and necessary that this Hon'ble Tribunal may be pleased to accept the accompanying information of file and it is so humbly prayed in the interests of justice in this case.

1. It is respectfully submitted that cognizance was taken Suo Motu by the Hon'ble National Green Tribunal based on the news article titled "Kerala's Medical Waste dumped in Nellai Villages" published in The New Indian Express, 'The Times of India' and in the vernacular dailies viz., 'The Hindu' and "Dinamalar" dated 17.12.2024 in the matter of dumping of biomedical, food, plastics and other wastes brought from Kerala in Kodaganallur and Palavoor Villages of



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Thirunelveli district in the State of Tamil Nadu. Subsequently the Hon'ble Tribunal vide order dated 19.12.2024, has directed the State of Kerala and the Kerala State Pollution Control Board (KSPCB) to take strict action to remove the waste dumped within a period of 3 (three) days from the date of the order and to file the action taken report and subsequently 383.75 MT of mixed waste was removed from different sites in Thirunelveli district and reports were filed by the Board on 23.12.2024 and 17.01.2025 stating compliance of directions of Hon'ble NGT . In continuation to the previous reports, further actions taken on the matter are humbly submitted hereunder.

2. In compliance with the order of Hon'ble National Green Tribunal in OA 312/2024 dated 20.01.2025, Show Cause Notice was issued to M/s IMAGE ,dated 05.03.2025 for its failure to prevent illegal transportation and dumping of biomedical waste in Tamil Nadu. A copy of the notice is produced herewith and marked as Annexure-R6(A). The reply received from M/s IMAGE in response to the Show Cause Notice is produced herewith and marked as Annexure-R6(B).

3. It is humbly submitted that Notice dated 17.01.2025 for levying environmental compensation of Rs. 44,55,750/- (Rupees Forty Four Lakh Fifty Five Thousand Seven Hundred and Fifty only) was issued to M/s Sunage Eco Systems Private Limited. A copy of the Notice is produced herewith and marked as Annexure-R6 (C). Reply to the Notice was not received from M/s Sunage Eco Systems Private Limited. Subsequently, direction under Environment Protection Act, 1986 dated 27.02.2025 levying environmental compensation was issued to the unit. A copy of the Direction is produced herewith and marked as Annexure-R6 (D). However since the Environmental Compensation is not remitted by the unit Revenue Recovery proceedings is initiated by the Board.

In order to verify the present status an inspection was also conducted at Sunage



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Ecosystems Private Limited on 20.03.2025 and as informed no new waste is being brought into the unit or transferred outside.

4. It is humbly submitted that Notice dated 17.01.2025 for levying environmental compensation of Rs. 10,06,250/- (Rupees Ten Lakh Six Thousand Two Hundred and Fifty only) was issued to M/s Regional Cancer Centre. A copy of the Notice is produced herewith and marked as Annexure- R6 (E). Reply to the Notice was not received from M/s Regional Cancer Centre. Subsequently, Direction under Environment Protection Act, 1986 dated 27.02.2025 levying environmental compensation was issued to the unit. A copy of the Direction is produced herewith and marked as Annexure-R6(F). Since the Environmental Compensation is not remitted by the unit Revenue Recovery proceedings is initiated by the Board.

5. An inspection was conducted from District Office of the Board at Regional Cancer Center on 14-02-2025. It is informed by the hospital that they have terminated the contract with the Sunage Eco Systems Private Limited for general waste removal due to the serious irregularities identified in the final disposal of the waste on their part and they have initiated the process of establishing a new agreement with Clean Kerala Company for waste removal. During inspection, it was found that the colour coding is strictly followed. The buckets in the nursing stations, collection area and storage area were checked and ensured that proper colour-coded waste segregation is being followed. Logbooks are maintained at all waste removal points to ensure accurate recording of waste disposal and it is being recorded. The hospital authorities have informed that circulars on waste management protocols have been distributed to all employees to ensure awareness and responsibility regarding waste management. The general wastes were also now properly segregated and buckets provided for collection at different points.

6. It is humbly submitted that as per the inspection report, Biomedical waste at



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Regional Cancer Center are disposed through Image and food wastes given to authorized pig farm. Awareness Boards are installed in waste-generating areas with clear instructions and it is informed that regular announcements on waste management protocols are made. It is noticed that the hospital has taken necessary steps to ensure that wastes are not mixed as proper colour coding for general wastes is also implemented as mentioned above. No general wastes are seen to be kept along with biomedical wastes in the biomedical segregation area. As of now, there is no chance of mixing of biomedical wastes with general wastes. Proper segregation at the point of generation is strictly followed prior to storage and transportation and storage of wastes is properly done in three separate streams, i.e., biodegradable, non-biodegradable and domestic hazardous wastes in suitable bins.

7. It is respectfully submitted that Notice dated 17.01.2025 for levying environmental compensation of Rs. 51,00,000/- (Rupees Fifty One Lakh only) was issued to M/s Kovalam Resorts Private Limited. A copy of the Notice is produced herewith and marked as Annexure-R6 (G). Reply letter was received in response to this notice from M/s Hotel Leela, requesting to drop the imposing of environmental compensation and sought for hearing. A copy of the reply letter is produced herewith and marked as Annexure-R6(H). A hearing was held on 06.03.2025 with M/s Kovalam Resorts Private Limited. After the hearing, it was decided to proceed with the levying of environmental compensation . A copy of the minutes of the hearing is produced herewith and marked as Annexure-R6 (I). Subsequently, as decided in the hearing, Direction under Environment Protection Act,1986 dated 14.03.2025, slapping environmental compensation was issued to the unit. A copy of the Direction is produced herewith and marked as Annexure-R6(J). Since the Environmental Compensation is not remitted by the unit Revenue Recovery proceedings is initiated by the Board.



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8. It is respectfully submitted that in order to ascertain the present status, an inspection has been conducted at Hotel Leela Kovalam from Regional Office of the Board on 20-03-2025. It was seen that there are separate sheds for storing plastic bottles and hazardous waste. Segregation of waste was also found to be carried out and the segregation area was clean. A new 1000kg/day capacity Organic Waste Converter is installed and the slurry from it is connected to the STP. The newly constructed 200 KLD STP with MBBR technology and Ultra filtration facility was operational at the time of the visit. It is informed that biogas plant with a capacity of 500kg/day is provided for the disposal of food waste. Plastic waste and paper waste are handed over to Harithakarma Sena, sanitary waste is handed over to AAKRI, an authorized agency for sanitary waste.

9. It is respectfully submitted that Notice dated 17.01.2025 for levying environmental compensation of Rs. 6,90,000/- (Rupees Six Lakh Ninety Thousand only) was issued to M/s Credence Hospital. A copy of the Notice is produced herewith and marked as Annexure-R6 (K). Reply letter was received in response to this notice from M/s Credence Hospital, requesting an opportunity of being heard before proceeding with the levying of environmental compensation. A copy of the reply letter from M/s Credence Hospital is produced herewith and marked as Annexure-R6(L). Subsequently, a hearing was held on 06.03.2025 with M/s Credence Hospital & after the hearing, it was decided to proceed with the levying of Environmental Compensation. A copy of the minutes of the hearing is produced herewith and marked as Annexure-R6(M). Subsequently, as decided in the hearing, Direction under Environment Protection Act, 1986 dated 14.03.2025 levying environmental compensation was issued to the unit. A copy of the Direction is produced herewith and marked as Annexure-R6(N). Since the Environmental Compensation is not remitted by the unit, Revenue Recovery proceedings is initiated.



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10. An inspection was conducted from District Office of the Board at Credence Hospital on 20-03-2025. As per the inspection findings, the bio-medical waste and solid wastes are now segregated properly and no mixed waste was observed. The Sewage Treatment Plant (STP) is fully operational. Solid waste is managed through Haritha Karma Sena. The premises are maintained in a clean and orderly condition.

11. It is humbly submitted that legal action was initiated by issuing legal notices under the provision of Section 19 of the Environment (Protection) Act, 1986, against M/s Kovalam Resorts Private Limited, M/s Regional Cancer Centre and M/s Credence Hospital for improper segregation and handling of Biomedical wastes and Solid wastes and M/s Sunage Eco Systems Private Limited for collecting non segregated wastes from various institutions and for dumping wastes in Thirunelveli. Meanwhile the Central Government had notified the Jan Vishwas (Amendment of Provisions) Act, 2023 under which the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 were amended. Earlier as per Section 15 of the Environment Protection Act, contravention of the provisions of the Act and the Rules, orders and directions were punishable with a fine and imprisonment. As per Section 15 of the amended Act, penalty for contravention of the provisions of the Act and the Rules, orders and directions are prescribed and further by Section 15(C), the Central Government appoints an "Adjudicating Officer" for the purpose of determining penalties under this Act. The Secretary in – charge of Environment Department of the State Government is appointed as Adjudicating Officer vide order dated 04.11.2024 issued by the Ministry of Environment, Forest and Climate Change. The matter is informed to the Government and it is respectfully submitted that immediate action will be taken based on the response.

12. It is also submitted that technical assistants were recruited vide order dated



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04.01.2025 at all district levels to conduct inspection drive at Material collection Facilities, Material Recovery Facilities, Resource Recovery Facilities and waste management facilities in local bodies and healthcare facilities to ensure compliance of Solid Waste Management Rules and Biomedical Waste Management rules and inspection drive is being conducted and appropriate action is being done.

13. It is submitted that the online vehicle tracking mechanism for interstate waste transportation has been developed by the Board and is under trial run. The web portal is “etracks.kerala.gov.in” and mobile Applications- Transporter App and Enforcement Authority App are available for transporter and Enforcement authority respectively and are available in playstore. The portal is currently on trial run. The Board had prepared guidelines for interstate transport of waste and had also initiated action to obtain necessary Government order on the duties and responsibilities of various stakeholders, Draft notification has submitted to the Government. The tracking is done using GPS data from the web portal of the Motor Vehicles Department (MVD). The MVD of Kerala had given access to track selected vehicles registered in Kerala. However in order to track the interstate movement of vehicles, the Motor Vehicles Department of TamilNadu also shall grant access to its GPS tracking web portal for the vehicles registered in Tamilnadu. Plastic waste processors in Tamilnadu state shall also register. Hence the support from the neighboring states is required for the proper functioning of this online vehicle tracking portal.

The Board has submitted Guidelines for registering vehicles transporting waste Outside the State of Kerala in Online vehicle tracking portal and mobile Applications before the Government for notifying.

14. It is humbly submitted that the continuous efforts will be taken by the Board



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for making the Online Vehicle Tracking portal, developed as instructed by the Hon'ble National Green Tribunal, fully functional with the support of stakeholders including neighboring States.

All that stated above are true to the best of my knowledge and belief.

Dated this the 22nd day of March 2025.



Vinaya
Chief Environmental Engineer

KSPCB
VINAYA. K.S
CHIEF ENVIRONMENTAL ENGINEER

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ORIGINAL APPLICATION NO. 312 of 2024(SZ)

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Vs

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VOLUME 2

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Dated this the 22nd day of March 2025

Adv. Rema Smrithi V. K.

STANDING COUNSEL FOR THE FIRST RESPONDENT

ANNEXURE R6 (A)

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kspcb.kerala.gov.in

**KERALA STATE POLLUTION CONTROL BOARD**

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ, തിരുവനന്തപുരം 695 004



KSPCB/HO/EE3/SWM/OA-312/2024

Date: 05-03-2025

SHOW CAUSE NOTICE

Sub: Illegal dumping of biomedical waste from Kerala at the Tamil Nadu border

Ref:-1. Biomedical Waste Management Rules, 2016.

2. Order of Hon'ble NGT in OA 312/2024 dated 02/01/2025 & 25/01/2025

WHEREAS, the **Kerala State Pollution Control Board (hereinafter referred to as the Board)** is the statutory authority empowered by the **Water (Prevention & Control of Pollution) Act, 1974**, the **Air (Prevention & Control of Pollution) Act, 1981**, the **Environment (Protection) Act, 1986** (hereinafter referred to as **EP Act**), and the **Biomedical Waste Management Rules, 2016** (hereinafter referred to as **BMW Rules**) to regulate and ensure compliance with environmental protection norms in the state of Kerala;

WHEREAS, under **Section 5** of the **EP Act**, the **Board** has the authority to take preventive actions if it believes that any activity is likely to cause damage to the environment, including the illegal dumping of biomedical waste, and can take appropriate legal actions under the relevant sections of the law;

WHEREAS, **M/s. IMAGE IMA** (hereinafter referred to as **IMAGE**) is a **Common Biomedical Waste Treatment Facility (CBWTF)**, which is authorized under the **BMW Rules, 2016** to manage, collect, and dispose of biomedical waste from various healthcare facilities in the state of Kerala, as per the authorization granted by the Kerala State Pollution Control Board (KSPCB);

WHEREAS, the **BMW Rules, 2016**, specifically Rule 4, requires that "Every operator of a common biomedical waste treatment facility shall take all necessary steps to ensure that biomedical waste generated from healthcare facilities is handled without any adverse effect to human health and the environment," and in particular, the operator is responsible for ensuring proper segregation, transportation, and disposal of biomedical waste in accordance with the rules;

WHEREAS, the **National Green Tribunal (NGT)**, in its order dated 02/01/2025 and 25/01/2025, took suo motu cognizance of the illegal disposal of biomedical waste originating from Kerala at the Tamil Nadu border, specifically in Kodaganallur and Palavoor villages, located in the Tirunelveli district of Tamil Nadu. The waste was traced to **M/s. Regional Cancer Centre** which had entrusted their biomedical waste management to **IMAGE**;

WHEREAS, upon inspection by Board officials, yellow and red bags containing biomedical waste from the healthcare facility, identified as supplied by IMAGE, were found in the sites in Thirunelveli, Tamilnadu and this constitutes a clear violation of the **BMW Rules, 2016**, as IMAGE, as a CBWTF, is responsible for ensuring proper segregation, transportation, and disposal of biomedical waste generated by the healthcare facility;

WHEREAS, the NGT in order dated 20/01/2025 in OA 312/2024 observed that, despite being the authorized CBWTF for handling biomedical waste in Kerala, IMAGE has failed to prevent the illegal transportation and dumping of biomedical waste in Tamil Nadu, and no adequate explanation has been provided for this violation;

WHEREAS, under **Section 18** of the **BMW Rules, 2016**, the operator of a **Common Biomedical Waste Treatment Facility (CBWTF)**, IMAGE, is responsible for ensuring that the biomedical waste is safely managed, transported, and disposed of without harm to the environment or human health;

NOW THEREFORE, in exercise of the powers conferred under **Section 5 of the Environment Protection Act, 1986**, **IMAGE IMA** is hereby **called upon to show cause**, why you shall not be proceeded against on the above illegal disposal, within **15 days** from the date of receipt of this notice.

Dated this the 05-03-2025

Signed by

Sheela A M

Date: 05-03-2025 17:45:04

Member Secretary
Kerala State Pollution Control Board

To

The Managing Director

IMAGE IMA

Administrative Office,

IMA State Headquarters,

Anayara P.O, Thiruvananthapuram – 695 029

Copy to:

1. The Chief Environmental Engineer, Regional Office, Thiruvananthapuram
2. The Chief Environmental Engineer, Regional Office, Kozhikode
3. The Environmental Engineer, District Office, Palakkad



INDIAN MEDICAL ASSOCIATION GOES ECOFRIENDLY

IMAGE ADMINISTRATIVE OFFICE

IMA State Headquarters, Anayara P.O., Thiruvananthapuram - 695029

Ph: 0471-2742211, 0471-2741188 Mob : 96569 93339 E-mail : imageimaksbtvm@gmail.com Website : www.imageima.org



ADM 0061

IMAGE COMMON BIOMEDICAL WASTE TREATMENT FACILITY - CBWTF

(Manthuruthy, Kanjikode West, Palakkad - 678623)

Dr. SREEVILASAN K.A.
State President, IMA KSB

Dr. JOSEPH BENAVENT
Imm. Past State President, IMA KSB

Dr. SASIDHARAN K.
State Secretary, IMA KSB

Dr. ROY R. CHANDRAN
State Treasurer, IMA KSB

Dr. ABRAHAM VARGHESE
Chairman, IMAGE

Dr. SHARAFUDHEEN K.P.
Vice Chairman, IMAGE

Dr. KRISHNAKUMAR P.V.
Secretary, IMAGE

Dr. PAVAN MADHUSUDANAN
Treasurer, IMAGE

No. IMAGE/ADM/SEC/10450/2024-25

13.03.2025

To,

The Member Secretary
Kerala State Pollution Control Board
Thiruvananthapuram

Sub: Explanation submitted by the IMA Goes Ecofriendly known as IMAGE to the show cause notice issued by the KSPCB.

Ref: No. KSPCB/HO/EE3/SWM/OA-312/2024 dated 05.03.2025

1. All the allegations and aspersions contained in the show cause notice are hereby denied, except those that are admitted herein specifically. The allegations are contrary to truth illogical as well as improbable and hence denied emphatically. It is further informed that there is no post of Managing Director of IMAGE Thiruvananthapuram to whom the show cause notice is addressed. Secretary, IMAGE is the executive authority dealing with the day to day affairs of administration of the organization and responding to communications, and correspondence and hence this explanation by the Secretary, IMAGE.
2. The averments in the first four paragraphs are statement of facts that are come out by documents and therefore admitted. It is true that with respect to pilfering of bio medical waste in Thirunelveli district in Tamil Nadu some allegations are raised against IMAGE behind their back, with-

Forever Yours

Manager Operations: 94459 98922, Administrative Officer: 81389 99960 [WhatsApp]
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The Panacea for all Biomedical Waste

out notice to them or hearing them. It is unfortunate that the Southern Bench of Green Tribunal, Chennai had made certain remarks and observations against IMAGE while hearing the Thirunelveli matter. It is submitted that those remarks were made exparte as IMAGE has not been impleaded in the said proceedings nor heard by the Tribunal before such adverse observations were made against IMAGE. Hence above observations against IMAGE could only be considered as casual remarks and not as judicial observations.

3. We earnestly believe that such observations might have happened to be made by the Hon'ble Tribunal as being misled by some vested interests. In this connection IMAGE has requested their lawyer to get intervened /impleaded in the suo motu proceedings initiated by and pending before the Tribunal in respect of the Thirunelveli incident and to convince the Hon'ble Tribunal about the innocence of IMAGE in the matter. True copy of the IA prepared by our lawyer and being filed before the Tribunal in this regard is produced herewith as **Annexure P1**.
4. It is only fair on your part to have admitted that disposal of BMW in Thirunelveli District could be traced to the Regional Cancer Centre, Thiruvananthapuram. It is true that the said Health Care Facility is affiliated to IMAGE who is collecting and disposing their BMW. It is true that during the site inspection one or two coloured bags of IMAGE were seen in the garbage. It is submitted in this regard that the only possibility is that the coloured bags of IMAGE entrusted with any of the Health Care Facility could have been misused for the above purpose of carrying solid waste in them.
5. Secondly, as you are aware the entire BMW collected by the specially trained employees of IMAGE are transported in the specially designed vehicles (GPS enabled) of IMAGE to the premises of the IMAGE plant at Palakkad for treatment and disposal. There has not been any occasion for IMAGE nor any allegation against us that these vehicles are disposing the BMW so collected in route or in any deserted places. Further, it is pertinent to note here that the observation of the NGT, as extracted in the show cause notice is that IMAGE "has failed to prevent the illegal



transportation and dumping of BMW in Tamil Nadu” and not that IMAGE has dumped the BMW at Thirunelveli. As you are aware it is practically impossible for IMAGE to prevent such illegalities as IMAGE does not have their regular representative posted in the Health Care Facilities.

6. It is significant to note here that the Regional Cancer centre and other major Health Care Facilities in the State have engaged private agencies for collection and disposal of their huge quantity of general waste. These agencies also collect a portion of the BMW from such institution containing plastic items, separate the plastic contents and dispose of the balance BMW along with the solid waste collected by them in deserted places and remote Areas. As you are aware the employees of IMAGE could collect only the quantity of BMW that is handed over to them from these and other Health care Facilities and cannot control the above illicit procedure that happens in their absence. There is no specific and mandatory Rules or Regulations in the State for collection of solid municipal waste from urban centres including apartment complexes and big and small Health Care Centres.
7. Another menace faced by the State is the huge quantity of domestic BMW generated in houses where bed-ridden patients are lying and in small clinics and laboratories which are not yet affiliated with any of the common Bio-medical Waste treatment Facilities (CBWTF) in the State. These are collected by the private agencies along with the municipal solid waste and disposed of in their own way over which the authorities have no control at all.
8. It is submitted that IMAGE, commissioned in 2001, has been working diligently and round the clock for disposing the BMW collected from the Health Care Facilities all over the State. In fact, we have been assisting and sharing the social responsibility of the Government and its environmental authorities, including the state Pollution Control Board, in this regard during all these years by spending our own fund and without any grant or other financial assistance from the Government or any other agencies. We have been discharging this duty in response to IMA, corporate responsibility to our society, and have been complying with this



social need single-handily all these years. The above being the truth, finding fault with IMAGE for all and sundry issues connected with BMW in the State is very unfortunate and uncharitable. In this regard, the State Pollution Control Board is duty bound to defend the cause of IMAGE before the Hon'ble Green tribunal as IMAGE has been functioning all these years in association with the KSPCB and strictly adhering to and complying with their statutory regulations and norms and directions.

In the above facts and circumstances IMAGE is once again denying the allegations against them in the show cause notice and humbly request that this explanation may be accepted as truthful representation of the facts, and all further proceedings in this regard may kindly be dropped.



Dr. Krishnakumar P. V.

Hony. Secretary, IMAGE TMA KSB

Place: Thiruvananthapuram

Date: 13-03-2025



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KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ, തിരുവനന്തപുരം 695 004



KSPCB/2089/2024-EE-1

17-01-2025

Regd A/D

NOTICE UNDER ENVIRONMENT (PROTECTION) ACT, 1986

Sub:- Levying of Environmental Compensation from M/s. Sunage
Ecosystems Private Limited, Thiruvananthapuram

Ref:

1. Registration no. KSPCB/TV/White Category/10006036/ 2022 dated 14.07.2022 valid up to 31.05.2027.
2. Order of Hon'ble NGT dated 19.12.2024 in O.A.No.312/2024
3. Newspaper report on 17/12/2024 regarding illegal dumping of waste at Thirunelveli, TamilNadu
4. Letter no. T3/TNPCB/BMW/F.31777TV/2024-1 dated 18.12.2024 from the Chairperson of Tamil Nadu Pollution Control Board
5. Revocation Intention Notice no. KSPCB/TV/White Category/10006036 /2022 dated 20.12.2024
6. Inspection by the Board officials to your unit held on 21.12.2024
7. Registration Revocation Order no. KSPCB/TV/White Category/10006036 /2022 dated 30.12.2024
8. Letter No. PCBDTM/993/2024-EE dated 26.12.2024 from District Office, Thiruvananthapuram
9. Report of inspection by the officials on 20.12.2024 to the dumping sites
10. Execution Report on removal of dumped waste from various locations in Thirunelveli District on 22.12.24
11. Inspection conducted from Regional Office along with the Enquiry Committee on 31.12.2024 and 01.01.2025
12. Order of Hon'ble NGT dated 02.01.2025 in O.A. No.312/2024
13. Discussion held at the chamber of Chairperson on 08.01.2025 in connection with assessment of Environmental Compensation to units engaged in OA 312/2024

o/c

14. Letter No. A1/2377/CKCL/2024/OA.312/PCB dated 15.12.2024

WHEREAS the Kerala State Pollution Control Board (herein after referred to as the Board) is the statutory authority for implementing the Water (Prevention & Control of Pollution) Act 1974 (herein after referred to as the Water Act), the Air (Prevention & Control of Pollution) Act 1981 (herein after referred to as the Air Act), and the Environment (Protection) Act 1986 (herein after referred to as the EP Act) and Rules there under in the State of Kerala;

WHEREAS the Bio-Medical Waste Management Rules, 2016 and amendments and notified thereof (hereinafter referred as BMW Rules) under the Environment (Protection) Act, 1986, to improve the collection, segregation, processing, treatment and disposal of the Bio-Medical wastes in an environmentally sound manner thereby reducing the Biomedical Waste generation and its impact on the environment;

WHEREAS Solid Waste Management Rules 2016 (herein after referred as SWM Rules) under the Environment (Protection) Act 1986, is applied to every institutional solid waste generators and its handling should comply with the provisions of Solid Waste Management Rules 2016 ;

WHEREAS Plastic Waste Management Rules 2016 (herein after referred as PWM Rules) under the Environment (Protection) Act 1986, is applied to every waste generators including institutions and receptors who are bound to comply with the provisions of Plastic Waste Management Rules 2016 ;

WHEREAS the Central Government notified the Environment (Protection) Act, 1986 for the protection of environment;

WHEREAS the Hon'ble National Green Tribunal, vide order dated 19/02/2019 in O.A.593 of 2017 (W.P (Civil) No.375/2012 by the Paryavaran SurakshaSamiti and Anr. Vs. Union of India and Ors.), directed that "CPCB may take penal action for failure against those who are accountable for not setting up and maintaining STPs, CETPs ETPs and CPCB may also assess and recover compensation for damage to the environment and the said fund may be kept in a separate account and utilized in terms of an action plan for

protection of the Environment.”;

WHEREAS the NGT vide order dated 12/03/2019 in O.A. No. 710/2017, directed that the State Pollution Control Boards are also authorized to recover compensation from the polluters or laying down their own scale which should not be less than the scale fixed by Central Pollution Control Board;

WHEREAS the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the Order dated 22/11/2018 in O.A No. 353/2016 clarified that apart from prosecution, the statutory authorities under the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, must, in exercise of their incidental powers, prescribed scale of compensation to be collected from the polluters on the “Polluter Pays Principle”. Such scale which may be laid down at various levels, having regard to the local condition or as per direction in the hierarchy of the authorities. In various other application also, the Hon'ble NGT passed similar orders, for instance, in the Order dated 20/11/2018 in O.A No. 117/2014, 499/2014 and 102/2014 the Hon'ble NGT noted as; “Needless to say that statutory authorities under the Environment (Protection) Act, 1986, Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution Act), 1974 are entitled to assess and recover damages as “Polluter Pays Principle ” in exercise of incidental powers to protect environment”;

WHEREAS in pursuant to Hon'ble National Green Tribunal, in the matter of O.A. 593 of 2017 CPCB has developed a “Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund”;

WHEREAS Environmental Compensation is to be Levied on Concerned Individual/Authority for Improper Solid Waste Management;

WHEREAS M/s. Sunage Eco Systems Pvt. Ltd, T.C. 56/2013(I), Avittam, Vanivilakam, Karumam P.O..Thiruvananthapuram comes under the purview of the Water (Prevention & Control of Pollution) Act 1974, the Air (Prevention & Control of Pollution) Act 1981 and the Environment Protection Act 1986.

WHEREAS you had applied for registration of the Board on 28/06/2022 for Material Recovery Facility (Collection of segregated plastic, glass, leather etc) ;

WHEREAS registration has been issued to you vide reference 1 for the storage of 4.53592T/day of waste scrap(metal,plastic etc) and as it comes under WHITE of the Schedule in the circular PCB/T4/115/97 (3) Dated 31/08/2016 ;

WHEREAS you had applied for Material Recovery Facility (Collection of segregated plastic, glass, leather etc) and obtained registration under WHITE category for Storing of Waste scraps(metal, plastic etc);

WHEREAS as per Solid Waste Management Rules, Material Recovery Facility means a facility where non-compostable solid waste can be temporarily stored by the local body or any other entity mentioned in rule 2 or any person or agency authorized by any of them to facilitate segregation, sorting and recovery of recyclables from various components of waste by authorized informal sector of waste pickers, informal recyclers or any other work force engaged by the local body;

WHEREAS you are bound to comply with the conditions mentioned in the Registration issued to you vide ref. cited (1) above;

WHEREAS as per condition no.4, of the Registration issued, sorted scraps and rejects (scrap which cannot be recycled) shall be handed over to authorized agencies only;

WHEREAS as per condition no.7, of the Registration issued no biodegradable waste shall be collected and stored in the unit;

WHEREAS it has come to the notice of the Board through newspaper dated 17/12/2024 that biomedical waste, food waste and plastic waste from some of the institutions in Trivandrum, RCC, Credence Hospital Ulloor, and M/s Leela Raviz, Kovalam, are found to be dumped at multiple locations such as Kodaganallur and Palavoor Villages in Thirunelveli district of Tamil Nadu;

WHEREAS it is informed vide letter dated 18/12/2024 from

TamilNadu Pollution Control Board that General Solid Wastes such as oil pouches, plastic covers etc., and Bio medical wastes such as unused syringes, Tablet covers (paper wrappers), carton boxes and Data sheets of Regional Cancer Centre, Trivandrum were found to be dumped in the said site

WHEREAS it is also informed vide letter dated 18/12/2024 that empty tins of soft drinks, used chappal and waste papers from hotel of Leela Kovalam is also found;

WHEREAS during the inspection conducted by the Board officials on 18.12.2024 across various units, it was observed that agreements exist between you and the institutions mentioned in the above para. for the handling of solid waste;

WHEREAS meanwhile Hon'ble NGT has taken a SUO MOTO based on the news item in The New Indian Express, Chennai Edition dt: 17.12.2024, in O.A. No. of 312 of 2024(SZ);

WHEREAS during the said inspection of the Team held on 20.12.2024 including Board officials, Corporation, IMAGE, officials of Tamil Nadu Pollution Control Board, dumps of solid waste with documents in proof of the institutions viz, RCC,Trivandrum, Credence Hospital Ulloor, Trivandrum, and M/s Leela Raviz, Kovalam, Trivandrum were identified at various locations in Thirunelveli;

WHEREAS the inspection cited 9th above was conducted at 6 sites namely Vadakku Ariyanayakipuram,Vellalankulam,Kodaganallur, Palavoor Kondanagaram and Bharatheeyar Nager;

WHEREAS as per the inspection report cited 9th the white sacks found at Vellalankulam Panchayath contained tied green coloured bags labelled as Regional Cancer Center, Thiruvananthapuram with yellow and red bags and these bags are reported to contain general waste including some biomedical waste namely catheter, syringes, used gloves, dressings, tubing and vacutainer tube ;

WHEREAS one yellow bag (Barcode 3201019721925) and red bag (Barcode number 2201011522614) supplied by IMAGE were also found in

heaps and as identified by IMAGE Experts the above bar-coded bags were supplied to RCC(ref.11);

WHEREAS as per the inspection report cited 9th, at the location of Kodaganallur mixed waste including biomedical wastes namely used medicines, masks, gloves etc were found in RCC name printed bags ;

WHEREAS as per the inspection report cited 9th above, at the Palavoor panchayath unsegregated waste including plastic, biomedical waste were found in RCC bags ;

WHEREAS, as per the inspection report cited 9th , at Kondanagaram mixed waste were found in RCC labelled bags;

WHEREAS as per the findings of the inspection team (ref.9), green garbage bags containing mixed wastes from RCC are found in all heaps except at Bharatheeyar Nager;

WHEREAS,as per the inspection report (ref.9)at the location Pazhavor Panchayath mixed waste from your unit was found ;

WHEREAS,as per the inspection report cited 9th above at the location Vellalankulam Panchayath Mixed waste form Hotel Leela Palace was also found;

WHEREAS a team of officials from Government of Kerala including members from Trivandrum Municipal Corporation, Kerala State Pollution Control Board, and Clean Kerala Company Limited proceeded to Thirunelveli on 22.12.2024 for execution of action plan for removal of dumped waste as per the order of Hon'ble NGT as per the order in OA 312/2024;

WHEREAS as per the execution report cited 10th at the location of Kodaganallur unfilled diet requisition slip and some syringes were found;

WHEREAS as per the execution report vide reference 10 , at the location of Palavoor general solid waste was seen packed in plastic bags including green bags from RCC which contained biomedical waste such as medicine covers, syringes, wrappers, used syringe bodies without needles,

gloves and more;

WHEREAS at the location of Kondanagaram as per the execution report vide reference 10 above, general solid waste such as plastic covers, ghee bottle, oil bottle, used clothes etc were found to be mixed with biomedical waste such as empty tablet cover, used masks, gloves and sanitary diapers and majority of the waste were found wrapped in green coloured bags bearing the hospital name of RCC, Trivandrum;

WHEREAS at the location of Kondanagaram as per the execution report vide reference 10 above, key cards and large number of foot wears with the emblem of Hotel Leela Kovalam was also spotted;

WHEREAS Rule 8 (1) of Biomedical Waste Management Rules, 2016 stipulates that no untreated bio-medical waste shall be mixed with other waste;

WHEREAS Rule 4(1-a) of SWM Rules, 2016 stipulates segregation and storage of the waste generated by them in three separate streams namely bio-degradable, non bio-degradable and domestic hazardous wastes in suitable bins and handover segregated wastes to authorized waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

WHEREAS Rule 4(2) Solid Waste Management Rules 2016 stipulates that no waste generators shall throw, burn or bury the solid waste generated by him, on streets, open public spaces outside his premises;

WHEREAS Rule 8(2) of Plastic Waste Management Rules 2016 stipulates that all institutional generators of plastic waste shall segregate and store the waste generated by them in accordance with Solid Waste Management Rules 2016 and handover segregated waste to authorized waste processing or disposal facility or deposition centers either on its own or through authorized waste collection agency;

WHEREAS you have collected mixed wastes from institutions and disposed at unauthorised places by illegally dumping and thereby violating the provision of Solid Waste Management Rules 2016

WHEREAS as per reference cited (5) above, Board had issued Revocation Intention Notice, directing to show cause if any within 7 days of notice;

WHEREAS you had not submitted any reply / response to the intention Notice issued vide ref(5);

WHEREAS during the inspection by the Board Officials to your unit on 21.12.2024, it was observed mixed waste including plastic, paper and cans were stored without segregation and food waste was also found among the materials exceeding the quantity of 4.53592T/day and thus it is noted that mixed waste exceeding the permitted quantity is stored in the premises thereby violating the registration issued to you vide reference 1 above;

WHEREAS as per reference cited (7) above, Board had issued Registration Revocation Order to your unit;

WHEREAS you have collected non segregated waste from various institutions and this is in violation of Solid Waste Management Rules 2016, Plastic Waste Management Rules 2016 and Biomedical Waste Management Rules 2016;

WHEREAS it was observed during inspection on 21-12-2024 that you have collected and stored significantly higher volume of waste than the permitted quantity, in your premises thus violating the conditions of registration issued as per ref (1) above which is for the storage of 4.53592T/day of waste scrap(metal,plastic etc) ;

WHEREAS the unit supervisor has reported on 21-12-2024 that the waste materials are being handover to various industries like M/s Pioneer Polymers, Salem Tamil Nadu for making pellets, The India Cements Limited Sankaranagar, Thirunelveli, Tamilnadu and M/s SM Plastics, Pudukudi, Puliangudi, Thirunelveli, Tamil Nadu, but the related documents were not submitted ;

WHEREAS it was also informed on 21-12-2024 that food waste collected is being transferred to M/s Matha Pig Farm, Kuttichal ,Trivandrum;

WHEREAS as per the report on inspection of the enquiry commission

including officials from the Board , LSGD and Suchitwa Mission, heaps of mixed waste including Bio Medical Waste were seen dumped in the premises of your unit;

WHEREAS the above stated actions is in gross violation of provisions of the Solid Waste Management Rules, 2016, Plastic Waste Management Rules, 2016, Bio Medical Waste Management Rules, 2016, and the conditions stipulated in the Registration issued vide ref (1);

WHEREAS the Government Order G.O(Rt) No.1673/2021/LSGD Dated 06/09/2021,issued guidelines for registering vehicles transporting waste for the disposal of solid waste at authorized places and transportation through GPS Vehicle as per the direction of Hon'ble NGT in OA 100/2021 ;

WHEREAS you have violated the said Government Order;

WHEREAS as per NGT order dated 02.01.2025 in O.A. No. 312 of 2024(SZ), Hon'ble NGT has directed the Board to take appropriate action against you;

WHEREAS in the light of the inspection reports it was decided to levy environmental compensation against your unit during the discussion cited (13)

WHEREAS as per the finding of Joint inspection conducted from Regional Office of the Board along with the enquiry Committee, around 1000 T of waste are heaped in the unit;

WHEREAS it is noted that you have collected mixed waste from the institutions and are disposing the mixed wastes in unauthorized way in your premises as well as in Thirunalveli Tamil Nadu, which are against the provisions of the SWM Rules, PWM Rules, and BMW Rules;

WHEREAS as per the order of the Hon'ble NGT, wastes were removed from the Sites in Thirunelveli through Clean Kerala Company on 22-12-2024 and 23-12-2024 incurring expenses for removal;

WHEREAS M/s Clean Kerala Company Limited, vide letter under reference(14) has informed that an amount of Rs. 44,30,750/- (Rupees Forty

Four Lakh Thirty Thousand Seven Hundred and Fifty) has been incurred towards the removal of waste that was dumped in Tamil Nadu due to improper management of Solid Waste from your part;

WHEREAS as per the methodology of CPCB for assessing environmental compensation for violations observed is assessed as Rupees 25,000/- (Rupees Twenty Five Thousand only) (Rupees 5000/- per day for the period from 17.12.2024 to 21.12.2024)

NOWHEREFORE, in exercise of the powers vested under section 5 of the Environment (Protection) Act, 1986, you are hereby directed to show cause within 15 days of receipt of this notices as to why you shall not be directed to remit a total Environmental Compensation of Rs44,55,750/-only (Rupees Forty Four Lakh Fifty Five Thousand Seven Hundred and Fifty only)

**For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD**


CHAIRPERSON

To

M/s Sunage Eco Systems Pvt. Ltd,
T.C. 56/2013(I),
Avittam, Vanivilakam,
Karumam P.O. Thiruvananthapuram

Copy to:

1. ✓ The Chief Environmental Engineer
Regional Office, Thiruvananthapuram
2. The Environmental Engineer
District Office, Thiruvananthapuram
3. The Environmental Engineer-3, Head Office

Ph: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman:
2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web:
kspcb.kerala.gov.in



KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ, തിരുവനന്തപുരം 695 004



KSPCB/2089/2024-EE-1

27-02-2025

Regd A/D

DIRECTION UNDER ENVIRONMENT (PROTECTION) ACT, 1986

Sub:- Levying of Environmental Compensation from M/s. Sunage Ecosystems Private Limited, Thiruvananthapuram

Ref:1. Registration no. KSPCB/TV/White Category/10006036/ 2022 dated 14.07.2022 valid up to 31.05.2027.

2. Order of Hon'ble NGT dated 19.12.2024 in O.A.No.312/2024

3. Newspaper report on 17/12/2024 regarding illegal dumping of waste at Thirunelveli, TamilNadu

4. Letter no. T3/TNPCB/BMW/F.31777TV/2024-1 dated 18.12.2024 from the Chairperson of Tamil Nadu Pollution Control Board

5. Revocation Intention Notice no. KSPCB/TV/White Category/10006036 /2022 dated 20.12.2024

6. Inspection by the Board officials to your unit held on 21.12.2024

7. Registration Revocation Order no. KSPCB/TV/White Category/10006036 /2022 dated 30.12.2024

8. Letter No. PCBDTM/993/2024-EE dated 26.12.2024 from District Office, Thiruvananthapuram

9. Report of inspection by the officials on 20.12.2024 to-the dumping sites

10. Execution Report on removal of dumped waste from various locations in Thirunelveli District on 22.12.24

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11. Inspection conducted from Regional Office along with the Enquiry Committee on 31.12.2024 and 01.01.2025

12. Order of Hon'ble NGT dated 02.01.2025 in O.A. No.312/2024

13. Discussion held at the chamber of Chairperson on 08.01.2025 in connection with assessment of Environmental Compensation to units engaged in OA 312/202

14. Letter No. A1/2377/CKCL/2024/OA.312/PCB dated 15.12.2024

15 Notice Under Environment Protection Act of even no dated 17-01-2025

16. Report submitted by the enquiry committee constituted under G.O.(Rt) No. 2509/2024/LSGD dated 20-12-2024.

WHEREAS the Kerala State Pollution Control Board (herein after referred to as the Board) is the statutory authority for implementing the Water (Prevention & Control of Pollution) Act 1974 (herein after referred to as the Water Act), the Air (Prevention & Control of Pollution) Act 1981 (herein after referred to as the Air Act), and the Environment (Protection) Act 1986 (herein after referred to as the EP Act) and Rules there under in the State of Kerala;

WHEREAS the Bio-Medical Waste Management Rules, 2016 and amendments and notified thereof (hereinafter referred as BMW Rules) under the Environment (Protection) Act, 1986, to improve the collection, segregation, processing, treatment and disposal of the Bio-Medical wastes in an environmentally sound manner thereby reducing the Biomedical Waste generation and its impact on the environment;

WHEREAS Solid Waste Management Rules 2016 (herein after referred as SWM Rules) under the Environment (Protection) Act 1986, is applied to every institutional solid waste generators and its handling should comply with the provisions of Solid Waste Management Rules 2016 ;

WHEREAS Plastic Waste Management Rules 2016 (herein after referred as

PWM Rules) under the Environment (Protection) Act 1986, is applied to every waste generators including institutions and receptors who are bound to comply with the provisions of Plastic Waste Management Rules 2016;

WHEREAS the Central Government notified the Environment (Protection) Act, 1986 for the protection of environment;

WHEREAS the Hon'ble National Green Tribunal, vide order dated 19/02/2019 in O.A.593 of 2017 (W.P (Civil) No.375/2012 by the ParyavaranSurakshaSamiti and Anr. Vs. Union of India and Ors.), directed that "CPCB may take penal action for failure against those who are accountable for not setting up and maintaining STPs, CETPs ETPs and CPCB may also assess and recover compensation for damage to the environment and the said fund may be kept in a separate account and utilized in terms of an action plan for protection of the Environment.";

WHEREAS the NGT vide order dated 12/03/2019 in O.A. No. 710/2017, directed that the State Pollution Control Boards are also authorized to recover compensation from the polluters or laying down their own scale which should not be less than the scale fixed by Central Pollution Control Board;

WHEREAS the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the Order dated 22/11/2018 in O.A No. 353/2016 clarified that apart from prosecution, the statutory authorities under the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, must, in exercise of their incidental powers, prescribed scale of compensation to be collected from the polluters on the "Polluter Pays Principle". Such scale which may be laid down at various levels, having regard to the local condition or as per direction in the hierarchy of the authorities. In various other application also, the Hon'ble NGT passed similar orders, for instance, in the Order dated 20/11/2018 in O.A No. 117/2014, 499/2014 and

102/2014the Hon'ble NGT noted as; "Needless to say that statutory authorities underthe Environment (Protection) Act, 1986, Air (Prevention and Control ofPollution) Act, 1981 and the Water (Prevention and Control of PollutionAct), 1974 are entitled to assess and recover damages as "Polluter Pays Principle" in exercise of incidental powers to protect environment";

WHEREAS in pursuant to Hon'ble National Green Tribunal, in the matter of O.A. 593 of 2017 CPCB has developed a "Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund";

WHEREAS Environmental Compensation is to be Levied on Concerned Individual/Authority for Improper Solid Waste Management;

WHEREAS M/s. Sunage Eco Systems Pvt. Ltd, T.C. 56/2013(I), Avittam, Vanivilakam, Karumam P.O..Thiruvananthapuram comes under the purview of the Water (Prevention & Control of Pollution) Act 1974, the Air (Prevention & Control of Pollution) Act 1981 and the Environment Protection Act 1986.

WHEREAS you had applied for registration of the Board on 28/06/2022 for Material Recovery Facility (Collection of segregated plastic, glass, leather etc) ;

WHEREAS registration has been issued to you vide reference 1 for the storage of 4.53592T/day of waste scrap(metal,plastic etc) and as it comes under WHITE of the Schedule in the circular PCB/T4/115/97 (3) Dated 31/08/2016 ;

WHEREAS you had applied for Material Recovery Facility (Collection of segregated plastic, glass, leather etc) and obtained registration under WHITE category for Storing of Waste scraps(metal, plastic etc);

WHEREAS as per Solid Waste Management Rules, Material Recovery Facility means a facility where non-compostable solid waste can be temporarily stored by the local body or any other entity mentioned in rule 2 or any person or agency authorized by any of them to facilitate segregation,

sorting and recovery of recyclables from various components of waste by authorized informal sector of waste pickers, informal recyclers or any other work force engaged by the local body;

WHEREAS you are bound to comply with the conditions mentioned in the Registration issued to you vide ref. cited (1) above;

WHEREAS as per condition no.4, of the Registration issued, sorted scraps and rejects (scrap which cannot be recycled) shall be handed over to authorized agencies only;

WHEREAS as per condition no.7, of the Registration issued no biodegradable waste shall be collected and stored in the unit;

WHEREAS it has come to the notice of the Board through newspaper dated 17/12/2024 that biomedical waste, food waste and plastic waste from some of the institutions in Trivandrum, RCC, Credence Hospital Ulloor, and M/s Leela Raviz, Kovalam, are found to be dumped at multiple locations such as Kodaganallur and Palavoor Villages in Thirunelveli district of Tamil Nadu;

WHEREAS it is informed vide letter dated 18/12/2024 from TamilNadu Pollution Control Board that General Solid Wastes such as oil pouches, plastic covers etc., and Bio medical wastes such as unused syringes, Tablet covers (paper wrappers), carton boxes and Data sheets of Regional Cancer Centre, Trivandrum were found to be dumped in the said site

WHEREAS it is also informed vide letter dated 18/12/2024 that empty tins of soft drinks, used chappal and waste papers from hotel of Leela Kovalam is also found;

WHEREAS during the inspection conducted by the Board officials on 18.12.2024 across various units, it was observed that agreements exist between you and the institutions mentioned in the above para. for the handling of solid waste;

WHEREAS meanwhile Hon'ble NGT has taken a SUO MOTO based on the news item in The New Indian Express, Chennai Edition dt: 17.12.2024, in

O.A. No. of 312 of 2024(SZ);

WHEREAS during the said inspection of the Team held on 20.12.2024 including Board officials, Corporation, IMAGE, officials of Tamil Nadu Pollution Control Board, dumps of solid waste with documents in proof of the institutions viz, RCC, Trivandrum, Credence Hospital Ulloor, Trivandrum, and M/s Leela Raviz, Kovalam, Trivandrum were identified at various locations in Thirunelveli;

WHEREAS the inspection cited 9th above was conducted at 6 sites namely Vadakku Ariyanayakipuram, Vellalankulam, Kodaganallur, Palavoor Kondanagaram and Bharatheeyar Nager;

WHEREAS as per the inspection report cited 9th the white sacks found at Vellalankulam Panchayath contained tied green coloured bags labelled as Regional Cancer Center, Thiruvananthapuram with yellow and red bags and these bags are reported to contain general waste including some biomedical waste namely catheter, syringes, used gloves, dressings, tubing and vacutainer tube ;

WHEREAS one yellow bag (Barcode 3201019721925) and red bag (Barcode number 2201011522614) supplied by IMAGE were also found in heaps and as identified by IMAGE Experts the above bar-coded bags were supplied to RCC(ref.11);

WHEREAS as per the inspection report cited 9th, at the location of Kodaganallur mixed waste including biomedical wastes namely used medicines, masks, gloves etc were found in RCC name printed bags ;

WHEREAS as per the inspection report cited 9th above, at the Palavoor panchayath unsegregated waste including plastic, biomedical waste were found in RCC bags ;

WHEREAS, as per the inspection report cited 9th , at Kondanagaram mixed waste were found in RCC labelled bags;

WHEREAS as per the findings of the inspection team (ref.9), green garbage

bags containing mixed wastes from RCC are found in all heaps except at Bharatheeyar Nager;

WHEREAS as per the inspection report (ref.9) at the location Pazhavor Panchayath mixed waste from your unit was found ;

WHEREAS as per the inspection report cited 9th above at the location Vellalankulam Panchayath Mixed waste from Hotel Leela Palace was also found;

WHEREAS a team of officials from Government of Kerala including members from Trivandrum Municipal Corporation, Kerala State Pollution Control Board, and Clean Kerala Company Limited proceeded to Thirunelveli on 22.12.2024 for execution of action plan for removal of dumped waste as per the order of Hon'ble NGT as per the order in OA 312/2024;

WHEREAS as per the execution report cited 10th at the location of Kodaganallur unfilled diet requisition slip and some syringes were found;

WHEREAS as per the execution report vide reference 10 , at the location of Palavoor general solid waste was seen packed in plastic bags including green bags from RCC which contained biomedical waste such as medicine covers, syringes, wrappers, used syringe bodies without needles, gloves and more;

WHEREAS at the location of Kondanagaram as per the execution report vide reference 10 above, general solid waste such as plastic covers, ghee bottle, oil bottle, used clothes etc were found to be mixed with biomedical waste such as empty tablet cover, used masks, gloves and sanitary diapers and majority of the waste were found wrapped in green coloured bags bearing the hospital name of RCC, Trivandrum;

WHEREAS at the location of Kondanagaram as per the execution report vide reference 10 above, key cards and large number of foot wears with the emblem of Hotel Leela Kovalam was also spotted;

WHEREAS Rule 8 (1) of Biomedical Waste Management Rules, 2016

stipulates that no untreated bio-medical waste shall be mixed with other waste;

WHEREAS Rule 4(1-a) of SWM Rules,2016 stipulates segregation and storage of the waste generated by them in three separate streams namely bio-degradable, non bio-degradable and domestic hazardous wastes in suitable bins and handover segregated wastes to authorized waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

WHEREAS Rule 4(2) Solid Waste Management Rules 2016 stipulates that no waste generators shall throw, burn or burry the solid waste generated by him, on streets, open public spaces outside his premises;

WHEREAS Rule 8(2) of Plastic Waste Management Rules 2016 Rules,2016 stipulates that all institutional generators of plastic waste shall segregate and store the waste generated by them in accordance with Solid Waste Management Rules 2016 and handover segregated waste to authorized waste processing or disposal facility or deposition centers either on its own or through authorized waste collection agency;

WHEREAS you have collected mixed wastes from institutions and disposed at unauthorised places by illegally dumping and thereby violating the provision of Solid Waste Management Rules 2016;

WHEREAS as per reference cited (5) above, Board had issued Revocation Intention Notice, directing to show cause if any within 7 days of notice;

WHEREAS you had not submitted any reply / response to the intention Notice issued vide ref(5);

WHEREAS during the inspection by the Board Officials to your unit on 21.12.2024, it was observed mixed waste including plastic, paper and cans were stored without segregation and food waste was also found among the materials exceeding the quantity of 4.53592T/day and thus it is noted that

mixed waste exceeding the permitted quantity is stored in the premises thereby violating the registration issued to you vide reference 1 above;

WHEREAS as per reference cited (7) above, Board had issued Registration Revocation Order to your unit;

WHEREAS you have collected non segregated waste from various institutions and this is in violation of Solid Waste Management Rules 2016, Plastic Waste Management Rules 2016 and Biomedical Waste Management Rules 2016;

WHEREAS it was observed during inspection on 21-12-2024 that you have collected and stored significantly higher volume of waste than the permitted quantity, in your premises thus violating the conditions of registration issued as per ref (1) above which is for the storage of 4.53592T/day of waste scrap(metal,plastic etc) ;

WHEREAS the unit supervisor has reported on 21-12-2024 that the waste materials are being handover to various industries like M/s Pioneer Polymers, Salem Tamil Nadu for making pellets, The India Cements Limited Sankaranagar, Thirunelveli, Tamilnadu and M/s SM Plastics, Pudukudi, Puliangudi, Thirunelveli, Tamil Nadu, but the related documents were not submitted ;

WHEREAS it was also informed on 21-12-2024 that food waste collected is being transferred to M/s Matha Pig Farm, Kuttichal ,Trivandrum;

WHEREAS as per the report on inspection of the enquiry commission including officials from the Board , LSGD and Suchitwa Mission, heaps of mixed waste including Bio Medical Waste were seen dumped in the premises of your unit;

WHEREAS the above stated actions is in gross violation of provisions of the Solid Waste Management Rules, 2016, Plastic Waste Management Rules, 2016, Bio Medical Waste Management Rules, 2016, and the conditions stipulated in the Registration issued vide ref (1);

WHEREAS the Government Order G.O(Rt) No.1673/2021/LSGD Dated 06/09/2021, issued guidelines for registering vehicles transporting waste for the disposal of solid waste at authorized places and transportation through GPS Vehicle as per the direction of Hon'ble NGT in OA 100/2021 ;

WHEREAS you have violated the said Government Order;

WHEREAS as per NGT order dated 02.01.2025 in O.A. No. 312 of 2024(SZ), Hon'ble NGT has directed the Board to take appropriate action against you;

WHEREAS in the light of the inspection reports it was decided to levy environmental compensation against your unit during the discussion cited (13)

WHEREAS as per the finding of Joint inspection conducted from Regional Office of the Board along with the enquiry Committee, around 1000 T of waste are heaped in the unit;

WHEREAS it is noted that you have collected mixed waste from the institutions and are disposing the mixed wastes in unauthorized way in your premises as well as in Thirunalveli Tamil Nadu, which are against the provisions of the SWM Rules, PWM Rules, and BMW Rules;

WHEREAS as per the order of the Hon'ble NGT, wastes were removed from the Sites in Thirunelveli through Clean Kerala Company on 22-12-2024 and 23-12-2024 incurring expenses for removal;

WHEREAS M/s Clean Kerala Company Limited, vide letter under reference(14) has informed that an amount of Rs. 44,30,750/- (Rupees Forty Four Lakh Thirty Thousand Seven Hundred and Fifty) has been incurred towards the removal of waste that was dumped in Tamil Nadu due to improper management of Solid Waste from your part;

WHEREAS meanwhile the Government of Kerala has constituted an enquiry Committee vide G.O.(Rt) No. 2509/2024/LSGD for investigating the issue of waste dumping in Thirunelveli submitted the report vide reference

cited (16);

WHEREAS as per the report of the enquiry Committee constituted by Government of Kerala it was found by the Enquiry Committee after verifying the documents and conducting the hearing that the waste collected by Sunage from Thiruvananthapuram Municipal Corporation area is recklessly and negligently dumped in and around a radius of five kilometers of Subam Paper mills in Nellai ;;

WHEREAS it was noted by the enquiry Committee during the inspection conducted at the godown and treatment yard of Sunage on 01-01-2025 it was noted that numerous plastic bags bearing RCC labels containing general unsegregated mixed waste with small quantities of biomedical wastes collected from RCC were found, most of the plastic bags were seen filled with mixed waste and were scattered throughout the yard;

WHEREAS as per the report read 16 , one of the unfastened bag contained solid waste with gloves, medical syringes and prescriptions;

WHEREAS as per the report read 16 non – segregated waste was recklessly dumped in all the sides of the yard, waste bags piled up in all the three sides of the godown and yard and the leached water carrying foul odour, flowed directly into this watershed, the ground and nearby water body;

WHEREAS as per the report read 16 the employees have already admitted that they collected non biodegradable wastes from institutions without the permission from Thiruvananthapuram Corporation including 9 bulk waste generators;


WHEREAS as per the report read 16 it is evident from the explanation of RCC that that RCC labeled bags found in Nellai villages of Thirunelveli were given by RCC itself to Sunage;

WHEREAS a notice under Environment Protection Act, 1986 was issued to you vide reference cited (15) above to show cause as to why you shall not be directed to remit on Environmental Compensation of Rs44,55,750/-;

AND WHEREAS it is noticed that you have not responded to the notice issued by the Board under section 5 of EP Act;

NOW THEREFORE in exercise of the powers vested under section 5 of the Environment (Protection) Act, 1986, you are hereby directed to remit Rs44,55,750/-only (Rupees Forty Four Lakh Fifty Five Thousand Seven Hundred and Fifty only) as Environmental Compensation in accordance with the orders of Hon'ble National Green Tribunal

For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD


CHAIRPERSON

To

M/s Sunage Eco Systems Pvt. Ltd,
T.C. 56/2013(I),
Avittam, Vanivilakam,
Karumam P.O. Thiruvananthapuram

Copy to:

1. The Chief Environmental Engineer
Regional Office, Thiruvananthapuram
2. The Environmental Engineer
District Office, Thiruvananthapuram
3. The Environmental Engineer-3, Head Office

ANNEXURE R6 (E)

Ph: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman:
2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web:
kspcb.kerala.gov.in



KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ. തിരുവനന്തപുരം 695 004



KSPCB/2089/2024-EE-1

17-01-2025

NOTICE UNDER ENVIRONMENT (PROTECTION) ACT, 1986

Regd A/d

Sub: - Levying of Environmental Compensation from M/s. Regional Cancer Center, Thiruvananthapuram - Reg

- Ref: - (1) Consent No. KSPCB/TV/ICO/10042509/2023 issued on 28-02-2024
- (2) Reports in dailies on 17-12-2024 regarding the illegal dumping of waste to Tamil Nadu.
 - (3) Lr.No.T3/TNPCB/BMW/F.31777/2024-1 dated 18-12-2024 from the Chairperson of Tamil Nadu Pollution Control Board
 - (4) Report of inspection conducted on 18-12-2024 from District Office, Thiruvananthapuram at RCC
 - (5) Show cause notice of even number dated 18-12-2024
 - (6) Consent Revoke Intention Notice of even no dated 19-12-2024
 - (7) Reply to the Notice submitted by RCC dated 20-12-2024
 - (8) Report of inspection conducted in Thirunelveli on 20-12-2024 received on 27/12/2024
 - (9) Discussion held in the chamber of Chairperson on 26-12-2024
 - (10) Execution Report on removal of dumped waste from various locations in Thirunelveli District
 - (11) Report of inspection conducted from Regional Office along with the enquiry Committee
 - (12) Consent Revocation Order of even number dated 07-01-2025
 - (13) Discussion of Board Officers held on 08.01.2025

WHEREAS Kerala State Pollution Control Board (hereinafter referred to as the Board) is the statutory authority for implementing Water

(Prevention & Control of Pollution) Act, 1974 (herein after referred to as Water Act), Air (Prevention & Control Of Pollution) Act, 1981 (herein after referred to as Air Act), Environment (Protection) Act 1986, (herein after referred to as EP Act);

WHEREAS the Bio-Medical Waste Management Rules, 2016 and amendments and notified thereof (hereinafter referred as BMW Rules) under the Environment (Protection) Act, 1986, to improve the collection, segregation, processing, treatment and disposal of the Bio-Medical wastes in an environmentally sound manner thereby reducing the Biomedical Waste generation and its impact on the environment;

WHEREAS Solid Waste Management Rules 2016 (herein after referred as SWM Rules) under the Environment (Protection) Act 1986, is applied to every institutional solid waste generators and should comply with the provisions of Solid Waste Management Rules 2016 ;

WHEREAS Plastic Waste Management Rules 2016 (herein after referred as PWM Rules) under the Environment (Protection) Act 1986, is applied to every waste generators including institutions who are bound to comply with the provisions of Plastic Waste Management Rules 2016 ;

WHEREAS the Central Government notified the Environment (Protection) Act, 1986 for the protection of environment;

WHEREAS the Hon'ble National Green Tribunal, vide order dated 19/02/2019 in O.A.593 of 2017 (W.P (Civil) No.375/2012 by the Paryavaran Suraksha Samiti and Anr. Vs. Union of India and Ors.), directed that "CPCB may take penal action for failure against those who are accountable for not setting up and maintaining STPs, CETPs ETPs and CPCB may also assess and recover compensation for damage to the environment and the said fund may be kept in a separate account and utilized in terms of an action plan for protection of the Environment";

WHEREAS the NGT vide order dated 12/03/2019 in O.A. No. 710/2017, directed that the State Pollution Control Boards are also authorized to recover compensation from the polluters or laying down their own scale which should not be less than the scale fixed by Central Pollution Control Board;

WHEREAS the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the Order dated 22/11/2018 in O.A No. 353/2016 clarified that apart from prosecution, the statutory authorities under the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act,

1981 and the Water (Prevention and Control of Pollution) Act, 1974, must, in exercise of their incidental powers, prescribed scale of compensation to be collected from the polluters on the "Polluter Pays Principle". Such scale which may be laid down at various levels, having regard to the local condition or as per direction in the hierarchy of the authorities. In various other application also, the Hon'ble NGT passed similar orders, for instance, in the Order dated 20/11/2018 in O.A No. 117/2014, 499/2014 and 102/2014 the Hon'ble NGT noted as; "Needless to say that statutory authorities under the Environment (Protection) Act, 1986, Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution Act), 1974 are entitled to assess and recover damages as "Polluter Pays Principle " in exercise of incidental powers to protect environment";

WHEREAS in pursuant to Hon'ble National Green Tribunal, in the matter of O.A. 593 of 2017 CPCB has developed a "Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund";

WHEREAS the methodology developed by the CPCB for assessing Environmental Compensation is as follows;

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC – Environmental Compensation in Rupees.

PI – Pollution index of industrial sector (PI of 80, 50 & 30 may be taken for Red, Orange and Green respectively)

N – Number of days for which violation took place, which is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified.

R – Factor in Rupees. Which may be minimum 100 and maximum of 500. It is suggested to consider R as 250 as the Environmental Compensation in case of violation.

S – Factor for scale of operation (Suggested to take 0.5 for micro and small, 1 for medium and 1.5 for large units)

LF – Location factor based on population of city/town and location of industrial unit.

LF can be taken as follows :

1 for less than 1 million population, 1.25 for population 1 million to < 5 million, 1.5 for population 5 million to less than 10 million and 2 for population 10 million and above.

LF will be 1.0 in case unit is located >10 km from municipal boundary

LF is presumed as 1 for city/town having population less than one million.

WHEREAS in any case, minimum Environmental Compensation shall be Rs.5000/day;

WHEREAS as per the CPCB Guidelines for Imposition of Environmental Compensation Charges against Healthcare Facilities and Common Biomedical Waste Treatment Facilities, the Environmental Compensation may be assessed using the methodology as below;

Environmental Compensation for HCFs = HR x T x S x R x N

Where; HR – Health Risk factor

T- Type of Healthcare Facility

S – Size of Health Care Facility

R – Environmental Compensation factor

N – Number of days of Violation

WHEREAS Regional Cancer Centre, Medical College Campus, Thiruvananthapuram (herein after referred as RCC) comes under the purview of Water Act, Air Act and Environment (Protection) Act 1986 and Rules made there under;

WHEREAS Integrated Consent to Operate under the provisions of Water Act, Air Act and EP Act was renewed to RCC vide Consent No. KSPCB/TV/ICO/10042509/2023 dated 28-2-2024 for a term upto 30-6-2028;

WHEREAS RCC is bound to comply with the conditions mentioned in the consent issued vide reference cited (1) above;

WHEREAS as per condition 2.10 of the Consent, Biomedical waste generated in the unit shall only be disposed through the common biomedical

waste treatment and disposal facility of M/s IMAGE;

WHEREAS as per condition 2.13 of the Consent, the general waste, if any, shall not be mixed with biomedical waste;

WHEREAS as per condition 2.18 of the Consent, Solid Waste shall be disposed as per Solid Waste Management Rules, 2016;

WHEREAS as per condition 2.19 of the Consent, Plastic Waste Management Rules, and amendments shall be followed for the management of Plastic Waste;

WHEREAS it has come to the notice of the Board, through Newspaper dated 17.12.2024, that biomedical waste, food waste and plastic waste from your health care facility are found to be dumped at multiple locations such as Kodaganallur and Palavoor villages in Thirunelveli District of TamilNadu;

WHEREAS Show Cause Notice has been issued to RCC in light of the above, vide ref cited (5), pointing out the aforesaid violations;

WHEREAS meanwhile from the Tamil Nadu Pollution Control Board it was informed, vide ref cited (3), that General Solid Wastes such as oil pouches, plastic covers etc., and Bio medical wastes such as unused syringes, Tablet covers (paper wrappers), carton boxes and Data sheets of Regional Cancer Centre, Trivandrum were found to be dumped in the said site;

WHEREAS the above action is in gross violation of the provisions of Bio Medical Waste Management Rules 2016, Plastic Waste Management Rules, 2016 and Solid Waste Management Rules, 2016 and the conditions stipulated in the consent issued, vide reference (1);

WHEREAS during the inspection conducted by Board on 18-12-2024 at the hospital, it was noticed that some general wastes are kept inside the biomedical waste segregation area in green covers thereby creating chances of mixing of Biomedical waste with general waste;

WHEREAS Consent Revoke Intention notice has been issued to you, vide reference cited (6) on the violations noted above;

WHEREAS RCC vide the letter under reference (7) informed that Regional Cancer Centre, had entered into an agreement with M/s Sunage Ecosystems Private Ltd who has license of the Kerala State Pollution Control Board for the removal of general waste;

WHEREAS the Board had not issued license to M/s Sunage Ecosystems Private Ltd for the collection of waste, instead registration was

issued for the storage of waste scrap of 4.53592 T per day in survey No.287/4-1 in Nemom village of Thiruvananthapuram corporation only;

WHEREAS the reply was submitted by you vide reference cited (7) is not satisfactory;

WHEREAS an inspection was conducted at the waste dumping sites by the officials of Board, Corporation and IMAGE on 20-12-2024 along with the officials of Tamil Nadu Government;

WHEREAS the said inspection was conducted at 6 sites namely Vadakku Ariyanayakipuram, Vellalankulam, Kodaganallur, Palavoor Kondanagaram and Bharatheeyar Nager;

WHEREAS as per the inspection report the white sacks found at Vellalankulam Panchayath contained tied green coloured bags labelled as Regional Cancer Center, Thiruvananthapuram with yellow and red bags and these bags are reported to contain general waste including some biomedical waste namely catheter, syringes, used gloves, dressings, tubing and vacutainer tube ;

WHEREAS one yellow bag (Barcode 3201019721925) and red bag(Barcode number 2201011522614) supplied by IMAGE were also found in\ heaps and as identified by IMAGE Experts the above bar-coded bags were supplied to RCC;

WHEREAS as per the inspection report read (8), at the location of Kodaganallur, mixed waste including biomedical wastes namely used medicines, masks, gloves etc were found in RCC name printed bags ;

WHEREAS as per the inspection report read (8), at the Palavoor panchayath, unsegregated waste including plastic, biomedical waste were found in RCC labelled bags ;

WHEREAS as per the inspection report read (8) above, at Kondanagaram, mixed waste were found in RCC labelled bags;

WHEREAS as per the findings of the inspection team, vide reference cited (8), green garbage bags containing mixed wastes from RCC were found in all heaps except at Bharatheeyar Nager;

WHEREAS the above violations were brought to your Notice during the discussion cited (9);

WHEREAS a team of officials from Government of Kerala including members from Trivandrum Municipal Corporation, Kerala State Pollution Control Board, Suchitwa Mission and Clean Kerala Company Limited proceeded to Thirunelveli on 22.12.2024 for execution of action plan for

removal of dumped waste as per the order of Hon'ble NGT as per the order in OA 312/ 2024;

WHEREAS as per the execution report read (10), at the location of Kodaganallur, unfilled diet requisition slip of RCC and some syringes were found;

WHEREAS as per the execution report, read (10), at the location of Palavoor, general solid waste was seen packed in plastic bags including green bags from RCC which contained biomedical waste such as medicine covers, syringes, wrappers, used syringes without needles, gloves and more;

WHEREAS at the location of Kondanagaram, as per the execution report, read (10), general solid waste such as plastic covers, ghee bottle, oil bottle, used clothes etc were found to be mixed with biomedical waste such as empty tablet cover, used masks, gloves and sanitary diapers and majority of the waste were found wrapped in green coloured bags bearing the label of RCC, Trivandrum;

WHEREAS Rule 4 of BMW Rules, 2016 stipulates the duties of the occupier of Healthcare facilities (HCFs) and Rule 4(a) of BMW Rules, 2016 stipulates that every occupier shall take all necessary steps to ensure that Bio-Medical Waste is handled without any adverse effect to human health and the environment and in accordance with these rules;

WHEREAS RCC has violated Rule 4 (b) of BMW Rules 2016 stipulating to make provisions within the premises for a safe, ventilated and secured locations for storage of segregated bio-medical wastes in colored bags or containers in the manner as specified in Schedule I, to ensure that there shall be no secondary handling, pilferage of recyclables and the biomedical waste from such place or premises shall be directly transported to the Common bio medical waste treatment facility;

WHEREAS RCC has violated Rule 4(e) of BMW Rules,, 2016 stipulating that every occupier shall dispose of solid waste other than Bio-Medical Waste in accordance with the provisions of respective Solid Waste Management Rules made under the relevant laws and amended from time to time;

WHEREAS you have violated Rule 4 (f) of BMW Rules, 2016 stipulating not to give treated biomedical waste with Municipal Solid waste;

WHEREAS RCC has violated Rule 7(2) of BMW Rules, 2016 which stipulates that occupier shall hand over segregated waste as per the Schedule I to common biomedical waste treatment facility for treatment processing and final disposal;

WHEREAS RCC has violated Rule 8 (1) of BMW Rules, 2016

stipulating that no untreated bio-medical waste shall be mixed with other waste;

WHEREAS RCC has violated Rule 8 (2) of BMW Rules, 2016 stipulating that the Bio-Medical Waste shall be segregated into containers or bags at the point of generation in accordance with schedule 1 prior to its storage, transportation, treatment and disposal;

WHEREAS RCC has violated Rule 4(1-a) of SWM Rules, 2016 stipulating segregation and storage of the waste generated by them in three separate streams namely bio-degradable, non bio-degradable and domestic hazardous wastes in suitable bins and handover segregated wastes to authorized waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

WHEREAS RCC has violated Rule 4(2) of SWM Rules, 2016 stipulating that no waste generators shall throw, burn or bury the solid waste generated by him, on streets, open public spaces outside his premises;

WHEREAS RCC has violated Rule 8(2) of PWM Rules, 2016 stipulating that all institutional generators of plastic waste shall segregate and store the waste generated by them in accordance with SWM Rules and handover segregated waste to authorized waste processing or disposal facility or deposition centers either on its own or through authorized waste collection agency;

WHEREAS RCC has reported vide the reply read (7) that Regional Cancer Centre entered into an agreement with M/s. Sunage Ecosystems Private Ltd for removal & disposal of general waste such as plastic waste, plastic wrapper, bottle, bubble packs and paper waste;

WHEREAS from the above inspection findings vide ref (4) it is observed that mixed waste containing some biomedical waste were found at Thirunelveli;

WHEREAS RCC has claimed in the reply read (7) that there is unequivocal stipulation in the agreement that RCC would not have any responsibility for possible litigation or penal action on account of the disposal of such wastes taken away by the party even if it is covered in packets superscribed with name and address of RCC;

WHEREAS the claims of RCC vide the reply read (7) won't stand as it is the responsibility of the waste generator to handover segregated solid waste to the waste collecting agency as per Rule 4(a) of SWM Rules and Rule 4 (f) of BMW Rules, 2016 and you have given mixed waste including biomedical waste to the collecting agency and the collection agency also violated by receiving such mixed waste and biomedical waste;

8

WHEREAS the reply furnished by you is unsatisfactory in view of the inspection findings and the aforementioned provisions of BMW Rules; SWM rules and PWM rules;

WHEREAS as per the report of inspection conducted from Regional Office along with the Enquiry Committee cited (11) it is reported that the source-level segregation of waste had not been carried out properly;

WHEREAS as per the report of the above inspection ,cited (11), the general waste bag contained various items that should be classified as biomedical waste including swabs, cotton, gloves, and remnants from the nursing station;

WHEREAS as per the report cited (11), in the final storage area for waste, it is observed that heaps of waste are dumped in an open corner of the hospital without any roof and the waste had accumulated rainwater and was exposed to sunlight;

WHEREAS as per the report cited (11), the improper segregation may lead to inhumane treatment of the employees assigned to handle this waste;

WHEREAS Consent Revocation Order was issued to you vide reference cited (12);

WHEREAS it is noted that you have violated the provisions of, Biomedical Waste Management Rules, 2016; Plastic Waste Management Rules, 2016 and Solid Waste Management Rules ;

WHEREAS in light of the above it was decided during the discussion cited (13) to levy environmental compensation against the hospital;

WHEREAS the Environmental Compensation is assessed as furnished below in light of the inspection reports;

i. Environmental Compensation for violation of consent conditions of RCC

Environmental Compensation (EC) = PI x N x R x S x LF

PI = 80 (Pollution Index for Red category industry)

N = 23 days (17/12/2024 to 08/01/2025)

R = 250 (Rupee Factor)

S = 1.5 (Scale Factor for large scale industry)

LF = 1 (Location Factor for population < 1 million)

9

$$\begin{aligned} \text{Environmental Compensation} &= 80 \times 23 \times 250 \times 1.5 \times 1 \\ &= \text{Rs. } 6,90,000 \text{ /-} \end{aligned}$$

(Rupees Six Lakhs and Ninety Thousand Only).

Environmental Compensation for violation of Biomedical waste Management Rules

As per the guidelines for imposition of Environmental Compensation charges against Healthcare Facilities and Common Biomedical waste Treatment Facilities, Environmental Compensation is assessed as Rupees 3,16,250 /-(Rupees Three Lakh Sixteen Thousand Two Hundred and Fifty Only) for 23 days of violation (from 17/12/2024 till 08/01/2025)(Detailed calculation is as shown below);

$$\text{Environmental Compensation (EC)} = \text{HR} \times \text{T} \times \text{S} \times \text{R} \times \text{N}$$

Where,

HR-Health Risk factor = 55 [20(For improper segregation of BMW) + 10 (For absence of Pretreatment) + 10 (Inadequate onsite storage) +15 (For violation of Rules 4,7 &8 of BMW Rules, 2016)

T-Type of Healthcare facility – 1 for bedded hospitals

S-Size of health care facility – 1 for 100-500 bedded hospitals

R-Environmental Compensation factor -250

N-Number of days of violation - 23 days of violation (from date of observing violation on 17/12/2024 till date of EC assessment on 08/01/2025)

$$\begin{aligned} \text{Environmental Compensation (EC)} &= 55 \times 1 \times 1 \times 250 \times 23 \\ &= 3,16,250 \text{ /-} \end{aligned}$$

(Rupees Three Lakh Sixteen Thousand Two Hundred and Fifty Only).

/s/

NOW THEREFORE in exercise of the powers vested under section 5 of the Environment (Protection) Act, 1986, you are hereby directed to show cause within 15 days of receipt of this notices as to why you shall not be directed to remit an Environmental Compensation of Rs. 10,06,250/- (Rupees Ten Lakh Six Thousand Two Hundred and Fifty only) for the above said violations of Acts and Rules.

**For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD**


CHAIRPERSON

To

M/s Regional Cancer Centre
Regional Cancer Centre, Medical College Campus,
Thiruvananthapuram

Copy to:

1. The Chief Environmental Engineer
Regional Office, Thiruvananthapuram
2. The Environmental Engineer
District Office, Thiruvananthapuram
3. The Environmental Engineer-3, Head Office

Ph: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman:
2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web:
kspcb.kerala.gov.in



KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ, തിരുവനന്തപുരം 695 004



KSPCB/2089/2024-EE-1

27-02-2025

Regd A/d

DIRECTION UNDER ENVIRONMENT (PROTECTION) ACT 1986

Sub: - Levying of Environmental Compensation from M/s. Regional Cancer Center.

Ref: - (1) Consent No. KSPCB/TV/ICO/10042509/2023 issued on 28-02-2024

(2) Reports in dailies on 17-12-2024 regarding the illegal dumping of waste to Tamil Nadu.

(3) Lr.No.T3/TNPCB/BMW/F.31777/2024-1 dated 18-12-2024 from the Chairperson of Tamil Nadu Pollution Control Board

(4) Report of inspection conducted on 18-12-2024 from District Office, Thiruvananthapuram at RCC

(5) Show cause notice of even number dated 18-12-2024

(6) Consent Revoke Intention Notice of even no dated 19-12-2024

(7) Reply to the Notice submitted by RCC dated 20-12-2024

(8) Report of inspection conducted in Thirunelveli on 20-12-2024 received on 27/12/2024

(9) Discussion held in the chamber of Chairperson on 26-12-2024

(10) Execution Report on removal of dumped waste from various locations in Thirunelveli District

(11) Report of inspection conducted from Regional Office along with the enquiry Committee

Handwritten notes:
10517
/ Tony
28/24

- (12) Consent Revocation Order of even number dated 07-01-2025
(13) Discussion of Board Officers held on 08.01.2025
(14.) Notice under Environment Protection Act 1980 dated 17-01-2025.
(15). Report submitted by the enquiry committee constituted under G.O.(Rt) No. 2509/2024/LSGD dated 20-12-2024

WHEREAS Kerala State Pollution Control Board (hereinafter referred to as the Board) is the statutory authority for implementing Water (Prevention & Control of Pollution) Act, 1974 (herein after referred to as Water Act), Air (Prevention & Control Of Pollution) Act, 1981 (herein after referred to as Air Act), Environment (Protection) Act 1986, (herein after referred to as EP Act);

WHEREAS the Bio-Medical Waste Management Rules, 2016 and amendments and notified thereof (hereinafter referred as BMW Rules) under the Environment (Protection) Act, 1986, to improve the collection, segregation, processing, treatment and disposal of the Bio-Medical wastes in an environmentally sound manner thereby reducing the Biomedical Waste generation and its impact on the environment;

WHEREAS Solid Waste Management Rules 2016 (herein after referred as SWM Rules) under the Environment (Protection) Act 1986, is applied to every institutional solid waste generators and should comply with the provisions of Solid Waste Management Rules 2016 ;

WHEREAS Plastic Waste Management Rules 2016 (herein after referred as PWM Rules) under the Environment (Protection) Act 1986, is applied to every waste generators including institutions who are bound to comply with the provisions of Plastic Waste Management Rules 2016 ;

WHEREAS the Central Government, notified the Environment (Protection) Act, 1986 for the protection of environment;

WHEREAS the Hon'ble National Green Tribunal, vide order dated 19/02/2019 in O.A.593 of 2017 (W.P (Civil) No.375/2012 by the Paryavaran Suraksha Samiti and Anr. Vs. Union of India and Ors.), directed that "CPCB may take penal action for failure against those who are accountable for not setting up and maintaining STPs, CETPs ETPs and CPCB may also assess

and recover compensation for damage to the environment and the said fund may be kept in a separate account and utilized in terms of an action plan for protection of the Environment”;

WHEREAS the NGT vide order dated 12/03/2019 in O.A. No. 710/2017, directed that the State Pollution Control Boards are also authorized to recover compensation from the polluters or laying down their own scale which should not be less than the scale fixed by Central Pollution Control Board;

WHEREAS the Hon’ble National Green Tribunal, Principal Bench, New Delhi in the Order dated 22/11/2018 in O.A No. 353/2016 clarified that apart from prosecution, the statutory authorities under the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, must, in exercise of their incidental powers, prescribed scale of compensation to be collected from the polluters on the “Polluter Pays Principle”. Such scale which may be laid down at various levels, having regard to the local condition or as per direction in the hierarchy of the authorities. In various other application also, the Hon’ble NGT passed similar orders, for instance, in the Order dated 20/11/2018 in O.A No. 117/2014, 499/2014 and 102/2014 the Hon’ble NGT noted as; “Needless to say that statutory authorities under the Environment (Protection) Act, 1986, Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution Act), 1974 are entitled to assess and recover damages as “Polluter Pays Principle ” in exercise of incidental powers to protect environment”;

WHEREAS in pursuant to Hon’ble National Green Tribunal, in the matter of O.A. 593 of 2017 CPCB has developed a “Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund”;

WHEREAS the methodology developed by the CPCB for assessing Environmental Compensation is as follows;

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC –Environmental Compensation in Rupees.

PI – Pollution index of industrial sector (PI of 80, 50 & 30 may be taken for Red, Orange and Green respectively)

N – Number of days for which violation took place, which is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified.

R – Factor in Rupees. Which may be minimum 100 and maximum of 500. It is suggested to consider R as 250 as the Environmental Compensation in case of violation.

S – Factor for scale of operation (Suggested to take 0.5 for micro and small, 1 for medium and 1.5 for large units)

LF – Location factor based on population of city/town and location of industrial unit

LF can be taken as follows :

1 for less than 1 million population, 1.25 for population 1 million to < 5 million, 1.5 for population 5 million to less than 10 million and 2 for population 10 million and above.

LF will be 1.0 in case unit is located >10 km from municipal boundary

LF is presumed as 1 for city/town having population less than one million.

WHEREAS in any case, minimum Environmental Compensation shall be Rs.5000/day;

WHEREAS as per the CPCB Guidelines for Imposition of Environmental Compensation Charges against Healthcare Facilities and Common Biomedical Waste Treatment Facilities, the Environmental Compensation may be assessed using the methodology as below;

Environmental Compensation for HCFs = HR x T x S x R x N

Where; HR – Health Risk factor

T- Type of Healthcare Facility

S – Size of Health Care Facility

R – Environmental Compensation factor

N – Number of days of Violation

WHEREAS Regional Cancer Centre, Medical College Campus, Thiruvananthapuram (herein after referred as RCC) comes under the purview of Water Act, Air Act and Environment (Protection) Act 1986 and Rules made there under;

WHEREAS Integrated Consent to Operate under the provisions of Water Act, Air Act and EP Act was renewed to RCC vide Consent No. KSPCB/TV/ICO/10042509/2023 dated 28-2-2024 for a term upto 30-6-2028;

WHEREAS RCC is bound to comply with the conditions mentioned in the consent issued vide reference cited (1) above;

WHEREAS as per condition 2.10 of the Consent, Biomedical waste generated in the unit shall only be disposed through the common biomedical waste treatment and disposal facility of M/s IMAGE;

WHEREAS as per condition 2.13 of the Consent, the general waste, if any, shall not be mixed with biomedical waste;

WHEREAS as per condition 2.18 of the Consent, Solid Waste shall be disposed as per Solid Waste Management Rules, 2016;

WHEREAS as per condition 2.19 of the Consent, Plastic Waste Management Rules, and amendments shall be followed for the management of Plastic Waste;

WHEREAS it has come to the notice of the Board, through Newspaper dated 17.12.2024, that biomedical waste, food waste and plastic waste from your health care facility are found to be dumped at multiple locations such as Kodaganallur and Palavoor villages in Thirunelveli District of TamilNadu;

WHEREAS Show Cause Notice has been issued to RCC in light of the above, vide ref cited (5), pointing out the aforesaid violations;

WHEREAS meanwhile from the Tamil Nadu Pollution Control Board it was informed, vide ref cited (3), that General Solid Wastes such as oil pouches, plastic covers etc., and Bio medical wastes such as unused syringes, Tablet covers (paper wrappers), carton boxes and Data sheets of Regional Cancer Centre, Trivandrum were found to be dumped in the said site;

WHEREAS the above action is in gross violation of the provisions of Bio Medical Waste Management Rules 2016, Plastic Waste Management Rules, 2016 and Solid Waste Management Rules, 2016 and the conditions stipulated in the consent issued, vide reference (1);

WHEREAS during the inspection conducted by Board on 18-12-2024 at the hospital, it was noticed that some general wastes are kept inside the biomedical waste segregation area in green covers thereby creating chances of mixing of Biomedical waste with general waste;

WHEREAS Consent Revoke Intention notice has been issued to you, vide reference cited (6) on the violations noted above;

WHEREAS RCC vide the letter under reference (7) informed that Regional Cancer Centre, had entered into an agreement with M/s Sunage Ecosystems Private Ltd who has license of the Kerala State Pollution Control Board for the removal of general waste;

WHEREAS the Board had not issued license to M/s Sunage Ecosystems Private Ltd for the collection of waste, instead registration was issued for the storage of waste scrap of 4.53592 T per day in survey No.287/4-1 in Nemom village of Thiruvananthapuram corporation only;

WHEREAS the reply was submitted by you vide reference cited (7) is not satisfactory;

WHEREAS an inspection was conducted at the waste dumping sites by the officials of Board, Corporation and IMAGE on 20-12-2024 along with the officials of Tamil Nadu Government;

WHEREAS the said inspection was conducted at 6 sites namely Vadakku Ariyanayakipuram, Vellalankulam, Kodaganallur, Palavoor Kondanagaram and Bharatheeyar Nager;

WHEREAS as per the inspection report the white sacks found at Vellalankulam Panchayath contained tied green coloured bags labelled as Regional Cancer Center, Thiruvananthapuram with yellow and red bags and these bags are reported to contain general waste including some biomedical waste namely catheter, syringes, used gloves, dressings, tubing and vacutainer tube ;

WHEREAS one yellow bag (Barcode 3201019721925) and red

bag(Barcode number 2201011522614) supplied by IMAGE were also found in\ heaps and as identified by IMAGE Experts the above bar-coded bags were supplied to RCC;

WHEREAS as per the inspection report read (8), at the location of Kodaganallur, mixed waste including biomedical wastes namely used medicines, masks, gloves etc were found in RCC name printed bags ;

WHEREAS as per the inspection report read (8), at the Palavoor panchayath, unsegregated waste including plastic, biomedical waste were found in RCC labelled bags ;

WHEREAS as per the inspection report read (8) above, at Kondanagaram, mixed waste were found in RCC labelled bags;

WHEREAS as per the findings of the inspection team, vide reference cited (8), green garbage bags containing mixed wastes from RCC were found in all heaps except at Bharatheeyar Nager;

WHEREAS the above violations were brought to your Notice during the discussion cited (9);

WHEREAS a team of officials from Government of Kerala including members from Trivandrum Municipal Corporation, Kerala State Pollution Control Board, Suchitwa Mission and Clean Kerala Company Limited proceeded to Thirunelveli on 22.12.2024 for execution of action plan for removal of dumped waste as per the order of Hon'ble NGT as per the order in OA 312/ 2024;

WHEREAS as per the execution report read (10), at the location of Kodaganallur, unfilled diet requisition slip of RCC and some syringes were found;

WHEREAS as per the execution report, read (10), at the location of Palavoor, general solid waste was seen packed in plastic bags including green bags from RCC which contained biomedical waste such as medicine covers, syringes, wrappers, used syringes without needles, gloves and more;

WHEREAS at the location of Kondanagaram, as per the execution report, read (10), general solid waste such as plastic covers, ghee bottle, oil bottle, used clothes etc were found to be mixed with biomedical waste such as empty tablet cover, used masks, gloves and sanitary diapers and majority

of the waste were found wrapped in green coloured bags bearing the label of RCC, Trivandrum;

WHEREAS Rule 4 of BMW Rules, 2016 stipulates the duties of the occupier of Healthcare facilities (HCFs) and Rule 4(a) of BMW Rules, 2016 stipulates that every occupier shall take all necessary steps to ensure that Bio-Medical Waste is handled without any adverse effect to human health and the environment and in accordance with these rules;

WHEREAS RCC has violated Rule 4 (b) of BMW Rules 2016 stipulating to make provisions within the premises for a safe, ventilated and secured locations for storage of segregated bio-medical wastes in colored bags or containers in the manner as specified in Schedule I, to ensure that there shall be no secondary handling, pilferage of recyclables and the biomedical waste from such place or premises shall be directly transported to the Common bio medical waste treatment facility;

WHEREAS RCC has violated Rule 4(e) of BMW Rules,2016 stipulating that every occupier shall dispose of solid waste other than Bio-Medical Waste in accordance with the provisions of respective Solid Waste Management Rules made under the relevant laws and amended from time to time;

WHEREAS you have violated Rule 4 (f) of BMW Rules, 2016 stipulating not to give treated biomedical waste with Municipal Solid waste;

WHEREAS RCC has violated Rule 7(2) of BMW Rules, 2016 which stipulates that occupier shall hand over segregated waste as per the Schedule I to common biomedical waste treatment facility for treatment processing and final disposal;

WHEREAS RCC has violated Rule 8 (1) of BMW Rules, 2016 stipulating that no untreated bio-medical waste shall be mixed with other waste;

WHEREAS RCC has violated Rule 8 (2) of BMW Rules, 2016 stipulating that the Bio-Medical Waste shall be segregated into containers or bags at the point of generation in accordance with schedule I prior to its storage, transportation, treatment and disposal;

WHEREAS RCC has violated Rule 4(1-a) of SWM Rules,2016

stipulating segregation and storage of the waste generated by them in three separate streams namely bio-degradable, non bio-degradable and domestic hazardous wastes in suitable bins and handover segregated wastes to authorized waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

WHEREAS RCC has violated Rule 4(2) of SWM Rules,2016 stipulating that no waste generators shall throw, burn or burry the solid waste generated by him, on streets ,open public spaces outside his premises;

WHEREAS RCC has violated Rule 8(2) of PWM Rules,2016 stipulating that all institutional generators of plastic waste shall segregate and store the waste generated by them in accordance with SWM Rules and handover segregated waste to authorized waste processing or disposal facility or deposition centers either on its own or through authorized waste collection agency;

WHEREAS RCC has reported vide the reply read (7) that Regional Cancer Centre entered into an agreement with M/s.Sunage Ecosystems Private Ltd for removal & disposal of general waste such as plastic waste, plastic wrapper, bottle, bubble packs and paper waste;

WHEREAS from the above inspection findings vide ref (4) it is observed that mixed waste containing some biomedical waste were found at Thirunelveli;

WHEREAS RCC has claimed in the reply read (7) that there is unequivocal stipulation in the agreement that RCC would not have any responsibility for possible litigation or penal action on account of the disposal of such wastes taken away by the party even if it is covered in packets superscribed with name and address of RCC;

WHEREAS the claims of RCC vide the reply read (7) won't stand as it is the responsibility of the waste generator to handover segregated solid waste to the waste collecting agency as per Rule 4(a) of SWM Rules and Rule 4 (f) of BMW Rules, 2016 and you have given mixed waste including biomedical waste to the collecting agency and the collection agency also violated by receiving such mixed waste and biomedical waste;

WHEREAS the reply furnished by you is unsatisfactory in view of the

inspection findings and the aforementioned provisions of BMW Rules; SWM rules and PWM rules;

WHEREAS as per the report of inspection conducted to RCC on January 1 2025 from Regional Office along with the Enquiry Committee read (11) it is reported that the source-level segregation of waste had not been carried out properly), the general waste bag contained various items that should be classified as biomedical waste including swabs, cotton, gloves, and remnants from the nursing station and in the final storage area for waste, it is observed that heaps of waste are dumped in an open corner of the hospital without any roof and the waste had accumulated rainwater and was exposed to sunlight;

WHEREAS as per the report read (11), the improper segregation may lead to inhumane treatment of the employees assigned to handle this waste;

WHEREAS Consent Revocation Order was issued to you vide reference read (12);

WHEREAS it is noted that you have violated the provisions of, Biomedical Waste Management Rules, 2016; Plastic Waste Management Rules, 2016 and Solid Waste Management Rules ;

WHEREAS in light of the above it was decided during the discussion cited (13) to levy environmental compensation against the hospital;

WHEREAS a notice under Environment(Protection)Act,1986 was issued to you vide reference the reference cited (14) to show cause as to why you shall not be directed to remit on Environmental Compensation of Rs. 10,06,250/-;

WHEREAS the Government of Kerala has constituted an enquiry Committee to investigate the issues of waste dumping in Thirunelveli;

WHEREAS as per the report of the Enquiry Committee of Government source level segregation of waste had not been carried out properly by RCC,the non biodegradable waste bag contained various items that should be classified as bio medical waste, including swabs, cotton, gloves, and remananes from the nursing station and in the final storage area for waste, it is observed that heaps of waste are dumped in an open corner of the hospital

without any roof, exposed to sun and rain.

AND WHEREAS it is noticed that you have not responded to the Notice issued to you by Board under Section 5 of EP Act;

NOW THEREFORE in exercise of the powers vested under section 5 of the Environment (Protection) Act, 1986, you are hereby directed to remit Rs. 10,06,250/- (Rupees Ten Lakh Six Thousand Two Hundred and Fifty only) as Environmental Compensation in accordance with the orders of Hon'ble National Green Tribunal and "Methodology for Assessing Environmental Compensation and Action Plan to utilize the fund" developed by CPCB

**For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD**


CHAIRPERSON

To

M/s Regional Cancer Centre
Regional Cancer Centre, Medical College Campus,
Thiruvananthapuram

Copy to:

1. The Chief Environmental Engineer
Regional Office, Thiruvananthapuram
2. The Environmental Engineer
District Office, Thiruvananthapuram
- ✓ 3. The Environmental Engineer-3, Head Office

Ph: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman:
2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web:
kspcb.kerala.gov.in



KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ. തിരുവനന്തപുരം 695 004



KSPCB/2089/2024-EE-1

17-01-2025

REGD A/D

NOTICE UNDER ENVIRONMENT (PROTECTION) ACT, 1986

Sub:-Levying of Environmental Compensation from M/s. Kovalam Resort Pvt. Ltd, The Leela Kovalam, Thiruvananthapuram

- Ref:- (1) Consent No. PCB/RO/TVM/ICO /10029949/2024 issued on 23/04/2024
- (2) Lr.No.T3/TNPCB/BMW/F.31777/2024-1,dated18/12/2024 from the Chairperson of Tamil Nadu Pollution Control Board.
- (3) Show Cause Notice of even no dated 18/12/2024
- (4) Report of inspection conducted by Board at your unit on 18/12/2024
- (5) Consent Revoke Intention Notice of even no dated 19/12/2024
- (6) Reply to the Notice submitted by you vide letters dated 20/12/2024 & 23/12/2024
- (7) Discussion held on 08.01.2025
- (8) Hearing conducted on 09.01.2025
- (9) Letter no. PCB/DO/CO-R/RST/AE2-3/2007 dated 09.01.2025
- (10) Report of Joint inspection conducted from the Regional Office of the Board along with the Enquiry Committee constituted as per G.O.(Rt)No.2509/2024/LSGD dated 20.12.202
- (11) Consent Revocation Order of even no.dated 10.01.2025

WHEREAS, Kerala State Pollution Control Board (hereinafter referred to as the Board) is the statutory authority for implementing Water (Prevention & Control of Pollution) Act, 1974 (herein after referred to as Water Act), Air (Prevention & Control Of Pollution) Act, 1981 (herein after referred to as Air Act), Environment (Protection) Act 1986, (herein after referred to as EP Act) and rules there under in the State of Kerala;

WHEREAS Solid Waste Management Rules 2016 (hereinafter referred as SWM Rules) under the Environment (Protection) Act 1986, is applied to every institutional solid waste generators and should comply with the provisions of Solid Waste Management Rules 2016;

WHEREAS Plastic Waste Management Rules 2016 (hereinafter referred as PWM Rules) under the Environment (Protection) Act 1986, is applied to every waste generators including institutions who are bound to comply with the provisions of Plastic Waste Management Rules 2016;

WHEREAS the Central Government notified the Environment (Protection) Act, 1986 for the protection of environment;

WHEREAS the Hon'ble National Green Tribunal, vide order dated 19/02/2019 in O.A.593 of 2017 (W.P (Civil) No.375/2012 by the Paryavaran SurakshaSamiti and Anr. Vs. Union of India and Ors.), directed that "CPCB may take penal action for failure against those who are accountable for not setting up and maintaining STPs, CETPs ETPs and CPCB may also assess and recover compensation for damage to the environment and the said fund may be kept in a separate account and utilized in terms of an action plan for protection of the Environment";

WHEREAS the NGT vide order dated 12/03/2019 in O.A. No.

710/2017, directed that the State Pollution Control Boards are also authorized to recover compensation from the polluters or laying down their own scale which should not be less than the scale fixed by Central Pollution Control Board;

WHEREAS the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the Order dated 22/11/2018 in O.A No. 353/2016 clarified that apart from prosecution, the statutory authorities under the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, must, in exercise of their incidental powers, prescribed scale of compensation to be collected from the polluters on the "Polluter Pays Principle". Such scale which may be laid down at various levels, having regard to the local condition or as per direction in the hierarchy of the authorities. In various other application also, the Hon'ble NGT passed similar orders, for instance, in the Order dated 20/11/2018 in O.A No. 117/2014, 499/2014 and 102/2014 the Hon'ble NGT noted as; "Needless to say that statutory authorities under the Environment (Protection) Act, 1986, Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution Act), 1974 are entitled to assess and recover damages as "Polluter Pays Principle" in exercise of incidental powers to protect environment";

WHEREAS in pursuant to Hon'ble National Green Tribunal, in the matter of O.A. 593 of 2017 CPCB has developed a "Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund";

WHEREAS the methodology developed by the CPCB for assessing Environmental Compensation is as follows;

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC – Environmental Compensation in Rupees.

PI – Pollution index of industrial sector (PI of 80, 50 & 30 may be taken for Red, Orange and Green respectively)

N – Number of days for which violation took place, which is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified.

R – Factor in Rupees. Which may be minimum 100 and maximum of 500. It is suggested to consider R as 250 as the Environmental Compensation in case of violation.

S – Factor for scale of operation (Suggested to take 0.5 for micro and small, 1 for medium and 1.5 for large units)

LF – Location factor based on population of city/town and location of industrial unit.

LF can be taken as follows :

1 for less than 1 million population, 1.25 for population 1 million to < 5 million, 1.5 for population 5 million to less than 10 million and 2 for population 10 million and above.

LF will be 1.0 in case unit is located >10km from municipal boundary

LF is presumed as 1 for city/town having population less than one million.

WHEREAS in any case, minimum Environmental Compensation shall be Rs.5000/day;

WHEREAS M/s. Kovalam Resort Pvt. Ltd, The Leela Kovalam, a Raviz Hotel, Kovalam Beach, Thiruvananthapuram comes under the purview of Water Act, Air Act and Environment (Protection) Act 1986;

WHEREAS Integrated Consent to Operate issued to you under the provisions of Water Act, Air Act and Environment Protection Act was renewed vide Consent No. KSPCB/TV/ICO/10029949/2024 dated 23-04-2024 for a term upto 30-06-2028 ;

WHEREAS you are bound to comply with the conditions mentioned in the Consent issued to you vide order cited (1);

WHEREAS as per condition 2.7 of the consent, proper Solid Waste Management system shall be provided in the unit, arrangements for collection, segregation, storage, handling and disposal of Solid Waste including garbage shall be provided as per Solid Waste Management Rules, 2016 and the facility shall be maintained properly. Biodegradable waste shall be segregated from non biodegradable waste at source, Biodegradable waste shall be treated in biobins/aerobins/biogas plants, non-biodegradable waste shall be disposed to authorized collectors namely 'Harithakarma Sena' for the disposal of wastes for authorized treatment;

WHEREAS as per the consent condition 2.8, Plastic Waste Management Rules, 2016 and amendments shall be followed for the management of Plastic Waste. Single use plastic ban as per notifications and orders of Kerala shall be strictly followed;

WHEREAS it has come to the notice of the Board that waste from Kerala has illegally been dumped to Thirunelveli district of TamilNadu;

WHEREAS Tribunal on its own motion SUO MOTU based on the news item in The New Indian Express, Chennai Edition dt: 17.12.2024, titled "Kerala's Medical waste dumped in Nellai Villages and filed as OA 312/2024;

WHEREAS the Tamil Nadu Pollution Control Board vide letter under reference (2) had informed that hotel waste from the Leela, Kovalam, A

RAVIZ Hotel were found to be dumped in Thirunelveli;

WHEREAS it was also informed that empty tins of soft drinks, used chappals and waste papers from your unit were found to be dumped at multiple locations such as Kodaganallur and Palavoor villages in Thirunelveli District of Tamil Nadu;

WHEREAS the above action is in gross violation of the various rules coming under Environment (Protection) Act;

WHEREAS a Show cause notice was issued to you, in the light of the above violations vide reference cited (3);

WHEREAS during the inspection conducted by Board Officials at your unit on 18/12/2024, it was noted that as per the log book of food waste collection, an average of 2400 kg of food waste is disposed through M/s Sunage Eco Systems Pvt. Limited and this is in violation of Consent Condition No 2.7 which stipulates that, Biodegradable waste shall be treated in biobins/aerobins/biogas plant;

WHEREAS Board's White Category registration is issued to M/s Sunage Ecosystems Pvt. Ltd. for storing of waste scrap(metal ,plastic etc)for a quantity of 4.53592Metric Tones per day;

WHEREAS as per the inspection report read (4), it was also noted that all other wastes namely plastic bottles are disposed through M/s Sunage Ecosystems Pvt. Ltd and this is in violation of Consent Condition No 2.7which stipulates that non-biodegradable waste shall be disposed to authorized collectors namely 'Harithakarma Sena' for the disposal of wastes for authorized treatment.;

WHEREAS a Consent Revoke Intention notice was issued to you,vide reference cited (5) ;

WHEREAS inspection was conducted at the waste dumping sites by the officials of Board, Corporation and IMAGE on 20-12-2024 along with the officials of Tamil Nadu Government;

WHEREAS the said inspection was conducted at 6 sites namely Vadakku Ariyanayakipuram- Elanthaikulam, Vellalankulam, Kodaganallur, Palavoor, Kondanagaram and Bharatheeyar Nager of Thirunelveli District, Tamil Nadu and as per the inspection report, mixed waste from your hotel was found;

WHEREAS a team of officials from Government of Kerala including members from Trivandrum Municipal Corporation, Kerala State Pollution Control Board, Suchitwa Mission and Clean Kerala Company Limited proceeded to Thirunelveli on 22.12.2024 for execution of action plan for removal of dumped waste as per the order of Hon'ble NGT as per the order in OA 312/2024;

WHEREAS as per the execution report, at the location of Kodaganallur, keycards and large number of foot wears with the emblem of Hotel Leela, Kovalam was spotted;

WHEREAS you have violated Rule 4(a) of Solid Waste Management Rules, 2016 stipulating segregation and storage of the waste generated by them in three separate streams namely bio-degradable, non bio-degradable and domestic hazardous wastes in suitable bins and handover segregated wastes to authorized waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

WHEREAS you have violated Rule 4(2) of Solid Waste Management Rules, 2016 stipulating that no waste generators shall throw, burn or bury the solid waste generated by him, on streets, open public spaces outside the premises;

WHEREAS you have violated Rule 4(2) of Solid Waste Management Rules, 2016 stipulating that all hotels and restaurants shall, in partnership with the local body ensure segregation of waste at source as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body;

WHEREAS you have violated Rule 8(2) of Plastic Waste Management Rules, 2016 stipulating that all institutional generators of plastic waste shall segregate and store the waste generated by them in accordance with Solid Waste Management Rules and handover segregated waste to authorized waste processing or disposal facility or deposition centers either on its own or through authorized waste collection agency;

WHEREAS a reply was submitted by you vide letter under reference (6) above;

WHEREAS in the reply furnished by you vide reference cited (6), you have stated that excess waste is disposed of through an authorized agency which is also the violation of Consent Condition No 2.7 which stipulates that , Biodegradable waste shall be treated in biobins/aerobins/biogas plants, non-biodegradable waste shall be disposed to authorized collectors namely 'Harithakarma Sena' for the disposal of wastes for authorized treatment;

WHEREAS in the reply furnished vide reference cited (6) ,you have stated that an incinerator with capacity of 300 kg is used to dispose of sanitary napkins and dry leaves which is against the press release of the Board which stipulates that only incinerators as prescribed in the Schedule

II(C) of SWM Rules shall be allowed;

WHEREAS in the reply furnished vide reference cited (6) ,it was informed that you have entered in to a contract with M/s Sunage Ecosystems Private Ltd for clearance of dry garbage items including empty beer bottle,scrap/assorted bottles, empty plastic bottles, cardboard, packing wood, empty plastic can, scrap tin small, oil tins mall, oil tin 15kg, old newspaper, old magazine, used soap, used candle, tin 15kg damaged, empty mineral water bottle, assorted waste, used flower, slippers, stationery items etc are which is in violation of Rule 4(a) of SWM Rules,2016;

WHEREAS in the reply furnished ,you have informed that once the agencies collect the waste from your hotel, you no longer have control over the way they dispose of it;

WHEREAS inspection was conducted from Board's District Office on 18/12/2024 and 08/01/2025 and it was found that solid waste is handled in improper manner;

WHEREAS as per letter cited 9th, it is reported that open burning of solid waste was observed in your hotel premises during the inspection conducted on 08.01.2025;

WHEREAS the Sewage Treatment Facility provided at the hospital is reported to be inadequate;

WHEREAS discharge of waste water to the sea was observed during the said inspection;

WHEREAS a discussion of Board Officers was held on 08.01.2025 and it was decided to levy environmental compensation in view of the violations observed;

WHEREAS in the reply furnished ,you have requested for a hearing ;

WHEREAS the hearing was conducted on 09.01.2025;

WHEREAS during the hearing the claims raised by you were examined in detail and it was decided that actions shall be taken against the unit for the committed offenses since you have violated the provisions of Plastic Waste Management Rules, 2016 and Solid Waste Management Rules;

WHEREAS a joint inspection was conducted by the enquiry committee as cited 10th;

WHEREAS it was seen during the joint inspection that various types of waste- such as Polypropylene Chappal Waste, dry waste, used waste and other room disposals were indiscriminately mixed and placed into bags before being handed over;

WHEREAS during the inspection it was evident that the waste – mixed indiscriminately in common bags- had accumulated in a waste room within the hotel;

WHEREAS the waste appeared to be at least a week old, contributing to an intolerable odour that permeated the area;

WHEREAS the accumulation of waste raised public health concerns;

WHEREAS additional waste was found scattered in various locations throughout the backside of the hotel premises, packed in plastic bags that had been discarded improperly;

WHEREAS area surrounding the incinerator was found cluttered with various kinds of waste, further undermining effective waste management;

WHEREAS sludge from the biogas plant was being discharged carelessly to the nearby open area;

WHEREAS the claims of Kovalam Resort Pvt. Ltd vide the reply read

6th won't stand as it is the responsibility of the waste generator to handover segregated solid waste to the waste collecting agency as per Rule 4(a) of Solid Waste Management Rules;

WHEREAS the reply furnished by you is unsatisfactory in the light of the inspection findings and the aforementioned provisions of Solid Waste Management Rules and Plastic Waste Management Rules;

WHEREAS Consent Revocation Order has been issued to you vide order under reference 11;

WHEREAS the Environmental Compensation is assessed as furnished below in view of the inspection reports;

$$\text{Environmental Compensation (EC)} = \text{PI} \times \text{N} \times \text{R} \times \text{S} \times \text{LF}$$

PI = 80 (Pollution Index for Red category industry)

N = 170 days [23/07/2024 (due date of compliance of consent condition) to 08/01/2025 (date of assessment of EC)]

R = 250 (Rupee Factor)

S = 1.5 (Scale Factor for large scale industry)

LF = 1 (Location Factor for population < 1 million)

Environmental Compensation = $80 \times 170 \times 250 \times 1.5 \times 1$

= Rs. 51,00,000 /-

(Rupees Fifty One Lakh Only)

NOW THEREFORE in exercise of the powers vested under section 5 of the Environment (Protection) Act, 1986, you are hereby directed to show cause within 15 days of receipt of this notices as to why you shall not be

directed to remit an Environmental Compensation of Rs.51,00,000/- only
(Rupees Fifty One Lakh Only)

For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD


CHAIRPERSON

To

M/s Kovalam Resort Pvt Ltd
The Leela Kovalam
A Raviz Hotel, Kovalam Beach
Thiruvananthapuram- 695527

Copy to:

- ✓ 1. The Chief Environmental Engineer
Regional Office, Thiruvananthapuram
2. The Environmental Engineer
District Office, Thiruvananthapuram
3. The Environmental Engineer-3, Head Office



THE LEELA
KOVALAM
A RAVIZ HOTEL

129
03-02-25

289
03/02/2025

3rd February 2025

To
The Chairperson
Kerala State Pollution Control Board
Thiruvananthapuram

03 FEB 2025
THIRUVANANTHAPURAM

Respected Madam,

Sub: Letter No. KSPCB/ 2089/2024-EE-1 dated 17.01.2025 issued by KSPCB- Reply

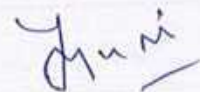
1. We are in receipt of your notice dated 17.01.2025 to show cause against proposal to levy environmental compensation of Rs. 51,00,000/-. The said notice was received by us on 20.01.2025 and we are submitting the reply to it as follows:
2. At the outset it is submitted that the present notice has been issued on certain mistaken assumptions as reflected in the notice itself. It is stated in your present notice that the decision to levy environmental compensation was decided in the discussion of Board Officers of KSPCB held on 08.01.2025 and further that based on our request, a hearing was conducted on 09.01.2025. Attention is invited to the fact that the personal hearing held on 09.01.2025 was pursuant to consent revocation intention notice dated 19.12.2024 and was not in relation to the subject matter of the present notice. Therefore, we request that a personal hearing may be offered to us before any decision is taken on the present notice seeking to levy environmental compensation.
3. Without prejudice, it is submitted that Kovalam Resort Pvt. Ltd, operates the prestigious Leela Kovalam – A Raviz Hotel which is a renowned 5 Star luxury beach resort hotel located in Kovalam, Thiruvananthapuram. Operational for the last more than 50 years and spanning across 50 acres, it is a key contributor to Kerala's tourism and economy and the Hotel has been honoured with several awards and accolades for its eco-friendly operations and commitment to preservation of the environment.
4. Ever since its commencement, the Hotel has been operating in due compliance of all laws and after obtaining all permissions and sanctions are mandated in

BEI
✓
8/2/2025
CHAIRPERSON

Handwritten signature

law. For the present year also, the Hotel had applied for renewal of Integrated Consent to Operate to the Kerala State Pollution Control Board (hereinafter referred to as KSPCB) and the same was issued by on 23.04.2024.

5. Being a 5 star Luxury hotel accommodating a large number of guests every year, several kilograms of waste both Bio Degradable and non Bio Degradable waste are produced. These include discarded waste like discarded fabrics, plastic wastes, used footwear etc. As a committed corporate entity, the Hotel has set up an internal system to take care of the waste disposal requirements and an efficient solid waste management system.
6. It was learnt from media reports that there was dumping of biomedical, food, plastic and other waste in Kodanganallur and Palavoor villages of Kanyakumari, Tamilnadu. The National Green Tribunal, Southern Zone took suo motu cognizance of the issue and directed impleading of our Hotel as well as RCC and Credence Hospitals as additional respondents and to remove the waste dumped at the site within 3 days and further posted the case to 23.12.2024. We thereafter entered appearance before the Hon'ble National Green Tribunal on 20.01.2025 through our lawyer and apprised the Tribunal of our non-involvement in the alleged dumping and further that all our activities are being carried out strictly as per the applicable laws and regulations. The Hon'ble Tribunal finding substance in our said contentions have permitted us to place on record our affidavit and supporting documents and posted the case to 04.03.2025 for hearing.
7. Though we were issued an order of revocation of consent to operate dated 10.01.2025, the said revocation is consequent to certain observations made by the Hon'ble NGT vide its order dated 02.01.2025. These observations no longer subsist in view of the subsequent developments before the Hon'ble Tribunal on 20.01.2025. A copy of the order of the NGT dated 20.01.2025 is produced herewith.
8. While an inspection was undertaken by the KSPCB of our hotel on 18.12.2024, the present show cause notice is issued to us alleging dumping of hotel waste, empty tins, used chappels and waste paper in Thirunelveli district of Tamil Nadu and the said action is in violation of various rules under the Environment (Protection) Act. To this, we submit that we have absolutely no role in the alleged disposal/ dumping of waste in Tamil Nadu. It is a matter of record that the Thiruvananthapuram Municipal Corporation has authorised and approved various agencies including the M/s Sunage Ecosystem Private Limited to dispose the waste materials in a scientific and eco-friendly manner. Most




importantly, M/s Sunage Ecosystem Private Limited is also authorised by the KSPCB for storage of waste scrap and the said authorisation issued by KSPCB is valid till 31.05.2037. Also, certain groups including Haritha Karma Sena working under the local self-government collects non-biodegradable waste from houses and establishments and entrusts the same to M/s Sunage Ecosystem Private Limited. However, so far as our hotel is concerned, due to the quantity of waste generated every day, the Haritha Karma Sena is ill-equipped to handle the same and therefore, we were constrained to hand over the same directly to M/s Sunage Ecosystem Private Limited which undisputedly is the approved agency of the Corporation and KSPCB to dispose the waste. This arrangement has been in existence for almost 10 years and is within the knowledge of the Thiruvananthapuram Municipal Corporation and KSPCB. As a matter of record, M/s Sunage Ecosystem Private Limited has been levying and collecting charges from us for the past several years at the rate of Rs. 6 per Kilogram, which is higher than the rate fixed by the Corporation. At this point of time, it has come out in the enquiry conducted by KSPCB as well as Tamil Nadu Police that the waste from our Hotel alleged to have been dumped in Tamil Nadu was in fact by M/s Sunage Ecosystem Private Limited and not by us. Therefore, the basis for issuance of the present compensation notice does not survive as on date in view of the culpability of M/s Sunage Ecosystem Private Limited having been established beyond all doubts.

9. However, the present notice to show cause against levy of environmental compensation is also premised on certain other observations made during the inspection conducted in our Hotel. We take this opportunity to offer sufficient clarifications to the present notice, which may be considered *in extenso* so as not to levy the environmental compensation from us.
10. As per the consent to operate issued to us, we have committed to the collection, segregation, storage, handling, and disposal of solid waste in accordance with the Solid Waste Management Rules 2016. At the source, we separate biodegradable waste from non-biodegradable waste. Additionally, the dry waste generated from our hotel is being collected exclusively by Harithakarma Sena. Plastic waste, specifically bottles, is also sent through Harithakarma Sena for authorized treatment. However, as part of our commitment to a Zero Plastic policy, we are in the process of installing an 'In-House Glass Water Bottling Plant' to be installed by "Swajal Water Private Limited". The Plant



will be operational at the earliest but not later than end of February 2025 thereby completely eliminating the use of plastic water bottles.

11. Further, as regards the waste items like used Diapers, Napkins, used medicine, our Hotel has already partnered with 'AAKRI Impact Pvt Ltd. The said entity is now collecting, segregating and disposing of Solid waste and hazardous waste in full compliance of the guidelines issued by Kerala State Pollution Control Board and the applicable rules.
12. In so far as disposal of dry leaves including coconut leaves, we have initiated the process of installing an incinerator equipped with wet scrubber system with a capacity of Rs 150 kg per hour and same is expected to be fully operational by 10th February 2025. This technology is most advanced and is certified to be fully compliant with the standards for incineration set out on schedule 11(C) of the Solid Waste Management Rules.
13. We may respectfully point out that there is no violation of Rule 4(a) of the Solid Waste Management Rules, and the waste is now being collected through Haritha karma Sena, the agency authorised by the Corporation of Thiruvananthapuram. Further, there is no violation of Rule 4(2) of the Solid Waste Management Rules for the reasons that we have not thrown, burn or buried the solid waste outside the premises as by now, it has been categorically proved beyond all doubt that the waste was dumped by 'Sunage Ecosystems Pvt Ltd' and not by us. In any case, we fully undertake to exercise full diligence to avoid any such untoward incident in future and shall act with utmost care and circumspection as a responsible entity.
14. As regards disposal of food waste generated in our Hotel, we undertake the activity of segregation of the waste at source. We already operate a biogas plant with a daily capacity of 500 kg to process the food and vegetable waste. Any excess waste is being collected by Pig Farmers Association, an agency associated with SR Green Agency, Mammotti Building, Choondupallaka, Kattakada. The said entity is recognized by the Corporation of Thiruvananthapuram for collection of food waste.
15. However, in line with our policy to minimize external waste disposal, we have partnered with 'SOLEARTH', a company installing food waste converts to install a 'Food Waste Converter with a capacity of 1000 per kg per day'. The facility will be capable of converting food waste into granules which can be



used as manures. This facility is expected to be operational by 15th February 2025 and thereupon our Hotel will no longer send waste to any outside agency but the entire food waste will be converted to granules within the premises of our Hotel.

16. As regards the observations of made in the present show cause order of bags indiscriminately scattered at various places having mixed types of waste, it is most respectfully submitted that the inspection team was apprised of the fact that our property which is spread across in 50 acres of land is not fully enclosed by walls on all sides and therefore the waste seen discarded may not be actually generated in our Hotel. But, as a matter of fact, so far as the waste generated in our Hotel is concerned, the waste is segregated in accordance with the prescribed regulations before handing over to approved collection agencies or otherwise utilizing in our Biogas plant.
17. Additionally, all wastewater is treated in our Sewage Treatment Plant (STP), and the treated water is safely discharged into the soak pit installed within our premises. We have been using the STP with Reed bead system earlier. The treated water will be used only for gardening purpose and the rest of the water is being charged into the soak pit. As per the test report dated 15.09.2023 issued by the laboratory namely “STANDARDS” (A Grade laboratory approved by the Kerala State Pollution Control Board), the BOD limit is shown as 3.5 and the permitted value is 3 and we have achieved every other parameter. The report shows that we are only slightly higher than the prescribed limit and that too only in the BOD level. As informed to you, we are in the process of installation of a new STP in the unit – Moving Bed Biofilm Reactor Sewage Treatment Plant. This has a capacity of 200 KL per day. At an average 120 KL of water will be treated every day. The Installation of the STP is complete, and it will require two weeks for the bacteria to grow in the STP and the same will be fully functional by 15th of February 2025. The inability to stick to the earlier undertaking was fully due to adverse weather conditions beyond our control and purely unintentional and may not be held to be a reason to impose such heavy environmental compensation on us. However, we once again submit that all efforts will be taken to fully ensure that there is no improper handling of waste in our Hotel and that the additional facilities now being setup will further ensure that our Hotel activities are fully compliant with the Environment (Protection) Act as well as the applicable Waste Management Rules and other allied laws. We further submit that the



calculation referred in your notice to arrive at the compensation is not tenable in law.

18. You are therefore humbly requested to accept the present reply and drop all further proceedings pursuant to the present show cause notice and to desist from imposing any environmental compensation on us, in the interest of justice.

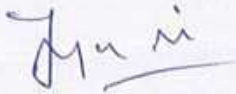
Thanking You

Yours faithfully,

For The Leela Kovalam

(a unit of Kovalam Resort Pvt Ltd)

Jiju V.S.



Legal Manager

MINUTES OF THE HEARING CONDUCTED IN CONNECTION WITH IMPOSING OF ENVIRONMENTAL COMPENSATION TO M/s. KOVALAM RESORT PRIVATE LIMITED

The hearing commenced at 3:15 pm on 06/03/2025 in the chamber of chairperson with the chairperson presiding. Member Secretary was also present.

The list of participants is given below :

1. Sri. Jiju : Legal Manager
Kovalam Resort Private Limited
The Leela Kovalam (Through VC)
2. Sri. Rejith : Junior Engineer,
Kovalam Resort Private Limited
The Leela Kovalam (Through VC)
3. Er. Bindhu Radhakrishnan : Chief Environmental Engineer,
Head Office
4. Er. Vinaya K.S : Chief Environmental Engineer
Regional Office, Trivandrum (Through
VC)
5. Er. Ramya G : Environmental Engineer - 1
Head Office
6. Er. Bincy B.S. : Environmental Engineer – 3,
Head Office
7. Er. Sabah Nazeemudeen : Environmental Engineer,
District Office, Trivandrum (Through
VC)
8. Er. Sreetha A.M. : Assistant Environmental Engineer
Regional Office, Trivandrum (Through VC)
9. Er. Reshma K.S : Assistant Engineer – 3
Head Office

At the outset the Chairperson welcomed the participants and gave a

brief description of the matter.

In connection with the issue of illegal waste dumping from Kerala to Tamil Nadu the Hon'ble NGT filed Suo Motu case OA 312/2024 based on the news item in the New Indian Express, Chennai edition dated 17-12-2024, titled " Kerala's Medical Waste dumped in Nellai Village ". Subsequently inspections were conducted by the officials from Board, other Government departments as well as officials from Tamil Nadu Pollution Control Board to the dumping site and in an around the hotel premises. The inspection findings confirmed the presence of mixed waste from the Hotel at the dumping site. Moreover the inspection conducted by the Board officials as well as the enquiry committee reported the improper waste segregation and waste management practiced by the hotel. Hence Environmental Compensation was assessed and Notice under section 5 of Environment Protection Act slapping an Environmental Compensation of Rupees Fifty One Lakhs was issued to the unit. As requested by the unit, in reply to the Notice, the present hearing is arranged.

The Chairperson further requested the unit representatives to explain their contentions.

Sri. Jiju informed that the waste from the hotel is not illegally dumped at the aforementioned dumping site by the hotel authorities. They have entered into agreement with M/s. Sunage Ecosystem Private Limited for dry waste disposal. Hence they opined that the said waste might have been dumped by M/s. Sunage Ecosystem Private Limited. They also emphasized that now the dry waste from the hotel is collected by Harithakarmasena. He also pointed out that the wastes from the hotel is segregated and handed over to authorized collection agencies for proper disposal. He further informed that the hotel is in process of installing an incinerator with a capacity of 150 kg per hour to dispose of dry leaves including coconut leaves.

The Member Secretary reiterated that installation of incinerator by a hotel for the burning of solid waste is not allowed as per existing statutes of Solid Waste Management Rules 2016. She further reiterated the need of having a proper waste management system instead of resorting to methods which cannot be permitted as per the rules. She suggested that for the leaves, composting systems can be adopted. She pointed out that the responsibility of a waste generator will not end once it is handed over to agencies. Hence it is the responsibility of the unit to ensure that the waste which is handed over by them is properly disposed by the agencies without any lapse in order to avoid such mishaps in future.

Sri. Jiju informed that all the possible efforts are being taken by the hotel authorities for the proper management of waste generated in and around the hotel. He pointed out that the installation of incinerator is planned according to the norms only. He assured that the waste shall be handled and disposed as per rules only. He pleaded to condone the gaffe and waive off the Environmental Compensation imposed considering the sincere efforts of the company to manage the waste generated in the unit.

Sri. Renjith further reported that huge amount of dried leaves including coconut leaves are being generated since large number of trees are there in the hotel premises and their disposal is an issue of concern for the hotel. He also reported that an organic convertor is also being installed by the unit which is now processing food waste into granules which are now used as manures.

The Chairperson opined to convert the biodegradable dried leaves to compost instead of incinerating it. She also pointed out to explore the possibility of making use of the coconut leaves as a fuel in the boiler.

The Chairperson further enquired Chief Environmental Engineer, Regional Office, Trivandrum to report the findings of the enquiry committee constituted by the GO term.

The Chief Environmental Engineer, Regional Office Trivandrum reported that mixed wastes were seen during the inspection. She informed that improper waste segregation was noticed during the said inspection.

After a detailed discussion it was decided not to waive off the Environmental Compensation now imposed since Environmental Compensation is being slapped off for committed offenses.

The hearing ended at 3.30 pm


CHAIRPERSON

Ph: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman:
2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web:
kspcb.kerala.gov.in



KERALA STATE POLLUTION CONTROL BOARD
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്
Pattom P.O., Thiruvananthapuram – 695 004
പട്ടം പി.ഒ. തിരുവനന്തപുരം 695 004



KSPCB/2089/2024-EE-1

14-03-2025

REGD A/D

DIRECTION UNDER ENVIRONMENT (PROTECTION) ACT, 1986

Sub:-Levying of Environmental Compensation from M/s. Kovalam Resort Pvt. Ltd, The Leela Kovalam, Thiruvananthapuram

Ref:- (1) Consent No. PCB/RO/TVM/ICO /10029949/2024 issued on 23/04/2024

(2) Lr.No.T3/TNPCB/BMW/F.31777/2024-1,dated 18/12/2024 from the Chairperson of Tamil Nadu Pollution Control Board.

(3) Show Cause Notice of even no dated 18/12/2024

(4) Report of inspection conducted by Board at your unit on 18/12/2024

(5) Consent Revoke Intention Notice of even no dated 19/12/2024

(6) Reply to the Notice submitted by you vide letters dated 20/12/2024 & 23/12/2024

(7) Discussion held on 08.01.2025

(8) Hearing conducted on 09.01.2025

(9) Letter no. PCB/DO/CO-R/RST/AE2-3/2007 dated 09.01.2025

(10) Report of Joint inspection conducted from the Regional Office of the Board along with the Enquiry Committee constituted as per G.O.(Rt)No.2509/2024/LSGD dated 20.12.202

- (11) Consent Revocation Order of even no. dated 10.01.2025
KSPCB/2089/2024-EE -1 10-01-2025
- (12). Notice under Environment Protection Act 1986 of even number
dated 17-01-2025.
- (13) Reply to the Notice dated 03-02-2025
- 14) Report submitted by the enquiry committee constituted under
G.O.(Rt) No. 2509/2024/LSGD dated 20-12-2024
- 15) Minutes of the Hearing conducted on 06-03-2025

WHEREAS Kerala State Pollution Control Board (herein after referred to as the Board) is the statutory authority for implementing Water(Prevention & Control of Pollution) Act, 1974 (herein after referred to as Water Act), Air (Prevention & Control Of Pollution) Act, 1981 (herein after referred to as Air Act), Environment (Protection) Act 1986, (herein after referred to as EP Act) and rules there under in the State of Kerala;

WHEREAS Solid Waste Management Rules 2016 (herein after referred as SWM Rules) under the Environment (Protection) Act 1986, is applied to every institutional solid waste generators and should comply with the provisions of Solid Waste Management Rules 2016;

WHEREAS Plastic Waste Management Rules 2016 (herein after referred as PWM Rules) under the Environment (Protection) Act 1986, is applied to every waste generators including institutions who are bound to comply with the provisions of Plastic Waste Management Rules 2016;

WHEREAS the Central Government notified the Environment (Protection) Act, 1986 for the protection of environment;

WHEREAS the Hon'ble National Green Tribunal, vide order dated 19/02/2019 in O.A.593 of 2017 (W.P (Civil) No.375/2012 by the Paryavaran Suraksha Samiti and Anr. Vs. Union of India and Ors.), directed that "CPCB may take penal action for failure against those who are accountable for not setting up and maintaining STPs, CETPs ETPs and CPCB may also assess and recover compensation for damage to the

environment and the said fund may be kept in a separate account and utilized in terms of an action plan for protection of the Environment”;

WHEREAS the NGT vide order dated 12/03/2019 in O.A. No. directed that the State Pollution Control Boards are also authorized to recover compensation from the polluters or laying down their own scale which should not be less than the scale fixed by Central Pollution Control Board;

WHEREAS the Hon’ble National Green Tribunal, Principal Bench, New Delhi in the Order dated 22/11/2018 in O.A No. 353/2016 clarified that apart from prosecution, the statutory authorities under the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, must, in exercise of their incidental powers, prescribed scale of compensation to be collected from the polluters on the “Polluter Pays Principle”. Such scale which may be laid down at various levels, having regard to the local condition or as per direction in the hierarchy of the authorities. In various other application also, the Hon’ble NGT passed similar orders, for instance, in the Order dated 20/11/2018 in O.A No. 117/2014, 499/2014 and 102/2014 the Hon’ble NGT noted as; “Needless to say that statutory authorities under the Environment (Protection) Act, 1986, Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution Act), 1974 are entitled to assess and recover damages as “Polluter Pays Principle ” in exercise of incidental powers to protect environment”;

WHEREAS in pursuant to Hon’ble National Green Tribunal, in the matter of O.A. 593 of 2017 CPCB has developed a “Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund”;

WHEREAS the methodology developed by the CPCB for assessing Environmental Compensation is as follows;

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC – Environmental Compensation in Rupees.

PI – Pollution index of industrial sector (PI of 80, 50 & 30 may be

taken for Red, Orange and Green respectively)

N – Number of days for which violation took place, which is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified.

R – Factor in Rupees. Which may be minimum 100 and maximum of 500. It is suggested to consider R as 250 as the Environmental Compensation in case of violation.

S – Factor for scale of operation (Suggested to take 0.5 for micro and small, 1 for medium and 1.5 for large units)

LF – Location factor based on population of city/town and location of industrial unit.

LF can be taken as follows :

1 for less than 1 million population, 1.25 for population 1 million to < 5 million, 1.5 for population 5 million to less than 10 million and 2 for population 10 million and above.

LF will be 1.0 in case unit is located >10km from municipal boundary
LF is presumed as 1 for city/town having population less than one million.

WHEREAS in any case, minimum Environmental Compensation shall be Rs.5000/day;

WHEREAS M/s. Kovalam Resort Pvt. Ltd, The Leela Kovalam, a Raviz Hotel, Kovalam Beach, Thiruvananthapuram comes under the purview of Water Act, Air Act and Environment (Protection) Act 1986;

WHEREAS Integrated Consent to Operate issued to you under the provisions of Water Act, Air Act and Environment Protection Act was renewed vide Consent No. KSPCB/TV/ICO/10029949/2024 dated 23-04-2024 for a term upto 30-06-2028 ;

WHEREAS you are bound to comply with the conditions mentioned in

the Consent issued to you vide order cited (1);

WHEREAS as per condition 2.7 of the consent, proper Solid Waste Management system shall be provided in the unit, arrangements for collection, segregation, storage, handling and disposal of Solid Waste including garbage shall be provided as per Solid Waste Management Rules, 2016 and the facility shall be maintained properly. Biodegradable waste shall be segregated from non biodegradable waste at source, Biodegradable waste shall be treated in biobins/aerobins/biogas plants, non-biodegradable waste shall be disposed to authorized collectors namely 'Harithakarma Sena' for the disposal of wastes for authorized treatment;

WHEREAS as per the consent condition 2.8, Plastic Waste Management Rules, 2016 and amendments shall be followed for the management of Plastic Waste. Single use plastic ban as per notifications and orders of Kerala shall be strictly followed;

WHEREAS it has come to the notice of the Board that waste from Kerala has illegally been dumped to Thirunelveli district of Tamil Nadu;

WHEREAS Tribunal on its own motion SUO MOTU based on the news item in The New Indian Express, Chennai Edition dt: 17.12.2024, titled "Kerala's Medical waste dumped in Nellai Villages and filed as OA 312/2024;

WHEREAS the Tamil Nadu Pollution Control Board vide letter under reference (2) had informed that hotel waste from the Leela, Kovalam, A RAVIZ Hotel were found to be dumped in Thirunelveli;

WHEREAS, it was also informed that empty tins of soft drinks, used chappals and waste papers from your unit were found to be dumped at multiple locations such as Kodaganallur and Palavoor villages in Thirunelveli District of Tamil Nadu;

WHEREAS the above action is in gross violation of the various rules coming under Environment (Protection) Act;

WHEREAS a Show cause notice was issued to you, in the light of the

above violations vide reference cited (3);

WHEREAS during the inspection conducted by Board Officials at your unit on 18/12/2024, it was noted that as per the log book of food waste collection, an average of 2400 kg of food waste is disposed through M/s Sunage Eco Systems Pvt. Limited and this is in violation of Consent Condition No 2.7 which stipulates that, Biodegradable waste shall be treated in biobins/aerobins/biogas plant;

WHEREAS Board's White Category registration is issued to M/s Sunage Ecosystems Pvt. Ltd. for storing of waste scrap(metal ,plastic etc)for a quantity of 4.53592Metric Tones per day;

WHEREAS as per the inspection report read (4), it was also noted that all other wastes namely plastic bottles are disposed through M/s Sunage Ecosystems Pvt. Ltd and this is in violation of Consent Condition No 2.7 which stipulates that non-biodegradable waste shall be disposed to authorized collectors namely 'Harithakarma Sena' for the disposal of wastes for authorized treatment.;

WHEREAS a Consent Revoke Intention notice was issued to you, vide reference cited (5) ;

WHEREAS inspection was conducted at the waste dumping sites by the officials of Board, Corporation and IMAGE on 20-12-2024 along with the officials of Tamil Nadu Government;

WHEREAS the said inspection was conducted at 6 sites namely Vadakku Ariyanayakipuram- Elanthaikulam, Vellalankulam, Kodaganallur, Palavoor, Kondanagaram and Bharatheeyar Nager of Thirunelveli District,Tamil Nadu and as per the inspection report, mixed waste from your hotel was found;

WHEREAS a team of officials from Government of Kerala including members from Trivandrum Municipal Corporation, Kerala State Pollution Control Board, Suchitwa Mission and Clean Kerala Company Limited proceeded to Thirunelveli on 22.12.2024 for execution of action plan for removal of dumped waste as per the order of Hon'ble NGT as per the order in OA 312/2024;

WHEREAS as per the execution report, at the location of Kodaganallur,

keycards and large number of foot wears with the emblem of Hotel Leela, Kovalam was spotted;

WHEREAS you have violated Rule 4(a) of Solid Waste Management Rules, 2016 stipulating segregation and storage of the waste generated by them in three separate streams namely bio-degradable, non bio-degradable and domestic hazardous wastes in suitable bins and handover segregated wastes to authorized waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

WHEREAS you have violated Rule 4(2) of Solid Waste Management Rules, 2016 stipulating that no waste generators shall throw, burn or bury the solid waste generated by him, on streets, open public spaces outside the premises;

WHEREAS you have violated Rule 4(2) of Solid Waste Management Rules, 2016 stipulating that all hotels and restaurants shall, in partnership with the local body ensure segregation of waste at source as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body;

WHEREAS you have violated Rule 8(2) of Plastic Waste Management Rules, 2016 stipulating that all institutional generators of plastic waste shall segregate and store the waste generated by them in accordance with Solid Waste Management Rules and handover segregated waste to authorized waste processing or disposal facility or deposition centers either on its own or through authorized waste collection agency;

WHEREAS a reply was submitted by you vide letter under reference (6) above;

WHEREAS in the reply furnished by you vide reference cited (6), you have stated that excess waste is disposed of through an authorized agency which is also the violation of Consent Condition No 2.7 which stipulates that, Biodegradable waste shall be treated in biobins/aerobins/biogas plants, non-

biodegradable waste shall be disposed to authorized collectors namely 'Harithakarma Sena' for the disposal of wastes for authorized treatment;

WHEREAS in the reply furnished vide reference cited (6) ,you have stated that an incinerator with capacity of 300 kg is used to dispose of sanitary napkins and dry leaves which is against the press release of the Board which stipulates that only incinerators as prescribed in the Schedule II(C) of SWM Rules shall be allowed;

WHEREAS in the reply furnished vide reference cited (6) ,it was informed that you have entered in to a contract with M/s Sunage Ecosystems Private Ltd for clearance of dry garbage items including empty beer bottle, scrap/assorted bottles, empty plastic bottles, cardboard, packing wood, empty plastic can, scrap tin small, oil tins mall, oil tin 15kg, old newspaper, old magazine, used soap, used candle, tin 15kg damaged, empty mineral water bottle, assorted waste, used flower, slippers, stationery items etc are which is in violation of Rule 4(a) of SWM Rules, 2016;

WHEREAS in the reply furnished ,you have informed that once the agencies collect the waste from your hotel, you no longer have control over the way they dispose of it;

WHEREAS inspection was conducted from Board's District Office on 18/12/2024 and 08/01/2025 and it was found that solid waste is handled in improper manner;

WHEREAS as per letter cited 9th, it is reported that open burning of solid waste was observed in your hotel premises during the inspection conducted on 08.01.2025;

WHEREAS the Sewage Treatment Facility provided at the hospital is reported to be inadequate;

WHEREAS discharge of waste water to the sea was observed during the said inspection;

WHEREAS a discussion of Board Officers was held on 08.01.2025 and it was decided to levy environmental compensation in view of the violations

observed;

WHEREAS in the reply furnished ,you have requested for a hearing ;

WHEREAS the hearing was conducted on 09.01.2025;

WHEREAS during the hearing the claims raised by you were examined in detail and it was decided that actions shall be taken against the unit for the committed offenses since you have violated the provisions of Plastic Waste Management Rules, 2016 and Solid Waste Management Rules;

WHEREAS the Government of Kerala has constituted an enquiry Committee , to investigate the issues of waste dumping in Thirunelveli;

WHEREAS a joint inspection was conducted by the Board officials along with the enquiry committee on 31.12.2024 and a report was submitted vide reference (10) ;

WHEREAS it was seen during the joint inspection that various types of waste- such as Polypropylene Chappal Waste, dry waste, used waste and other room disposals were indiscriminately mixed and placed into bags before being handed over;

WHEREAS during the inspection it was evident that the waste – mixed indiscriminately in common bags- had accumulated in a waste room within the hotel;

WHEREAS the waste appeared to be at least a week old, contributing to an intolerable odour that permeated the area;

WHEREAS the accumulation of waste raised public health concerns;

WHEREAS additional waste was found scattered in various locations throughout the backside of the hotel premises, packed in plastic bags that had been discarded improperly;

WHEREAS area surrounding the incinerator was found cluttered with various kinds of waste, further undermining effective waste management;
WHEREAS sludge from the biogas plant was being discharged carelessly to

the nearby open area;

WHEREAS the claims of Kovalam Resort Pvt. Ltd vide the reply read 6th won't stand as it is the responsibility of the waste generator to handover segregated solid waste to the waste collecting agency as per Rule 4(a) of Solid Waste Management Rules;

WHEREAS the reply furnished by you was unsatisfactory in the light of the inspection findings and the aforementioned provisions of Solid Waste Management Rules and Plastic Waste Management Rules;

WHEREAS Consent Revocation Order has been issued to you vide order under reference 11;

WHEREAS a notice under Environment(Protection)Act,1986 was issued to you vide reference cited (12) to show cause as to why you shall not be directed to remit an Environmental Compensation of Rs.51,00,000/-(Rupees Fifty One Lakh Only);

WHEREAS a reply was furnished to the notice vide reference cited (13)above;

WHEREAS as requested in the reply a hearing was conducted by the undersigned on 06-03-2025;

WHEREAS the contentions in the reply were examined during the hearing held;

WHEREAS as per the reply cited (13),it is informed that biodegradable waste are separated from non biodegradable waste at the source itself but in the report submitted by the enquiry committee cited (14) it is reported that non biodegradable waste is not properly segregated and mixed waste was observed during the inspection;

WHEREAS as per the reply cited (13) it is informed that waste items like used diapers,napkins,used medicine are collected ,segregated and disposed by AAKRI Impact Pvt Ltd but in the report submitted by the enquiry committee cited (14) it is reported that various types of wastes including used napkins from the rooms were indiscriminately mixed and

placed into bags before being handed over to Sunage Ecosystems Pvt Ltd ;

WHEREAS it is informed in the reply as well as during the hearing that the hotel is in process of installing an incinerator with a capacity of 150kg per hour to dispose of dried leaves ;

WHEREAS the installation of incinerator by a hotel for the burning of solid waste is not allowed as per existing statutes of Solid Waste Management Rules 2016;

WHEREAS you could not furnish a satisfactory explanation showing that the violations mentioned in the notice cited (12) are not committed;

AND WHEREAS as per the minutes of the hearing it was decided not to waive off the Environmental Compensation slapped for the committed violations;

NOW THEREFORE, in exercise of the powers vested under section 5 of the Environment (Protection) Act, 1986, you are hereby directed to remit Rs.51,00,000/-(Rupees Fifty One Lakh Only)as Environmental Compensation in accordance with the orders of Hon'ble National Green Tribunal and "Methodology for Assessing Environmental Compensation and Action Plan to utilize the fund" developed by CPCB.

**For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD**


CHAIRPERSON

To

M/s Kovalam Resort Pvt Ltd
The Leela Kovalam
A Raviz Hotel, Kovalam Beach
Thiruvananthapuram- 695527

Copy to:

1. The Chief Environmental Engineer
Regional Office, Thiruvananthapuram
2. The Environmental Engineer
District Office, Thiruvananthapuram
3. The Environmental Engineer-3, Head Office

Ph: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman:
2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web:
kspcb.kerala.gov.in



KERALA STATE POLLUTION CONTROL BOARD
കേരള സംസ്ഥാനതല മലിനീകരണ നിയന്ത്രണ ബോർഡ്
Pattom P.O., Thiruvananthapuram – 695 004
പട്ടം പി.ഒ, തിരുവനന്തപുരം 695 004



KSPCB/2089/2024-EE-1

17-01-2025

Regd A/D

NOTICE UNDER ENVIRONMENT (PROTECTION) ACT, 1986

Sub:- Levying Of Environmental Compensation from M/s. Credence Hospital Pvt. Ltd,Ulloor, Thiruvananthapuram

- Ref: - (1) Consent No. PCB/TVM-DO/ICO(R)/HSP/328/2012 dated 26/07/2012
 (2) Consent No. PCB/RO/TVM/ICO-R/04/2020 dated 07/10/2020
 (3) Reports on dailies on 17/12/2024 regarding the illegal dumping of waste in Tamil Nadu.
 (4) Lr.No.T3/TNPCB/BMW/F.31777/2024-1 dated 18/12/2024 from the Chairperson of Tamil Nadu Pollution Control Board
 (5) Show cause notice of even number dated 18/12/2024
 (6) Report of inspection conducted on 18-12-2024 from District Office, Thiruvananthapuram
 (7) Tribunal on its own motion SUO MOTU based on the news item in The New Indian Express, Chennai Edition dt: 17/12/2024, titled "Kerala's Medical waste dumped in Nellai Villages and filed as OA312/2024
 (8) Consent Revoke Intention Notice of even no dated 19/12/2024
 (9) Reply to the Notice submitted by you dated 20/12/2024 & 21/12/2024
 (10) Report of inspection conducted from Regional Office along with the enquiry committee

WHEREAS the Kerala State Pollution Control Board (herein after referred to as the Board) is the statutory authority for implementing the Water (Prevention & Control of Pollution) Act 1974 (herein after referred to as the Water Act), the Air (Prevention & Control of Pollution) Act 1981 (herein after referred to as the Air Act), and the Environment (Protection) Act 1986 (herein after referred to as the EP Act) and Rules there under in the

State of Kerala;

WHEREAS the Bio-Medical Waste Management Rules, 2016 and amendments and notified thereof (hereinafter referred as BMW Rules) under the Environment (Protection) Act, 1986, to improve the collection, segregation, processing, treatment and disposal of the Bio-Medical wastes in an environmentally sound manner thereby reducing the Biomedical Waste generation and its impact on the environment

WHEREAS Solid Waste Management Rules 2016 (herein after referred as SWM Rules) under the Environment (Protection) Act 1986, is applied to every institutional solid waste generators and should comply with the provisions of Solid Waste Management Rules 2016;

WHEREAS Plastic Waste Management Rules 2016 (herein after referred as PWM Rules) under the Environment (Protection) Act 1986, is applied to every waste generators including institutions who are bound to comply with the provisions of Plastic Waste Management Rules 2016 ;

WHEREAS the Central Government notified the Environment (Protection) Act, 1986 for the protection of environment;

WHEREAS the Hon'ble National Green Tribunal, vide order dated 19/02/2019 in O.A.593 of 2017 (W.P (Civil) No.375/2012 by the Paryavaran Suraksha Samiti and Anr. Vs. Union of India and Ors.), directed that "CPCB may take penal action for failure against those who are accountable for not setting up and maintaining STPs, CETPs ETPs and CPCB may also assess and recover compensation for damage to the environment and the said fund may be kept in a separate account and utilized in terms of an action plan for protection of the Environment.";

WHEREAS the NGT vide order dated 12/03/2019 in O.A. No. 710/2017, directed that the State Pollution Control Boards are also authorized to recover compensation from the polluters or laying down their own scale which should not be less than the scale fixed by Central Pollution Control Board;

WHEREAS the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the Order dated 22/11/2018 in O.A No. 353/2016 clarified that apart from prosecution, the statutory authorities under the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, must, in exercise of their incidental powers, prescribed scale of compensation to be collected from the polluters on the "Polluter Pays Principle". Such scale which may be laid down at various levels, having regard to the local

condition or as per direction in the hierarchy of the authorities. In various other application also, the Hon'ble NGT passed similar orders, for instance, in the Order dated 20/11/2018 in O.A No. 117/2014, 499/2014 and 102/2014 the Hon'ble NGT noted as; "Needless to say that statutory authorities under the Environment (Protection) Act, 1986, Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution Act), 1974 are entitled to assess and recover damages as "Polluter Pays Principle" in exercise of incidental powers to protect environment";

WHEREAS in pursuant to Hon'ble National Green Tribunal, in the matter of O.A. 593 of 2017 CPCB has developed a "Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund";

WHEREAS the methodology developed by the CPCB for assessing Environmental Compensation is as follows;

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC –Environmental Compensation in Rupees.

PI – Pollution index of industrial sector (PI of 80, 50 & 30 may be taken for Red, Orange and Green respectively)

N – Number of days for which violation took place, which is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified.

R – Factor in Rupees. Which may be minimum 100 and maximum of 500. It is suggested to consider R as 250 as the Environmental Compensation in case of violation.

S – Factor for scale of operation (Suggested to take 0.5 for micro and small, 1 for medium and 1.5 for large units)

LF – Location factor based on population of city/town and location of industrial unit.

LF can be taken as follows :

1 for less than 1 million population, 1.25 for population 1 million to < 5

million, 1.5 for population 5 million to less than 10 million and 2 for population 10 million and above.

LF will be 1.0 in case unit is located >10km from municipal boundary

LF is presumed as 1 for city/town having population less than one million.

WHEREAS in any case, minimum Environmental Compensation shall be Rs.5000/day;

WHEREAS as per the CPCB Guidelines for Imposition of Environmental Compensation Charges against Healthcare Facilities and Common Biomedical Waste Treatment Facilities, the Environmental Compensation may be assessed using the methodology as below;

Environmental Compensation for HCFs = HR x T x S x R x N

Where; HR – Health Risk factor

T- Type of Healthcare Facility

S – Size of Health Care Facility

R – Environmental Compensation factor

N – Number of days of Violation

WHEREAS M/s. Credence Hospital Pvt. Ltd, near Ulloor Bridge, Ulloor Medical College P.O, Thiruvananthapuram comes under the purview of water Act, Air Act and Environment (Protection) Act 1986, comes under the purview of the Water (Prevention & Control of Pollution) Act 1974, the Air (Prevention & Control of Pollution) Act 1981 and the Environment Protection Act 1986;

WHEREAS you are bound to comply with the conditions mentioned in the Integrated Consent issued to you vide ref. cited (1) above;

WHEREAS as per condition no.5.4 of the consent, vide ref (1) issued to you, Bio medical Waste, except liquid waste, generated in your Hospital shall be disposed through the common facility of IMAGE;

WHEREAS as per condition no.5.5 of the consent, vide ref (1) garbage shall be disposed through biogas Plant;

WHEREAS it has come to the notice of the Board through newspaper dated 17/12/2024 that biomedical waste, food waste and plastic waste from some of the institutions in Trivandrum, RCC, Credence Hospital Ulloor, and M/s Leela Raviz, Kovalam, are found to be dumped at multiple locations such as Kodaganallur and Palavoor Villages in Thirunelveli district of Tamil Nadu;

WHEREAS Hon'ble NGT has taken a SUO MOTO based on the news item in The New Indian Express, Chennai Edition dt: 17.12.2024, in O.A. No. of 312 of 2024(SZ);

WHEREAS it has come to the notice of the Board, through ref cited (3) & (4), that Biomedical waste, food waste, and plastic waste from your health care facility are found to be dumped at multiple locations such as Kodaganallur and Palavoor villages in Thirunelveli district of Tamil Nadu;

WHEREAS notice has been issued to you, vide ref cited (5), pointing out the aforesaid violations;

WHEREAS during the inspection conducted by the Board officials on 18.12.2024 across various units, it was observed that you have been disposing your paper waste through M/s Use Again Systems, an unauthorized agency;

WHEREAS as per reference cited (8) above, Board had issued Consent Revoke Intention Notice, directing to show cause if any within 7 days of notice;

WHEREAS you had submitted reply to the Notices vide ref cited (9);

WHEREAS you have disposed wastes through M/s Use Again Systems;

WHEREAS it is understood that Use Again Systems does not have valid Registration/Consent of the Board;

WHEREAS as you have disposed off wastes within your premises through an unauthorized agency which constitutes a violation of the section 4(1-a) of Solid Waste Management Rules, 2016;

WHEREAS Rule 4 of BMW Rules, 2016 stipulates the duties of the occupier of Healthcare facilities (HCFs) and Rule 4(a) of BMW Rules, 2016 stipulates that every occupier shall take all necessary steps to ensure that Bio-Medical Waste is handled without any adverse effect to human health and the environment and in accordance with these rules;

WHEREAS Rule 4(b) of BMW Rules 2016 stipulates to make provisions within the premises for a safe, ventilated and secured locations for storage

of segregated bio-medical wastes in colored bags or containers in the manner as specified in Schedule I, to ensure that there shall be no secondary handling, pilferage of recyclables and the biomedical waste from such place or premises shall be directly transported to the Common bio medical waste treatment facility ;

WHEREAS Rule 4(e) of BMW Rules, 2016 stipulates that every occupier shall dispose of solid waste other than Bio-Medical Waste in accordance with the provisions of respective Solid Waste Management Rules made under the relevant laws and amended from time to time;

WHEREAS Rule 4 (f) of BMW Rules, 2016 stipulates not to give treated biomedical waste with Municipal Solid waste;

WHEREAS Rule 7(2) of BMW Rules, 2016 stipulates that occupier shall hand over segregated waste as per the Schedule I to common biomedical waste treatment facility for treatment processing and final disposal;

WHEREAS Rule 8(2) of PWM Rules, 2016 stipulates that all institutional generators of plastic waste shall segregate and store the waste generated by them in accordance with SWM Rules and handover segregated waste to authorized waste processing or disposal facility or deposition centers either on its own or through authorized waste collection agency;

WHEREAS during the Joint Inspection conducted by the Board Officials along with Trivandrum Corporation and LSGD officials as part of the Enquiry commission on 31/12/2024, it was observed that large quantities of food waste mixed with plastic and paper waste were stored without segregation, inside and around the hospital canteen premises, which is in violation of section 4(1-a) of Solid Waste Management Rules, 2016;

WHEREAS as per the said inspection report, the hospital authorities have not effectively implemented a source level segregation of waste which is in violation of Rule 4(1-a) of Solid Waste Management Rules, 2016;

WHEREAS general waste (Paper Waste) from your industry was reported to be dumped at various locations of Thirunelveli district, which is in violation of section 4(2) of Solid Waste Management Rules 2016;

WHEREAS as per section 4(1-a) of Solid Waste Management Rules, 2016, (1) every waste generator shall,- segregate and store the waste generated by them in three separate streams namely bio-degradable, non bio-degradable and domestic hazardous wastes in suitable bins and handover

segregated wastes to authorised waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

WHEREAS during the above inspection, it was observed that untreated Biomedical waste was stored along with plastic and other general waste which is in violation of section 8(1) of Bio Medical Waste Management Rules 2016;

WHEREAS as per section 8(1) of Bio Medical Waste Management Rules 2016, no untreated bio-medical waste shall be mixed with other wastes;

WHEREAS as per the inspection report, the waste collected from the nursing units and patient rooms was stored in a mixed manner in a designated location for future segregation which is in violation of Bio Medical Waste Management Rules, 2016 ,Plastic Waste Management Rules,2016 and Solid Waste Management Rules, 2016;

WHEREAS as per the inspection report, various types of wastes, including solid, bio-medical and bio degradable waste were mixed together and placed in a common plastic bag .These bags were carelessly disposed of in the waste yard,which is in violation of Rule 4(a) of BMW Rules 2016, Rule 4(b) of BMW Rules 2016, Rule 4(e) of BMW Rules 2016,Rule 4(1-a)of SWM Rules,2016, Rule 7(2) of BMW Rules, 2016, Rule 8 (1) of BMW Rules, 2016, Rule 8 (2) of BMW Rules, 2016;

WHEREAS as per the inspection report ,the inadequate separation not only poses a significant health risk to patients and staff but also contravenes established regulations for safe medical waste management which is a blatant violation of of Rule 4(a) of BMW Rules 2016 and Rule 4(l) of BMW Rules 2016;

WHEREAS the Environmental Compensation is assessed as furnished below in light of the inspection reports;

(i) Environmental Compensation for violation of consent conditions of Credence Hospital

Environmental Compensation (EC) = PI x N x R x S x LF

- PI = 50 (Pollution Index for Orange category industry)
- N = 23 days (17/12/2024 to 08/01/2025)
- R = 250 (Rupee Factor)
- S = 1.5 (Scale Factor for large scale industry)

LF = 1 (Location Factor for population < 1 million)

$$\begin{aligned}\text{Environmental Compensation} &= 50 \times 23 \times 250 \times 1.5 \times 1 \\ &= \text{Rs. 4,31,250/-}\end{aligned}$$

(Rupees Four Lakh Thirty One Thousand Two Hundred and Fifty Only).

Environmental Compensation for violation of Biomedical waste Management Rules

As per the guidelines for imposition of Environmental Compensation charges against Healthcare Facilities and Common Biomedical waste Treatment Facilities, Environmental Compensation has assessed as Rupees 2,58,750 /- (Rupees Two Lakh Fifty Eight Thousand Seven Hundred and Fifty Only) for 23 days (from 17/12/2024 till 08/01/2025) of violation (Detailed calculation is as shown below);

$$\text{Environmental Compensation (EC)} = \text{IIR} \times \text{T} \times \text{S} \times \text{R} \times \text{N}$$

Where,

HR-Health Risk factor = 45 [20 (For improper segregation of BMW)+10(For absence of Pre treatment) +15 (For violation of Rules 4,7 &8 of BMW Rules, 2016)

T- Type of Healthcare facility = 1 (for bedded hospitals)

S-Size of health care facility = 1 (for 100-500 bedded hospitals)

R-Environmental Compensation factor = 250

N-Number of days of violation = 23 days (from date of observing violation on 17/12/2024 till date of EC assessment on 08/01/2025)

$$\begin{aligned}\text{Environmental Compensation (EC)} &= 45 \times 1 \times 1 \times 250 \times 23 \\ &= \text{Rs. 2,58,750 /-}\end{aligned}$$

(Rupees Two Lakh Fifty Eight Thousand Seven Hundred and Fifty Only).

NOW THEREFORE in exercise of the powers vested under section 5 of the Environment (Protection) Act, 1986, you are hereby directed to show cause within 15 days of receipt of this notices as to why you shall not be directed to remit an Environmental Compensation of Rs. 6,90,000/- (Rupees Six Lakh Ninety Thousand only) for the violations of the said Acts and Rules.

For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD


CHAIRPERSON

To

M/s Credence Hospital,
Ulloor Medical College P.O,
Thiruvananthapuram

Copy to:

- ✓ The Chief Environmental Engineer
Regional Office, Thiruvananthapuram
2. The Environmental Engineer
District Office, Thiruvananthapuram
3. The Environmental Engineer-3, Head Office

Credence Hospital Pvt. Ltd.
 Ulloor Trivandrum 695011 India
 Tel: ++91 471 4033333, 2554343
 Fax: ++91 471 4033334
 Email: info@credencehospital.com
 www.credencehospital.com



Regd/Ack

Cred/Gen/06/2025

30th January 2025

To

The Chairperson
 Kerala State Pollution Control Board
 Pattom P.O., Thiruvananthapuram, Kerala 695004

REFERENCE: KSPCB/2089/2024-EE-1, Dated- 17-01-2025.

Respected Sir,

We are in receipt of your notice dated 17-01-2025 issued under Environment Protection Act 1986 to show cause within 15 days as to why we shall not be directed to remit an environmental compensation of Rs.6,90,000/-

BG
 ✓
 3/2/2025

CHAIRPERSON

In response to the same we submit the following facts. At the outset the notice seeking compensation from us is highly unjust, inequitable and goes against all principles of natural justice. The issue of dumping bio medical waste in Tirunelveli and other parts of Tamil Nadu from Kerala was reported by newspapers on 17-12-2024. Immediately the matter was taken note of by the Hon'ble National Green Tribunal by initiating suo motu proceedings. When we received notice from your office with regard to the same, we submitted a detailed reply with facts and records making it clear in unequivocal terms the name of authorised agencies of the Board and the approved agencies of the Municipal Corporation to whom we hand over waste after proper segregation. Thereafter a detailed inspection was conducted in our hospital by all statutory authorities who found everything in order and left the place. We also came to know that the statutory authorities like Tamil Nadu Pollution Control Board along with other statutory authorities in a

joint inspection also found nothing against our hospital in connection with dumping of bio medical waste.

Thereafter we were issued notices one after the other including consent revocation order for which we submitted our detailed reply based on facts and records. The records produced by us before your authority would also make it clear that after proper segregation Bio medical waste is handed over to IMAGE, the approved agency for collecting bio medical waste authorized by your good self. With regard to collecting non bio waste and food waste, the same are handed over to two authorized agencies approved by the Government and Municipal Corporation. None of these authorities till date have issued any communication to us with regard to improper segregation of waste or mixing waste by us while handing over the same to the agencies.

In your notice referred to above, you have alleged numerous violations against us which are not legally tenable. We have not received any report from any authority fixing any liability of any sort or alleging any illegal act committed from our side. Further allegation that we dispose of paper waste through M/s Use Again Systems is stoutly denied. We have our own system of disposing paper waste. The waste papers generated in our hospital go to shredder and then disposed through proper disposal mechanism without causing any harm either to environment or society. It is also submitted that as provided all other waste generated in our hospital are segregated properly and handed over to concerned authorities in a proper bar coded bags without giving room for any complaint from any quarters. As such the allegation that large quantities of food waste mixed with plastic and paper waste were stored without segregation inside and around the hospital canteen premises is stoutly denied. It is also submitted that we have issued strict orders to our own staff not to bring any food items in plastic containers. While that be so, it is totally unfair to level untrue accusations against us.

The further allegation in page 6 of your notice which reads as follows "WHEREAS general waste (Paper waste) from your industry was reported to be dumped at various locations of Thirunelveli district which is in violation of

section 4(2) of Solid Waste Management Rules 2016” is bereft of truth and hence denied in toto. Till date we have not received any letter from any authority with regard to the above allegation. It is surprising as to how you arrived at such a conclusion even without affording us an opportunity of being heard or even showing us any scrap of evidence in this regard.

The further allegation in page 7 of your notice that untreated biomedical waste was stored along with plastic and other general waste is something unheard of till date. We have a clear separate mechanism to segregate waste in our hospital under a separate wing. All wastes are segregated then and there and handed over to the agencies after entering even the vehicle numbers which carry the waste. It is with pride we submit that ours is one among the very few hospitals which take utmost care in disposing of waste lest bio medical waste. It is not clear as to how your good self arrived at the above findings which is far from truth made only for the sole purpose of finding fault with us.

It is further submitted that an action is contemplated based on a paper report alleging dumping of bio medical waste in nearby State of Tamil Nadu. When we vehemently denied any such illegal act from our part, we were informed of dumping paper waste. Again we informed your good self that we have never indulged in any such illegal acts nor will we expose ourselves to such acts and agreed to cooperate with any investigation agency to prove our innocence in the matter. But without conducting a proper enquiry or investigation or hearing our side in the matter, all these notices and actions are contemplated. This is nothing short of violation of the principles of natural justice and the whole act is liable to be set aside. We also submit that the allegation of dumping bio medical waste toned down to paper waste by itself shows that the whole allegation is based on newspaper report which cannot be relied upon without a proper investigation by a competent authority and after hearing us. When we submitted records to substantiate that we never handed over any waste lest medical waste to any unauthorized agency, a joint inspection was conducted in our hospital by all statutory authorities who got convinced with regard to the proper segregation and

handing over of waste by us. Even after the same, issuing letter one after the other for no fault of us could only be construed as an attempt to fix liability on us so as to save some vested interests.

Our hospital, having very high repute catering to mother and child health since 2006, is unnecessarily dragged into this controversy for reasons best known to you. The reproduction of provisions in the notice alleging violation of Bio Medical Waste Management Rules, 2016 clearly shows that the same is a vain attempt to show that the authorities have acted in accordance with law whereas the truth is otherwise. Our hospital caters to the needs of women and children since 2006 after scrupulously complying with all statutory and legal provisions. All the allegations mentioned in your notice of violating provisions of Bio Medical Waste Management Rules, 2016 are denied in limine. Without conducting a proper, fair and transparent enquiry in the matter, fixing liability on us and directing to pay compensation to the tune of Rs.6,90,000/- that too for no fault of us is highly inequitable, unjust, improper, and irregular.

For the above reasons, we request your good self to give us an opportunity of being heard before proceeding further in the matter. We also request to give us copies of the documents relied on by your good self for arriving at this conclusion which is highly exorbitant so as to enable us to substantiate our case and produce all documents and records to show our innocence in the matter in the interest of justice, equity and fairplay.

Yours truly



Authorised Signatory

30-01-2025



MINUTES OF THE HEARING CONDUCTED IN CONNECTION WITH LEVYING OF ENVIRONMENTAL COMPENSATION FROM M/s. CREDENCE HOSPITAL PRIVATE LIMITED

The hearing commenced at 4:00 pm on 06/03/2025 in the chamber of chairperson with the chairperson presiding. Member Secretary was also present.

The list of participants is given below :

1. Dr. Gigi Joseph : CEO
Credence Hospital Private Limited
(Through VC)
2. Er. Bindhu Radhakrishnan : Chief Environmental Engineer,
Head Office, Trivandrum
3. Er. Vinaya K.S : Chief Environmental Engineer
Regional Office, Trivandrum
(Through VC)
4. Er. Ramya G : Environmental Engineer - 1
Head Office
5. Er. Bincy B.S. : Environmental Engineer – 3,
Head Office
6. Er. Sabah Nazeemudeen : Environmental Engineer,

District Office, Trivandrum
(Through VC)

7. Er. Sreetha A.M. : Assistant Environmental Engineer
Regional Office, Trivandrum
(Through VC)

8. Er. Reshma K.S : Assistant Engineer – 3
Head Office

9. Er. Muhamed Zachariya .A. : Assistant Engineer
Regional Office, Trivandrum
(Through VC)

The chairperson welcomed the participants and gave a brief description of the matter.

In connection with the issue of illegal waste dumping from Kerala to Tamil Nadu the Hon'ble NGT filed Suo Motu case OA 312/2024 based on the news item in the New Indian Express, Chennai edition dated 17-12-2024, titled “ Kerala’s Medical Waste dumped in Nellai Villages. “ In this connection an enquiry committee was constituted as per the Government Order. Since violations were noticed by the enquiry committee on the part of Credence Hospital Environmental Compensation was assessed and Notice under section 5 of EP Act was issued to the unit. As requested by the unit in the reply to the Notice, the hearing is arranged.

In this context, the Chairperson requested the representative of the hospital to explain his contentions.

Dr. Gigi the CEO of the hospital enquired about the violation which they have committed. He informed that the violations pointed out by the enquiry committee was regarding the transfer of general waste and Biomedical Waste together to the same area for further segregation. He further added that this issue is already addressed and necessary action is being taken. He also reiterated that no biomedical wastes are mixed with general wastes. Separate colored bags are kept for collection of waste and they are carried to a common landing which are then conveyed to the designated storage area.

The Chairperson then requested the Board officials to explain the inspection finding.

The Chief Environmental Engineer, Regional Office, Trivandrum informed that mixed waste were seen in the hospital canteen. She further informed that even though the wastes are kept in coloured bags they are brought together in the same trolley to the same landing and then transported to the designated area. Hence the committee observed that there is a chance for mixing of Biomedical Waste and Segregated waste due to the oversight of workers handling the wastes.

The Assistant Engineer, Regional Office, Trivandrum pointed out that unfastened colored bags were being conveyed to the common landing and hence the possibility of getting the wastes mixed cannot be ruled out.

Further photograph taken during the inspection was examined. The photograph reveals that untied red, yellow and green bags are being carried

together in the same container. The Chairperson opined that handling of infectious Biomedical Waste in such a careless manner is a blatant violation of Biomedical Waste Management Rules, 2016 and the same is of serious concern, especially in the context of its health related consequences. She also informed that Environmental Compensation is imposed for the violations already committed. Environmental Compensation is assessed based on the guidelines stipulated by Central Pollution Control Board.

After a detailed discussion it was decided that since Biomedical Waste Rules and Solid Waste Management Rules are seen violated, the Environmental Compensation slapped for past violations cannot be waived off.

The hearing ended at 4.30 pm


CHAIRPERSON

Ph: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman:
2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web:
kspcb.kerala.gov.in

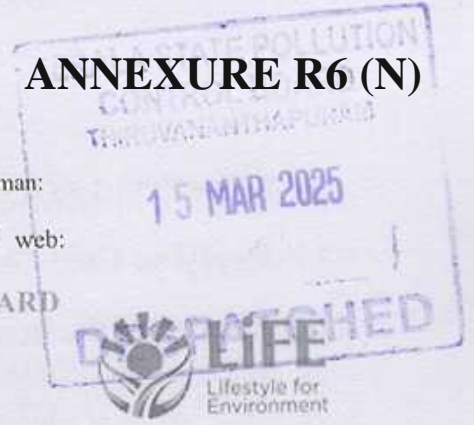


KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ, തിരുവനന്തപുരം 695 004



KSPCB/2089/2024-EE-1

14-03-2025

REGD A/D

DIRECTION UNDER ENVIRONMENT (PROTECTION) ACT, 1986

Sub:- Levying Of Environmental Compensation from M/s. Credence Hospital Pvt. Ltd,Ulloor, Thiruvananthapuram

Ref: - (1) Consent No. PCB/TVM-DO/ICO(R)/HSP/328/2012 dated 26/07/2012

- (2) Consent No. PCB/RO/TVM/ICO-R/04/2020 dated 07/10/2020
- (3) Reports on dailies on 17/12/2024 regarding the illegal dumping of waste in Tamil Nadu.
- (4) Lr.No.T3/TNPCB/BMW/F.31777/2024-1 dated 18/12/2024 from the Chairperson of Tamil Nadu Pollution Control Board
- (5) Show cause notice of even number dated 18/12/2024
- (6) Report of inspection conducted on 18-12-2024 from District Office, Thiruvananthapuram
- (7) Tribunal on its own motion SUO MOTU based on the news item in The New Indian Express, Chennai Edition dt: 17/12/2024 titled "Kerala's Medical waste dumped in Nellai Villages and filed as OA312/2024
- (8) Consent Revoke Intention Notice of even no dated 19/12/2024
- (9) Reply to the Notice submitted by you dated 20/12/2024 & 21/12/2024
- (10) Report of inspection conducted from Regional Office along with the enquiry committee
- (11). Notice under Environment Protection Act 1980 dated 17-01-2025.
- (12) Report submitted by the enquiry committee constituted under G.O.(Rt)

ote

No. 2509/2024/LSGD dated 20-12-2024

(13) Reply no Cred/Gen/06/2025 Dated 30-01-2025

(14) Minutes of the hearing held on 06-03-2025

WHEREAS the Kerala State Pollution Control Board (herein after referred to as the Board) is the statutory authority for implementing the Water (Prevention & Control of Pollution) Act 1974 (herein after referred to as the Water Act), the Air (Prevention & Control of Pollution) Act 1981 (herein after referred to as the Air Act), and the Environment (Protection) Act 1986 (herein after referred to as the EP Act) and Rules there under in State of Kerala;

WHEREAS the Bio-Medical Waste Management Rules, 2016 and amendments and notified thereof (hereinafter referred as BMW Rules) under the Environment (Protection) Act, 1986, to improve the collection, segregation, processing, treatment and disposal of the Bio-Medical wastes in an environmentally sound manner thereby reducing the Biomedical Waste generation and its impact on the environment;

WHEREAS Solid Waste Management Rules 2016 (herein after referred as SWM Rules) under the Environment (Protection) Act 1986, is applied to every institutional solid waste generators and should comply with the provisions of Solid Waste Management Rules 2016;

WHEREAS Plastic Waste Management Rules 2016 (herein after referred as PWM Rules) under the Environment (Protection) Act 1986, is applied to every waste generators including institutions who are bound to comply with the provisions of Plastic Waste Management Rules 2016 ;

WHEREAS the Central Government notified the Environment (Protection) Act, 1986 for the protection of environment;

WHEREAS the Hon'ble National Green Tribunal, vide order dated 19/02/2019 in O.A.593 of 2017 (W.P (Civil) No.375/2012 by the Paryavaran Suraksha Samiti and Anr. Vs. Union of India and Ors.), directed that "CPCB may take penal action for failure against those who are accountable for not setting up and maintaining STPs, CETPs ETPs and CPCB may also assess

and recover compensation for damage to the environment and the said fund may be kept in a separate account and utilized in terms of an action plan for protection of the Environment.”;

WHEREAS the NGT vide order dated 12/03/2019 in O.A. No. 710/2017, directed that the State Pollution Control Boards are also authorized to recover compensation from the polluters or laying down their own scale which should not be less than the scale fixed by Central Pollution Control Board;

WHEREAS the Hon’ble National Green Tribunal, Principal Bench, New Delhi in the Order dated 22/11/2018 in O.A No. 353/2016 clarified that apart from prosecution, the statutory authorities under the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, must, in exercise of their incidental powers, prescribed scale of compensation to be collected from the polluters on the “Polluter Pays Principle”. Such scale which may be laid down at various levels, having regard to the local condition or as per direction in the hierarchy of the authorities. In various other application also, the Hon’ble NGT passed similar orders, for instance, in the Order dated 20/11/2018 in O.A No. 117/2014, 499/2014 and 102/2014 the Hon’ble NGT noted as; “Needless to say that statutory authorities under the Environment (Protection) Act, 1986, Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution Act), 1974 are entitled to assess and recover damages as “Polluter Pays Principle ” in exercise of incidental powers to protect environment”;

WHEREAS in pursuant to Hon’ble National Green Tribunal, in the matter of O.A. 593 of 2017 CPCB has developed a “Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund”;

WHEREAS the methodology developed by the CPCB for assessing Environmental Compensation is as follows;

$EC = PI \times N \times R \times S \times LF$ Where,

EC – Environmental Compensation in Rupees.

PI – Pollution index of industrial sector (PI of 80, 50 & 30 may be taken for Red, Orange and Green respectively)

N – Number of days for which violation took place, which is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified.

R – Factor in Rupees. which may be minimum 100 and maximum of 500.

It is suggested to consider R as 250 as the Environmental Compensation in case of violation.

S – Factor for scale of operation (Suggested to take 0.5 for micro and small, 1 for medium and 1.5 for large units)

LF – Location factor based on population of city/town and location of industrial unit.

LF can be taken as follows :

1 for less than 1 million population, 1.25 for population 1 million to < 5 million, 1.5 for population 5 million to less than 10 million and 2 for population 10 million and above.

LF will be 1.0 in case unit is located >10km from municipal boundary LF is presumed as 1 for city/town having population less than one million.

WHEREAS, in any case, minimum Environmental Compensation shall be Rs.5000/day;

WHEREAS as per the CPCB Guidelines for Imposition of Environmental Compensation Charges against Healthcare Facilities and Common Biomedical Waste Treatment Facilities, the Environmental Compensation may be assessed using the methodology as below;

Environmental Compensation for HCFs = HR x T x S x R x N

Where; HR – Health Risk factor

T- Type of Healthcare Facility

S – Size of Health Care Facility

R – Environmental Compensation factor

N – Number of days of Violation

WHEREAS M/s. Credence Hospital Pvt. Ltd, near Ulloor Bridge, Ulloor Medical College P.O, Thiruvananthapuram comes under the purview of water Act, Air Act and Environment (Protection) Act 1986, comes under

the purview of the Water (Prevention & Control of Pollution) Act 1974, the Air (Prevention & Control of Pollution) Act 1981 and the Environment Protection Act 1986;

WHEREAS you are bound to comply with the conditions mentioned in the Integrated Consent issued to you vide ref. cited (1) above;

WHEREAS as per condition no.5.4 of the consent, vide ref (1) issued to you, Bio medical Waste, except liquid waste, generated in your Hospital shall be disposed through the common facility of IMAGE;

WHEREAS as per condition no.5.5 of the consent, vide ref (1) garbage shall be disposed through biogas Plant;

WHEREAS it has come to the notice of the Board through newspaper dated 17/12/2024 that biomedical waste, food waste and plastic waste from some of the institutions in Trivandrum, RCC, Credence Hospital Ulloor, and M/s Leela Raviz, Kovalam, are found to be dumped at multiple locations such as Kodaganallur and Palavoor Villages in Thirunelveli district of Tamil Nadu;

WHEREAS Hon'ble NGT has taken a SUO MOTO based on the news item in The New Indian Express, Chennai Edition dt: 17.12.2024, in O.A.No. of 312 of 2024(SZ);

WHEREAS, it has come to the notice of the Board, through ref cited (3) & (4), that Biomedical waste, food waste, and plastic waste from your health care facility are found to be dumped at multiple locations such as Kodaganallur and Palavoor villages in Thirunelveli district of Tamil Nadu;

WHEREAS notice has been issued to you, vide ref cited (5), pointing out the aforesaid violations;

WHEREAS during the inspection conducted by the Board officials on 18.12.2024 across various units, it was observed that you have been disposing your paper waste through M/s Use Again Systems, an unauthorized agency;

WHEREAS as per reference cited (8) above, Board had issued Consent Revoke Intention Notice, directing to show cause if any within 7 days of notice;

WHEREAS you had submitted reply to the Notices vide ref cited (9);

WHEREAS you have disposed wastes through M/s Use Again Systems;

WHEREAS it is understood that Use Again Systems does not have valid Registration/Consent of the Board;

WHEREAS as you have disposed off wastes within your premises through an unauthorized agency which constitutes a violation of the section 4(1-a) of Solid Waste Management Rules, 2016;

WHEREAS Rule 4 of BMW Rules, 2016 stipulates the duties of the occupier of Healthcare facilities (HCFs) and Rule 4(a) of BMW Rules, 2016 stipulates that every occupier shall take all necessary steps to ensure that Bio-Medical Waste is handled without any adverse effect to human health and the environment and in accordance with these rules;

WHEREAS Rule 4(b) of BMW Rules 2016 stipulates to make provisions within the premises for a safe, ventilated and secured locations for storage of segregated bio-medical wastes in colored bags or containers in the manner as specified in Schedule I, to ensure that there shall be no secondary handling, pilferage of recyclables and the biomedical waste from such place or premises shall be directly transported to the Common bio medical waste treatment facility ;

WHEREAS Rule 4(e) of BMW Rules, 2016 stipulates that every occupier shall dispose of solid waste other than Bio-Medical Waste in accordance with the provisions of respective Solid Waste Management Rules made under the relevant laws and amended from time to time;

WHEREAS Rule 4 (f) of BMW Rules, 2016 stipulates not to give treated biomedical waste with Municipal Solid waste;

WHEREAS Rule 7(2) of BMW Rules, 2016 stipulates that occupier shall hand over segregated waste as per the Schedule I to common biomedical waste treatment facility for treatment processing and final disposal;

WHEREAS Rule 8(2) of PWM Rules, 2016 stipulates that all institutional generators of plastic waste shall segregate and store the waste generated by them in accordance with SWM Rules and handover segregated waste to authorized waste processing or disposal facility or deposition

centers either on its own or through authorized waste collection agency;

WHEREAS the Government of Kerala has constituted an enquiry committee to investigate the issues of waste dumping in Thirunelveli;

WHEREAS during the Joint Inspection conducted by the Board Officials along with Trivandrum Corporation and LSGD officials as part of the Enquiry committee on 31/12/2024, it was observed that large quantities of food waste mixed with plastic and paper waste were stored without segregation, inside and around the hospital canteen premises, which is in violation of section 4(1-a) of Solid Waste Management Rules, 2016;

WHEREAS as per the said inspection report, the hospital authorities have not effectively implemented a source level segregation of waste which is in violation of Rule 4(1-a) of Solid Waste Management Rules, 2016;

WHEREAS general waste (Paper Waste) from your industry was reported to be dumped at various locations of Thirunelveli district, which is in violation of section 4(2) of Solid Waste Management Rules 2016;

WHEREAS as per section 4(1-a) of Solid Waste Management Rules, 2016, (1) every waste generator shall,- segregate and store the waste generated by them in three separate streams namely bio-degradable, non bio - degradable and domestic hazardous wastes in suitable bins and handover segregated wastes to authorised waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

WHEREAS during the above inspection, it was observed that untreated Biomedical waste was stored along with plastic and other general waste which is in violation of section 8(1) of Bio Medical Waste Management Rules 2016;

WHEREAS as per section 8(1) of Bio Medical Waste Management Rules 2016, no untreated bio-medical waste shall be mixed with other wastes;

WHEREAS as per the inspection report, the waste collected from the nursing units and patient rooms was stored in a mixed manner in a designated location for future segregation which is in violation of Bio Medical Waste Management Rules, 2016 ,Plastic Waste Management Rules, 2016 and Solid Waste Management Rules, 2016;

WHEREAS as per the inspection report, various types of wastes, including solid, bio-medical and bio degradable waste were mixed together and placed in a common plastic bag .These bags were carelessly disposed of in the waste yard,which is in violation of Rule 4(a) of BMW Rules 2016, Rule 4(b) of BMW Rules 2016, Rule 4(e) of BMW Rules 2016,Rule 4(1-a) of SWM Rules,2016, Rule 7(2) of BMW Rules, 2016, Rule 8 (1) of BMW Rules, 2016, Rule 8 (2) of BMW Rules, 2016;

WHEREAS a notice under Environment(Protection)Act,1986 was issued to you vide reference the reference cited (11) to show cause as to why you shall not be directed to remit on Environmental Compensation of Rs. 6,90,000/-;

WHEREAS a reply to the Notice was furnished by you vide referrence cited (13);

WHEREAS as requested a hearing was conducted by the undersigned on 06-03-2025;

WHEREAS during the hearing the photographs showing violation of Biomedical Waste Management Rules ,2016 and Solid Waste Management Rules ,2016 were examined;

WHEREAS the photographs showed that untied red and yellow biomedical bags and yellow general waste bags are carried together in a same container ;

WHEREAS also as per the report of the Enquiry Committee of Government cited (12), biomedical waste in red & yellow bags and non bio degradable waste in green bags were found in one container;

WHEREAS as per the report of the Enquiry Committee biomedical waste and general waste were being transported in the same container from the hospital to the segregation area;

WHEREAS the inadequate separation not only poses a significant health risk to patients and staff but also contravenes established regulations for safe medical waste management which is a blatant violation of of Rule 4(a) of BMW Rules 2016 and Rule 4(l) of BMW Rules 2016;

WHEREAS you could not furnish a satisfactory explanation showing that the above violation is not committed;

AND WHEREAS as per the minutes of the hearing it was decided not to waive off the Environmental Compensation slapped for the committed violations;

NOW THEREFORE in exercise of the powers vested under section 5 of the Environment (Protection) Act, 1986, you are hereby directed Rs. . 6,90,000/- (Rupees Six Lakh Ninety Thousand only)as Environmental Compensation in accordance with the orders of Hon'ble National Green Tribunal and "Methodology for Assessing Environmental Compensation and Action Plan to utilize the fund" developed by CPCB.

**For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD**


CHAIRPERSON

To
M/s Credence Hospital,
Ulloor Medical College P.O,
Thiruvananthapuram

Copy to:

1. The Chief Environmental Engineer
Regional Office, Thiruvananthapuram
2. The Environmental Engineer
District Office, Thiruvananthapuram
3. The Environmental Engineer-3, Head Office
Office