

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

Appeal No. 02 of 2023

IN THE MATTER OF -

Dr. Mahadev Ganapati Mhetre

.... Appellant.

V/s.

Maharashtra Pollution Control Board

.... Respondents.

& Ors.

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT No. 1.

I, Navanath S. Awatade, aged about 53 years, occupation-service, as the Sub Regional Officer, Maharashtra Pollution Control Board at Sangli having my office at Udyog Bhavan, Vishrambag, Sangli-416415. I am filing this affidavit on behalf of the Respondent No – 1 do hereby solemnly affirm state as under-

1. That I, am presently working as the Sub Regional Officer, Sangli with the Maharashtra Pollution Control Board. I say and submit that, I have gone through the records of the present appeal and thereafter made myself conversant with the facts and circumstances. I am filing the present affidavit in reply in

3 MAY 2023

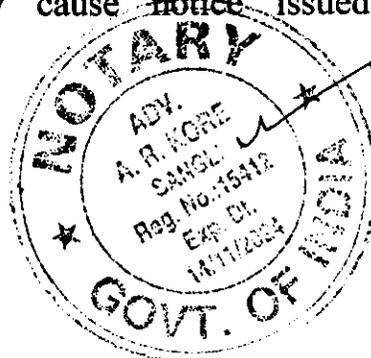


response to the appeal after understanding the contents thereof.

At the outset I deny all the averments, assertions and contentions, made in the appeal against Board and those which are not dealt with by me specifically in this reply may not be construed as having admitted the truthfulness thereof.

2. That the averments made in Para No. 1.1 to 1.6 are about the address & the profession of appellant hence no comments from this answering Respondents No.1.
3. That the averments made in Para No.1.7 to 1.11 is about the inspection made by the Boards officials on dtd. 18-10-2021 and visit of the joint committee on dtd. 05-04-2022. I say and submit that as per the inspection of Board Officials dtd. 18-10-2021 the non-compliances observed during the visit are already communicated at that time. And accordingly the Board has issued Warning Notice to the hospital. **A copy of Warning Notice dated 21/10/2021 And Show Cause Notice dated 10/12/2021 is enclosed herewith and marked as an Annexure "A".**
4. That the averments made in Para No. 1.12 to 1.15 are about the renewal of authorization. I say and submit that as per the warning notice and show cause notice issued the Health Care

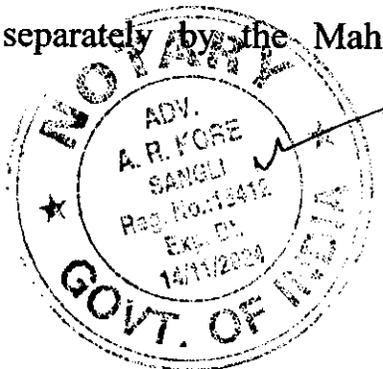
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Establishment (HCE), they have applied for Combine Consent Authorization (CCA) through online portal of Maharashtra Pollution Control Board on dtd. 24-10-2021. However due to the non-compliance of conditions of Bio Medical Waste Authorization as well as Effluent Treatment Plant (ETP) the same has been refused by the Board.

5. That the averments made in Para No. 1.16 is about the executive power, functions and responsibility of Municipal Corporation of Sangli under the Maharashtra Municipal Corporation Act for maintaining the health standards and protecting the wholesome environment in the area in their jurisdiction. The same are matter of records and hence need no comments from this Answering Respondent.
6. That the averments made in Para No. 1.17 to 1.21 is about provision of Effluent Treatment Plant (ETP) / Sewage Treatment Plant (STP) and obtaining combine consent and bio medical waste authorization. I say and submit that, it is the duty of every occupier to comply the conditions as specified in the Bio Medical Waste Management Rules 2016, thus it is not required to inform and communicate separately by the Maharashtra Pollution

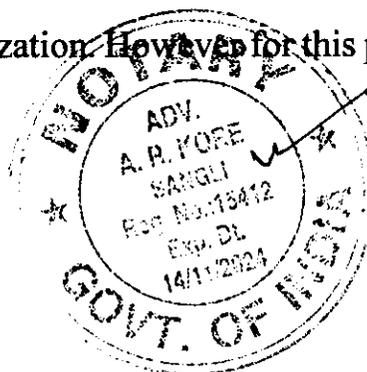
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Control Board as well as the conditions also mentioned in the authorization granted to the said hospital. An abstract copy of Bio medical Waste Management Rules 2016 is enclosed herewith and marked as an Annexure "B".

7. That the averments made in Para No. 1.22 to 1.23 is about the consideration of COVID-19 period while determining an amount of compensation i.e. 23rd March 2020 to 7th Sept. 2021. I say and submit that, the said hospital is having the Bio Medical Waste Authorization valid up to the period of 31-12-2019 granted vide dtd. 13-06-2017, though the Board has published circulars vide dated. 31-03-2020, 28-04-2020, 07-05-2021 and 29-03-2023 in the public interest for extension of validity period of Authorization / Consent period of industries / health care establishment which will expires on 31-03-2020 extended up to 31-07-2020, expires on 30-04-2020 extended up to 30-09-2020 and expires on 30-06-2021 extended up to 31-10-2021 respectively and as per Board circular dtd. 29-03-2023 it is clarified that the Authorization / Consent period from 01-04-2020 to 31-03-2021 is exempted from submission of application for Consent / Authorization. However for this period only regular

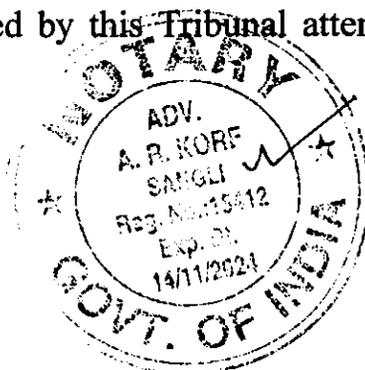
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consent fees will be charged and no any relaxation has been given for exemption for calculating environmental compensation for this period. Hence it is clear that the hospital expired its authorization validity on 31-12-2019 has not applied within the time period before the **COVID** pandemic lockdown. Hence the statement made by the Appellant is not acceptable. **The copies of Board circulars are enclosed herewith and marked as an Annexure "C".**

8. That the averments made in Para No. 1.24 to 1.28 are about the consideration of facts. Hence no comments from this answering Respondents No.1.
9. I say that the appeal is not maintainable on the ground that order passed by the Hon'ble National Green Tribunal in Original Application No. 4 of 2022, dtd. 11-10-2022 is not challenging the applicant by way of filing appeal before the Hon'ble Supreme Court under section 22 of National Green Tribunal Act, on the contrary the applicant has suppressed the material fact, that applicant has preferred the review application before this Hon'ble Tribunal and which is also dismissed by this Tribunal. Therefore order passed by this Tribunal attend the finally and

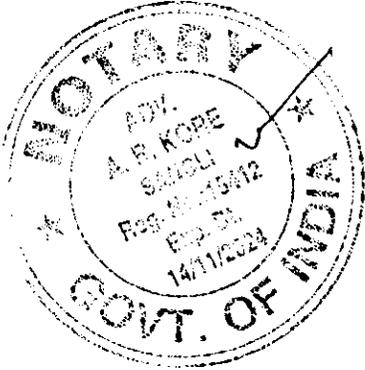
3 MAY 2023



environment compensation has been calculated in view of the order passed by this Tribunal and therefore this appeal should be dismissed on the ground of the mentality and suppression of material fact.

E.3 MAY 2023

Solemnly affirmed on the 3rd May, 2023.

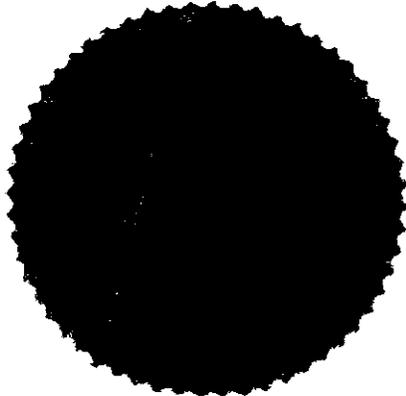


Identified by

mpati-
Identified by me
(Adv. Amit m. Patil)

For and on behalf of Respondent No.1.

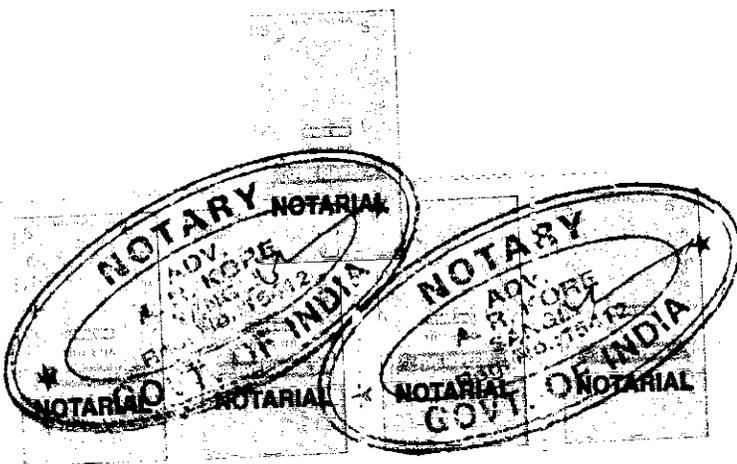
Mutede
(Navanath S. Awatade)
Sub Regional Officer
M. P. C. Board, Sangli.



Noted & Registered
at Serial Numbers ...313/2023
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Solemnly affirmed before me by
Shri Navanath S. Awatade
Who is identified before me by
Shri Amit m. Patil *7 sang*
whom personally known. *By sangli*

Rock
21/5/2023
ADV. A. R. KORE
NOTARY REG. NO. 13412,
GOVT. OF INDIA
Kaveri App'l. Saraswatinager
SANGLI - 416 416 (M.S.)



208
MAHARASHTRA POLLUTION CONTROL BOARD

Annexure-A

<p>Ph. No. (0233) 2672032 (0233) 2675932 E-mail:- srosangli@mpcb.gov.in Website – www.mpcb.gov.in</p>		<p>Address:- Sub Regional Office, Sangli Udyog Bhavan, Behind Tata Petrol Pump, Vishrambag, Sangli – 416415.</p> <p> "Your service is our Duty"</p>
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No. MPC/SROSNGL/WN- 2110210001/21 . Date:- 21/10/2021

To,
M/s. Mhetre Hospital,
Timber area / Vakhar Bhag, Miraj,
Dist. Sangli.

Sub: Regarding Non compliances / violation observed during the visit of Board official w.r.t. the provisions of Bio-Medical Waste Management Rules, 2016....

- Ref:**
- 1] Bio medical waste Authorization issued on 13.06.2017 which was valid for the period up to 31.12.2019.
 - 2] Complaint received of Shri. Tanaji Ruikar, Zilha sangharsh samiti, Sangli regarding Pollution caused by your hospital (dtd 11.10.2021).
 - 3] Visit of the Board official to your hospital on 18.10.2021.

.....

It is to inform you that, Ministry of Environment, Forest and Climate Change (MoEFCC), Govt. of India has notified, Water (Prevention and Control of Pollution), Act, 1974 for prevention and control of water pollution and the maintaining or restoring of wholesomeness of water and Air (Prevention and Control of Pollution), Act, 1981 for prevention, control and abatement of air pollution.

Ministry of Environment, Forest and Climate Change (MoEFCC), Govt. of India in exercise of the powers conferred u/s. 6, 8 & 25 of Environment (Protection) Act, 1986 has notified the Bio-Medical Waste Management Rules, 2016, which is subsequently amended from time to time. Maharashtra Pollution Control Board is the Prescribed Authority for the enforcement of Bio-Medical Waste Management Rules, 2016, as amended from time to time for Maharashtra state.

It is obligatory on the part of every Occupier / Hospital /HCE's generating Bio-medical waste to obtain prior Bio Medical Waste Authorization under Rule 8 of the said Rules, by making online application to the prescribed authority accompanied by a fee (if applicable) as prescribed by the State Government of Maharashtra. Also, it is mandatory on your part to comply the conditions stipulated in Bio medical Waste Authorization issued by the Board for the activity situated at the above said address. According to the Rule, every hospital shall scientifically segregate, isolated store and dispose Bio medical waste to the concerned Common Bio medical waste Treatment, Storage & Disposal facility alongwith maintain the record on daily basis.

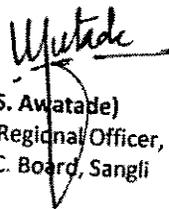
This office is in receipt of complaint of Shri. Tanaji Ruikar, Zilha Sangharsh Samiti, Sangli regarding pollution caused by your hospital and also in operation without obtaining prior bio medical waste authorization (as per above ref. no. 2). Accordingly, to investigate the matter, Board official alongwith hospital representative jointly visited your hospital on 18.10.2021. During the visit following non compliances have been observed:-

- [1] You have not provided separate isolated / storage arrangement for final storage of Bio medical waste. Segregation of bio medical waste carried out under Red and Yellow bags only. Not provided Blue and White bags for storage of category-wise waste.

- [2] As per record of this office, Bio medical waste authorization was expired / valid till 31.12.2019, you have failed to renew the said authorization and now operating the hospital without obtaining valid bio medical waste authorization.
- [3] You have not provided treatment for the waste water generated from hospital, pathology laboratory activity. Also, not maintained the record regarding liquid waste/ bio medical waste disposal.
- [4] Record regarding Bio medical waste annual report, Daily Bio medical waste generation/ its disposal, training provided to the staff, valid bio medical waste authorization etc.. not maintained.
- [5] You are having membership of CBMWTSDf, Sangli for scientific disposal of Bio medical waste, but, record regarding daily disposal of Bio medical waste not maintained.
- [6] It is mandatory on your part to provide training to all the staff which are dealing / handling bio medical waste. You have failed to comply the same.

From the above non compliances, it indicate your negligent attitude towards implementation and management as per Bio-Medical Waste Management Rules, 2016.

You are instructed to submit the point-wise reply on above non compliances within seven days period after receipt of this letter. Failure to this, it will be presumed that you have nothing to say and suitable legal action will be initiated/ recommended against your hospital under the provisions of Environmental Laws, which may be noted.



(N. S. Awatade)
Sub - Regional Officer,
M.P.C. Board, Sangli

Copy submitted for information to:-
The Regional Officer, M.P.C. Board, Kolhapur.

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR.

Tel. No. (0231) 2652952, 2660448 Fax No. (0231) 2652952. E-mail: rokolhapur@yahoo.com	 "Your Service is Our Duty"	Udyog Bhavan, Near Collector Office, Kolhapur - 416 003. Website: http://mpcb.mah.nic.in
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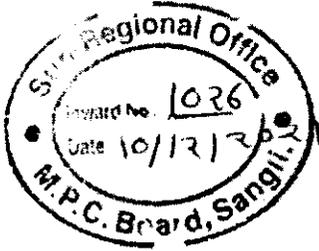
MPCB/RO/KOP/SCN/ 2112100004

Date: 10.12.2021.

To,
 M/s. Mhetre Hospital
 Vakhar Bhag, A/p. Miraj,
 Tal. Miraj, Dist. Sangli.

Sub:- SHOW CAUSE NOTICE for violation of Bio-Medical
 Waste (M & H) Rules, 2016.

- Ref:-** 1. Notification issued by the MOEF, GOI, New Delhi No.
 SO- 630(E) Dtd. 29-07-1998.
 2. Directive of the Honorable High Court.
 3. News published in the Daily News papers "Loksatta"
 regarding illegal disposal of BMW of hospital, in
 municipal solid waste on 01/10/2020
 4. Visit of Board Officials dated 18.10.2021.
 5. Proposal submitted by SRO Sangli.



Whereas, the Ministry of Environment & Forests, Govt. of India in exercise
 of powers conferred under Environment (Protection) Act, 1986 has notified the
 Bio-Medical Waste (Management and Handling) Rules, 2016.

WHEREAS, you are operating your HCE in 'Pollution Prevention Area' declared
 under Bio Medical Waste (M & H) Rules 2016 as well as Water (Prevention & Control
 of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 & Hazardous
 Waste (M & TM) Rules, 2008.

AND WHEREAS, Board has granted to you authorization under Bio Medical
 Waste (M & H) Rules 2016 as well as Water (Prevention & Control of Pollution) Act,
 1974, Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M & TM)
 Rules, 2008

AND WHEREAS, it is obligatory on your part to provide full fledged segregation,
 storage, transport treatment & disposal of Bio medical waste generated from health
 centre & to operate the same round the clock so as to achieve the authorization
 standards prescribed by the Board under Bio Medical Waste (M & H) Rules 2016 as
 well as Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control

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 10/12/21*

of Pollution) Act, 1981 & Hazardous Waste (M & TM) Rules, 2008 as well as Environment Protection act 1986.

AND WHEREAS, the Board officials of SRO Sangli office has submitted the proposal for initiating necessary action under the Environment (Protection) Act, 1986 has notified the Bio-Medical Waste (Management and Handling) Rules, 2016.

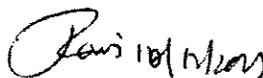
AND WHEREAS, Board Officials visited your HCE for investigating the complaint as per ref no (4) and observed following non compliances.

1. You are operating your HCE unit without obtaining valid Authorization from the Board and yet not applied for the same.
2. You have not provided STP/ ETP for the effluent generated through the HCE and discharging the untreated effluent in to Municipal sewer system.
3. You have failed to submit BMW Annual Report within stipulated period.
4. During visit it is noticed that you were not segregating the BMW waste scientifically.
5. You have not provided separate scientific storage room for BMW Waste.
6. Record keeping of the generation, Storage and disposal of the BMW Waste.
7. Your HCE unit is not segregating/ storing the BMW/ MSW Waste generated as per colour coding of the Bags.

AND WHEREAS, after examining the report of your case, I am satisfied that you are not serious about compliance of Bio Medical Waste (M & H) Rule knowingly and will full operating your HCE without causing adverse effect on the human health and surrounding environment

NOW THEREFORE, you are hereby directed to Show Cause as to why legal action shall not be initiated against your Health Care Establishment under the provisions of the Environment (Protection) Act, 1986 for the above non compliance.

Your reply/objection if any in this regard should reach to this office with 5 days from the date receipt of this office, failing which the Board will have no option than to initiate legal action under the above enactments against your hospital, which may be noted.



(Ravindra Andhale)
Regional Officer, Kolhapur.

Copy to-

1. The Principal Scientific Officer, M.P.C. Board, Mumbai.
2. Sub Regional Officer, M.P.C. Board, Sangli.
- For further follow up & you are directed to serve the notice to HCE. & submit the compliance within stipulated period.

[Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 28th March, 2016

G.S.R. 343(E).-Whereas the Bio-Medical Waste (Management and Handling) Rules, 1998 was published *vide* notification number S.O. 630 (E) dated the 20th July, 1998, by the Government of India in the erstwhile Ministry of Environment and Forests, provided a regulatory frame work for management of bio-medical waste generated in the country;

And whereas, to implement these rules more effectively and to improve the collection, segregation, processing, treatment and disposal of these bio-medical wastes in an environmentally sound management thereby, reducing the bio- medical waste generation and its impact on the environment, the Central Government reviewed the existing rules;

And whereas, in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government published the draft rules in the Gazette *vide* number G.S.R. 450 (E), dated the 3rd June, 2015 inviting objections or suggestions from the public within sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas, the copies of the Gazette containing the said draft rules were made available to the public on the 3rd June, 2015;

And whereas, the objections or comments received within the specified period from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Bio-Medical Waste (Management and Handling) Rules, 1998, except as respects things done or omitted to be done before such suppression, the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.- (1) these rules may be called the Bio-Medical Waste Management Rules, 2016.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Application.-

(1) These rules shall apply to all persons who generate, collect, receive, store, transport, treat, dispose, or handle bio medical waste in any form including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories, blood banks, ayush

hospitals, clinical establishments, research or educational institutions, health camps, medical or surgical camps, vaccination camps, blood donation camps, first aid rooms of schools, forensic laboratories and research labs.

(2). These rules shall not apply to,-

- (a) radioactive wastes as covered under the provisions of the Atomic Energy Act, 1962(33 of 1962) and the rules made there under;
- (b) hazardous chemicals covered under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 made under the Act;
- (c) solid wastes covered under the Municipal Solid Waste (Management and Handling) Rules, 2000 made under the Act;
- (d) the lead acid batteries covered under the Batteries (Management and Handling) Rules, 2001 made under the Act;
- (e) hazardous wastes covered under the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 made under the Act;
- (f) waste covered under the e-Waste (Management and Handling) Rules, 2011 made under the Act; and
- (g) hazardous micro organisms, genetically engineered micro organisms and cells covered under the Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms, Genetically Engineered Micro organisms or Cells Rules, 1989 made under the Act.

3. **Definitions.-** In these rules, unless the context otherwise requires, -

- (a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
- (b) "animal house" means a place where animals are reared or kept for the purpose of experiments or testing;
- (c) "authorisation" means permission granted by the prescribed authority for the generation, collection, reception, storage, transportation, treatment, processing, disposal or any other form of handling of bio-medical waste in accordance with these rules and guidelines issued by the Central Government or Central Pollution Control Board as the case may be;
- (d) "authorised person" means an occupier or operator authorised by the prescribed authority to generate, collect, receive, store, transport, treat, process, dispose or handle bio-medical waste in accordance with these rules and the guidelines issued by the Central Government or the Central Pollution Control Board, as the case may be;

- (e) "biological" means any preparation made from organisms or micro-organisms or product of metabolism and biochemical reactions intended for use in the diagnosis, immunisation or the treatment of human beings or animals or in research activities pertaining thereto;
- (f) "bio-medical waste" means any waste, which is generated during the diagnosis, treatment or immunisation of human beings or animals or research activities pertaining thereto or in the production or testing of biological or in health camps, including the categories mentioned in Schedule I appended to these rules;
- (g) "bio-medical waste treatment and disposal facility" means any facility wherein treatment, disposal of bio-medical waste or processes incidental to such treatment and disposal is carried out, and includes common bio-medical waste treatment facilities;
- (h) "Form" means the Form appended to these rules;
- (i) "handling" in relation to bio-medical waste includes the generation, sorting, segregation, collection, use, storage, packaging, loading, transportation, unloading, processing, treatment, destruction, conversion, or offering for sale, transfer, disposal of such waste;
- (j) "health care facility" means a place where diagnosis, treatment or immunisation of human beings or animals is provided irrespective of type and size of health treatment system, and research activity pertaining thereto;
- (k) "major accident" means accident occurring while handling of bio-medical waste having potential to affect large masses of public and includes toppling of the truck carrying bio-medical waste, accidental release of bio-medical waste in any water body but exclude accidents like needle prick injuries, mercury spills;
- (l) "management" includes all steps required to ensure that bio- medical waste is managed in such a manner as to protect health and environment against any adverse effects due to handling of such waste;
- (m) "occupier" means a person having administrative control over the institution and the premises generating bio-medical waste, which includes a hospital, nursing home, clinic, dispensary, veterinary institution, animal house, pathological laboratory, blood bank, health care facility and clinical establishment, irrespective of their system of medicine and by whatever name they are called;
- (n) "operator of a common bio-medical waste treatment facility" means a person who owns or controls a Common Bio-medical Waste Treatment Facility (CBMWTF) for the collection, reception, storage, transport, treatment, disposal or any other form of handling of bio-medical waste;
- (o) "prescribed authority" means the State Pollution Control Board in respect of a State and Pollution Control Committees in respect of an Union territory;
- (p) "Schedule" means the Schedule appended to these rules.

4. **Duties of the Occupier.-** It shall be the duty of every occupier to-
- (a) 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;
 - (b) make a provision within the premises for a safe, ventilated and secured location for storage of segregated biomedical waste 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 or inadvertent scattering or spillage by animals and the bio-medical waste from such place or premises shall be directly transported in the manner as prescribed in these rules to the common bio-medical waste treatment facility or for the appropriate treatment and disposal, as the case may be, in the manner as prescribed in Schedule I;
 - (c) pre-treat the laboratory waste, microbiological waste, blood samples and blood bags through disinfection or sterilisation on-site in the manner as prescribed by the World Health Organisation (WHO) or National AIDs Control Organisation (NACO) guidelines and then sent to the common bio-medical waste treatment facility for final disposal;
 - (d) phase out use of chlorinated plastic bags, gloves and blood bags within two years from the date of notification of these rules;
 - (e) dispose of solid waste other than bio-medical waste in accordance with the provisions of respective waste management rules made under the relevant laws and amended from time to time;
 - (f) not to give treated bio-medical waste with municipal solid waste;
 - (g) provide training to all its health care workers and others, involved in handling of bio medical waste at the time of induction and thereafter at least once every year and the details of training programmes conducted, number of personnel trained and number of personnel not undergone any training shall be provided in the Annual Report;
 - (h) immunise all its health care workers and others, involved in handling of bio-medical waste for protection against diseases including Hepatitis B and Tetanus that are likely to be transmitted by handling of bio-medical waste, in the manner as prescribed in the National Immunisation Policy or the guidelines of the Ministry of Health and Family Welfare issued from time to time;
 - (i) establish a Bar- Code System for bags or containers containing bio-medical waste to be sent out of the premises or place for any purpose within one year from the date of the notification of these rules;
 - (j) ensure segregation of liquid chemical waste at source and ensure pre-treatment or neutralisation prior to mixing with other effluent generated from health care facilities;
 - (k) ensure treatment and disposal of liquid waste in accordance with the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

- (l) ensure occupational safety of all its health care workers and others involved in handling of bio-medical waste by providing appropriate and adequate personal protective equipments;
- (m) conduct health check up at the time of induction and at least once in a year for all its health care workers and others involved in handling of bio- medical waste and maintain the records for the same;
- (n) maintain and update on day to day basis the bio-medical waste management register and display the monthly record on its website according to the bio-medical waste generated in terms of category and colour coding as specified in Schedule I;
- (o) report major accidents including accidents caused by fire hazards, blasts during handling of bio-medical waste and the remedial action taken and the records relevant thereto, (including nil report) in Form I to the prescribed authority **and also** along with the annual report;
- (p) make available the annual report on its web-site and all the health care facilities shall make own website within two years from the date of notification of these rules;
- (q) inform the prescribed authority immediately in case the operator of a facility does not collect the bio-medical waste within the intended time or as per the agreed time;
- (r) establish a system to review and monitor the activities related to bio-medical waste management, either through an existing committee or by forming a new committee and the Committee shall meet once in every six months and the record of the minutes of the meetings of this committee shall be submitted along with the annual report to the prescribed authority and the healthcare establishments having less than thirty beds shall designate a qualified person to review and monitor the activities relating to bio-medical waste management within that establishment and submit the annual report;
- (s) maintain all record for operation of incineration, hydro or autoclaving etc., for a period of five years;
- (t) existing incinerators to achieve the standards for treatment and disposal of bio-medical waste as specified in Schedule II for retention time in secondary chamber and Dioxin and Furans within two years from the date of this notification.

5. Duties of the operator of a common bio-medical waste treatment and disposal facility.-It shall be the duty of every operator to -

- (a) take all necessary steps to ensure that the bio-medical waste collected from the occupier is transported, handled, stored, treated and disposed of, without any adverse effect to the human health and the environment, in accordance with these rules and guidelines issued by the Central Government or, as the case may be, the central pollution control board from time to time;
- (b) ensure timely collection of bio-medical waste from the occupier as prescribed under these rules;
- (c) establish bar coding and global positioning system for handling of bio- medical waste within one year;

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701		Kalpataru Point, 2nd - 4th Floor
Fax: 24024068 / 24023515		Opp. Cine Planet Cinema,
Website: http://mpcb.gov.in		Near Sion Circle, Sion (E)
E-mail: ast@mpcb.gov.in		Mumbai-400 022.

No. MPCB/AST/Circular/TB-200331-FTS-0001

Date: 31/03/2020

Circular**Sub: Extension of validity period of consent expired on 31/03/2020-Regd****Ref: 1. GOI Order No.40-3/2020-DM-1(A) dated 24th March 2020
2. GOM notification dated DMU/2020/CR.92/DisM-I, Dated 25th March 2020**

It is mandatory on a part of every industry/entrepreneur/establishment to obtain valid Consent to Operate and Authorization from the Maharashtra Pollution Control Board under section 26 of The Water (Prevention & Control of Pollution) Act, 1974, under section 21 of The Air (Prevention & Control of Pollution) Act, 1981 and under rule 5 of The Hazardous & Other Waste (Management and Transboundary movement) Rule, 2016, combined consent and authorization under The Bio-Medical Waste Management Rule, 2016 and The Solid Waste Management Rule, 2016 and carry out commercial production activity. It has been observed from the record of the Board, that most of the industries have obtained consent to operate from the Board with validity period up to 31/03/2020 and subsequently applied for its renewal/shall apply for renewal.

Consequent to outbreak of Corona virus (COVID-19) and declaration of lockdown situation, it is important that critical and essential activities such as Hospital, Pharmaceutical units, Biomedical waste management facilities, Municipal waste management facilities, Hazardous waste management facilities, Common Effluent Treatment Facilities, Power plants, Steel plants, Mines, Milk processing units, Food processing units are operate uninterruptedly, so that essential goods and services are available, therefore Maharashtra Pollution Control Board deems it necessary that all the industries mentioned in having validity period up to 31/3/2020 and have applied for its renewal/shall apply before 30th April 2020 for renewal will be extended for further period of four months i.e., till 31st July 2020 as an interim measure.

Now, therefore, the Maharashtra Pollution Control Board in public interest hereby extend the Consent/Authorization validity period of those industries/establishments mentioned in references 1, 2 and subsequent orders with reference to, having Consent/Authorization validity up to 31/03/2020 and have applied online for its renewal/shall apply before 30th April 2020 will be treated up to 31/07/2020 subject to same term and conditions stipulated in the previous Consent/Authorization granted by the Board and are permitted to carry out their commercial production activity, provided that any subsequent amendment shall be considered as per the provision in force at that time.

This circular comes into effect from the date of issue and is applicable for the industries as mentioned in the order issued by the Government of India dated 24th March 2020 and by the Government of Maharashtra dated 25th March 2020 and subsequent orders in connection with Corona virus outbreak.


(E. Ravendiran, IAS)
Member Secretary

Copy for favor of information to: The Hon'ble Chairman, MPC Board, Mumbai.

Copy to: All HOD, MPC Board, Mumbai/ All Regional Officer and Sub-Regional Officer, MPC Board

MAHARASHTRA POLLUTION CONTROL BOARD

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Kalpataru Point, 2nd - 4th Floor

Opp. Cine Planet Cinema,

Near Sion Circle, Sion (E)

Mumbai-400 022.

No. MPCB/AST/Circular/TB-200428-FTS-0002

Date: 28/04/2020

Circular

Sub: Extension of validity of Consent to Establish (CTE) & Consent to Operate (CTO).

- Ref:**
1. GOI Order No.40-3/2020-DM-1(A) dated 24th March 2020.
 2. GOM notification dated DMU/2020/CR.92/DisM-I, Dated 25th March 2020.
 3. E- mail from President, NAREDCO, Maharashtra dtd. 21/04/2020.
 4. Board circular No PCB/AST/Circular/TB-200331-FTS-0001 dtd. 31/03/2020.

Consequent to outbreak of Corona virus (COVID-19) and declaration of lockdown situation, it is important that critical and essential activities such as Hospital, Pharmaceutical units, Biomedical waste management facilities, Municipal waste management facilities, Hazardous waste management facilities, Common Effluent Treatment Facilities, Power plants, Steel plants, Mines, Milk processing units, Food processing units are operate uninterruptedly, so that essential goods and services are available.

By taking into consideration above, Maharashtra Pollution Control Board has issued circular vide No PCB/AST/Circular/TB-200331-FTS-0001 dtd. 31/03/2020 in the public interest extending the Consent/Authorization validity period of those industries/establishments mentioned in references 1, 2 and subsequent orders with reference to, having Consent/Authorization validity up to 31/03/2020 and have applied online for its renewal/shall apply before 30th April 2020 will be treated up to 31/07/2020 subject to same terms and conditions stipulated in the previous Consent/Authorization granted by the Board and are permitted to carry out their commercial production activity, provided that any subsequent amendment shall be considered as per the provision in force at that time.

As per Water (P&CP) Act, 1974 and the Air (P&CP) Act,1981 all the projects/establishments including Building/Construction projects/Area Development projects and Townships projects are required to obtain Consent as per Section 25 and 26 of Water Act and section 21 of Air Act by paying requisite Consent/Authorisation fees as decided by the Government/Board.

In view of the prevailing COVID-19 situation, the Maharashtra Pollution Control Board deems it necessary that all industries having Consent/Authorisation validity till 30 April 2020 and have applied/shall apply before 31 May 2020 will be extended till 30 September 2020 as an interim measure.

Now, therefore, the Maharashtra Pollution Control Board in the public interest decided that valid Consents/Authorisation to establish or operate of all establishments which have expired or will expire by 30 April 2020 and who have already applied for renewal or shall apply before 31 May 2020, shall stand extended to 30th September 2020, subject to the same terms and conditions as per earlier Consents/Authorisation and also subject to any specific directions that may have issued in respect of any establishment, provided that any subsequent amendment shall be considered as per the provision in force at that time.

This circular comes into effect from the date of issue and is applicable for all the industries/ establishments.


(E. Ravendiran, IAS)
Member Secretary

Copy for favour of information to: The Hon'ble Chairman, MPC Board, Mumbai.

Copy to: All HOD, MPC Board, Mumbai/ All Regional Officer and Sub-Regional Officer, MPC Board

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MAHARASHTRA POLLUTION CONTROL BOARD

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E-mail: ast@mpcb.gov.in		Mumbai-400 022.

No. MPCB/AST/Circular/TB- 210507-FTI-0018

Date : 07/05/2021

Circular

Sub: Extension of validity period of Consents/ CCA/Authorisation – Regarding

- Ref:**
1. GOI Order No.40-3/2020-DM-1(A) dated 24th March 2020
 2. GOM notification dated DMU/2020/CR.92/DisM-I, Dated 25th March 2020
 3. Order's issued by Government of Maharashtra from time to time
 4. GOM order No. DMU/2020/CR.92/DisM-1 dated 29th April 2021

As per Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act,1981, all the projects/establishments including Hospitals, Pharmaceutical units, Biomedical waste management facilities, Municipal waste management facilities, Hazardous waste management facilities, Common Effluent Treatment Facilities, Oxygen and Pharmaceutical and other essential product manufacturing plants , Power plants, Steel plants, Mines, Milk processing units, Food processing units, Building/Construction projects/Area Development projects and Townships projects are required to obtain Consent as per Section 25 and 26 of Water Act and section 21 of Air Act including Authorisation as per the Hazardous & Other Waste (M&TM) Rule, 2016, the Bio-Medical Waste Management Rule, 2016 and the Solid Waste Management Rule, 2016 for carrying out commercial production activities by paying requisite Consent/Authorisation fees as decided by the Government/Board.

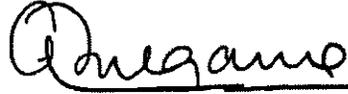
AND WHEREAS Consequent to outbreak of second wave of COVID-19 and declaration of stringent measures by Govt of Maharashtra to contain the spread of COVID-19 , it is of paramount importance that critical and essential activities and services such as Hospital, Pharmaceutical units, Biomedical waste management facilities, Municipal waste management facilities, Hazardous waste management facilities, Common Effluent Treatment Facilities, Power plants, Steel plants, Mines, Milk processing units, Food processing units and its entire supply chain remains operational uninterruptedly, so that essential goods and services are made available to the society.

AND WHEREAS In view of the prevailing COVID-19 situation, the issue of facilitation of industries in granting Consents and Authorisations , was under consideration of Maharashtra Pollution Control Board.

NOW, THEREFORE, the Maharashtra Pollution Control Board in public interest decided that All the industries whose Consent to Establish /Consent to Operate /Renewal of Consent / Authorization / CCA's Validity is either expired on or before 30th June 2021 or will be expiring on 30th June, shall apply online on Board's Portal for the Consent to Establish /,Renewal / Authorisation/CCA and The Validity of those applications **Shall Stand Deemed Extended till 31th October 2021** , subject to the same terms and conditions as per earlier Consents/Authorization *and* also subject to any specific directions that may have been issued in respect of any establishment by Hon NGT ,Hon High Court / Hon Supreme Court , provided that any subsequent amendment shall be considered as per the provisions of law in force at that time.

This circular is applicable to all such industries which have been already granted Consents , whose validity is in force or expired on or before 30th June 2021, as mentioned above.

This circular comes into immediate effect and is applicable to all the industries/ establishments which fall within the purview of Maharashtra Pollution Control Board.



(Ashok Shingare, IAS)

Member Secretary

Copy for favor of information to: The Hon'ble Chairman, MPC Board, Mumbai.

Copy to: All HOD, MPC Board, Mumbai/ All Regional Officer and Sub-Regional Officer, MPC Board for its strict compliance .

MAHARASHTRA POLLUTION CONTROL BOARD

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Email :	jdwater@mpcb.gov.in		Mumbai - 400 022
Visit At :	http://mpcb.gov.in		

No.: MPCB/JD(WPC)/Circular/B-230329 FTS 0211

Date: 29/03/2023

CIRCULAR

Sub: COVID Pandemic-Lockdown period exempted from submission of application for consent/Authorization.

Ref: 1. MoEF&CC, Gol Notification dated 18.01.2021.

2. Govt of Maharashtra Order No. DMU/2020/CR.92/DisM-1 dated 29/04/2021.

3. Board's Circular No. MPCB/AST/Circular/TB-210507-FTS-0018 dated 07.05.2021.

4. 179th Board Meeting held on 11.01.2023.

It is mandatory on a part of every industry/entrepreneur/establishment to obtain valid Consent to Establish/Operate and Authorization from the Maharashtra Pollution Control Board under section 25/26 of The Water (Prevention & Control of Pollution) Act, 1974, under section 21 of The Air (Prevention & Control of Pollution) Act, 1981 and under rule 5 of The Hazardous & Other Waste (Management and Transboundary movement) Rule, 2016, combined consent and authorization under The Bio-Medical Waste Management Rule, 2016 and The Solid Waste Management Rule, 2016 and carry out commercial production activity by paying requisite consent/Authorization fees as decided by the Government/Board.

Government of Maharashtra has issued order during Pandemic period for imposition of restrictions. Consequent to outbreak of CORONA Virus (COVID-19) & lockdown situation, Maharashtra Pollution Control Board in the public interest had extended the validity of consent to establish /operate /renewal/ Authorisation/ CCAs by 31.07.2020 vide Board's Circular dated 31.03.2020, by 30.09.2020 vide Board's Circular dated 28.04.2020 and by 31.10.2021 vide Board's Circular dated 07.05.2021.

MoEF&CC, Gol vide Notification dated 18th Jan, 2021 has passed the order- "9A. Notwithstanding anything contained in this notification, the period from the 1st April, 2020 to the

.....2/-

.....2.....

31st March, 2021 shall not be considered for the purpose of calculation of the period of validity of Prior Environmental Clearances granted under the provisions of this notification in view of outbreak of Corona Virus (COVID-19) and subsequent lockdowns (total or partial) declared for its control, however, all activities undertaken during this period in respect of the Environmental Clearance granted shall be treated as valid."

The Board has issued Circular dated 12/7/2022 regarding provision of penal fees for occupiers violating combine consent regime prescribed under Air/Water Act.

Now therefore, the period from 1st April,2020 to 31st March, 2021 is exempted for submission of application for consent/Authorization. For this period only regular consent fees will be charged.

This circular is issued with approval of competent authority.


(Dr.Y.B.Sontakke)
Joint Director (WPC)

Copy Submitted for information to:

1. The Hon'ble Principal Secretary, Dept. of Env. & CC, GoM, Mumbai.
2. The Hon'ble Chairman, MPC Board, Mumbai.
3. The Member Secretary, MPC Board, Mumbai.

Copy to:

1. Joint Director (WPC)/Joint Director (APC)/Principal Scientific Officer/Asst. Secretary (Tech) /RO(HQ)/ RO(BMW) – MPC Board, Mumbai.
2. All Regional Officers, MPC Board.
3. All Sub-Regional Officer, MPC Board.