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Jammu and Kashmir Pollution Control Committee

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The Consultant (Judicial)
Hon'ble National Green Tribunal (P.B)
New Delhi

No:- JKPCC/NGT/OA ~~180~~ 513-16

Date:- 09-03-2024

Subject:- Compliance of Hon'ble National Green Tribunal Order dated 12-01-2024 in the matter of MA No. 98/2022 in OA No. 180/2021 titled "Mukul Kumar Vs. State of Uttar Pradesh & Ors."

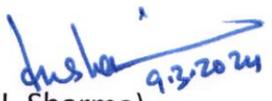
Sir,

In compliance to Hon'ble National Green Tribunal Order dated **12-01-2024** in MA No. **98/2022** in OA No. **180/2021** titled "**Mukul Kumar Vs. State of Uttar Pradesh & Ors.**", kindly find enclosed the Compliance Report of Jammu and Kashmir Pollution Control Committee.

It is requested that the compliance report may kindly be taken on record and place before the Hon'ble NGT for consideration.

Yours faithfully,

Encl:- As above.


(J.N. Sharma)

Environmental Engineer

Copy to the:-

1. Member Secretary, Central Pollution Control Board, Delhi.
2. Sh. G. M. Kawoosa, Additional Standing Counsel for J&K Govt. in Hon'ble NGT matters in New Delhi, for information and necessary action. This is in reference to Govt. of J&K Order No. 8495-JK(LD) of 2022 dated 12-10-2022.
3. Sh. V.P. Yadav, Director & Head, Waste Management Division-I, CPCB, Delhi.

**Before the Hon'ble National Green Tribunal
Principal Bench, New Delhi**

Original Application No. **180 of 2021 & in MA No. 98/2022**

IN THE MATTER OF

**“Mukul Kumar Vs
State of Uttar Pradesh & ORS.”**

Compliance Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal dated 12-01-2024 passed in the matter of M.A. 98 of 2022 under O. A. No. 180/2021 (Mukul Kumar Vs State of Uttar Pradesh & Ors).

Background :

The Hon'ble National Green Tribunal **Order dt. 12-01-2024 in M.A No. 98/2022 in OA 180/2021** has directed the following:

1. *“The issue involved in this MA is about compliance of the provisions contained in Bio-Medical Waste Management Rules, 2016 (BMW Rules, 2016). In terms of the directions of the Tribunal dated 23.01.2023 and 17.10.2023, the reports on behalf of States/UTs of Andhra Pradesh, Meghalaya, Punjab, Tripura, Himachal Pradesh, Madhya Pradesh, Haryana, Tamil Nadu, Puducherry, J&K, Chhattisgarh, Uttar Pradesh and Goa have been filed. The reports from other States/UTs are still awaited.*
2. *Hence, we direct the remaining States/UTs to file their reports at least one week before the next date of hearing.....”*

J&K Pollution Control Committee has already submitted the compliance report on 06-01-2024. In continuation to the already submitted compliance report and as per Central Pollution Control Board, Delhi communication, report on Compliance to directions of Hon'ble National Green Tribunal (NGT) in the matter of M.A. 98 of 2022 under O. A. No. 180/2021 (Mukul Kumar Vs State of Uttar Pradesh & Ors) is being submitted.

Status of Training programme conducted or scheduled regarding compliance to environmental norms:

#	Training imparted to	Yes/No	If yes, details of training including date, place, no. of participants, outcome of the training and action taken thereof
1.	District Magistrates		A letter dated 28/02/2024 has been sent to the Administrative Department, J&K in the matter. The information is awaited.
2.	Judicial officers		
3.	Police officers		
4.	Any other		

A) Status of compliance to Biomedical Waste Management Rules, 2016 by State/UT

#	Action points	Status of compliance/action taken
1.	Inventory with respect to health care facilities	<ul style="list-style-type: none"> - Total no. of HCFs: 7671 - No. of bedded HCFs: 2924 - No. of non-bedded HCFs: 4747 - Total biomedical waste generation: 8651.42 (in kg/day)
2.	Status of Authorization of HCFs	<ul style="list-style-type: none"> - Authorised bedded & Non Bedded HCFs : Jammu & Kashmir 2022-2023 : 1052 - Reason for unauthorized HCFs/Action taken against such HCFs: Mostly Govt. HCFs have not sought authorization from J&K PCC, as bedded HCFs (more than 10 beds) have not yet installed ETP/STP. - Notices issued to HCFs during 2022-2023 : 477 - Environmental Compensation imposed on: <ul style="list-style-type: none"> i) S.M.G.S Hospital (Govt.) , Shalamar Road, Jammu - Rs. 18,28,000/- ii) Acharya Shri Chander College of Medical Science & Hospital (Pvt.), Sidhra, Jammu - Rs. 1,37,34,800 iii) Maharishi Dayanand Hospital & Medical Research Centre, B.C. Road, Jammu - Rs.

		7,12,000 iv) Chowdhary Hospital. GREF, Akhnoor, Jammu - Rs. 1,79,400
3.	Compliance Status of HCFs and CBWTFs	<ul style="list-style-type: none"> - No. of HCFs monitored during year 2023 : 812 - No. of CBWTFs monitored during year 2023 : 03 (every month) - No. of HCFs found complying with BMWM Rules, 2016: 1052 - No. of CBWTFs found complying with BMWM Rules, 2016: 03 (except for a few observations: Non-connectivity of OCEMS on CPCB Portal at times, non-maintenance of treatment equipments) - No. of HCFs found non-complying with BMWM Rules, 2016 : 6619 - List of common violations observed in HCFs : Incomplete forms, non-implementation of bar code, non-submission of MoU with CBWTF, improper lifting site, non-submission of Annual Report. - No. of CBWTFs found non-complying with BMWM Rules, 2016: Nil (with few non-compliances). - Action taken by SPCB/PCC for non-compliance : Notices issued to the non-complying Common Bio-Medical Waste Treatment Facilities : 03
4.	Status of CBWTFs	<ul style="list-style-type: none"> - No. of CBWTFs: 03 - Total Biomedical Waste treatment and disposal through CBWTFs: 8418.53 (in kg/day) - Total capacity of CBWTFs operating in UT: 26250 (kg/day) - Adequacy of CBWTFs in terms of compliance with standards: OCEMS Connectivity with CPCB monitored, regular monitoring by J&KPCC Labs. - Adequacy in terms of coverage of all districts by

		<p>CBWTFs:</p> <ul style="list-style-type: none"> • Jammu : All the 05 Districts of Jammu Division are covered by the Common Bio Medical Waste Treatment Facilities viz., Anmol Health Care, Village Rakh Rara, Samba, within 75 Kms. However, the remaining 05 districts are beyond 75 Kms and in the absence of any other CBWTF in Jammu, the existing CBWTF is covering these districts also. • Kashmir : All the 10 districts of Kashmir Division are covered by the two existing Common Bio Medical Waste Facilities viz., Kashmir Health Care System, IGC Lassipora, Pulwama & Clean City Waste Management Co. at Somurbugh, Lasjan, Budgam except for remote areas. • If inadequate, action taken: NA
5.	Status of Captive treatment Facilities/ deep burials	<ul style="list-style-type: none"> - No. of captive treatment facilities: Nil - Total Biomedical Waste treatment and disposal through captive treatment facilities: NIL (in kg/day) - Total Biomedical Waste treatment and disposal through deep burials: 232.88 (in kg/day)
6.	Constitution of State Advisory Monitoring Committee and District Level Monitoring Committee	<ul style="list-style-type: none"> - Has been Constituted?: Yes (Govt. Order No.874 GAD of 2017 dated 07/07/2017 (Copy enclosed as Annexure-I)) - If Yes, frequency of meeting: Last meeting held on 24/12/2019 - Important decisions taken during the meetings, if any: <ol style="list-style-type: none"> 1. All HCFs to seek Authorization. 2. Timely furnishing of Annual Reports by HCFs. 3. Bar Coding to be implemented through Hospital Development Fund. 4. Mission Director, National Health Mission, J&K, to initiate the process to engage a consultant for establishment of Effluent

		Treatment Plants in District Hospitals.
7.	Implementation status of Barcode System	- Status of implementation of bar code by HCFs in J&K: 2186 - Status of implementation of bar code by CBWTFs: Same as above
8.	Training and Capacity Building of officials of SPCBs/PCCs and Healthcare Facilities	- No. of Training programs conducted by J&KPCC : 03 - No. Training programs conducted by HCFs : 1391 (as per Annual Report 2022)
9.	Installation of OCEMS by CBMWTs as a self-monitoring tool and transmission of data with servers of SPCBs/ CPCB	- Number of CBWTFs installed OCEMS: 03 - Number of CBWTFs transmitting OCEMS data to CPCB server: 03

B) Regarding action taken on Para 14 of Hon'ble NGT direction dated 23.01.2023

- Action taken on Para 14 of Hon'ble NGT direction dated 23.01.2023 regarding reduction of radius for permission for additional CBWTFs to 40 km of existing facility and number of beds to 500 beds, for ensuring better compliance:
 - **Jammu:** At present there is only one CBMWTF covering the Health Care Facilities (HCFs) in the 10 districts of Jammu Region. An **Integrated** Treatment, Storage and Disposal Facility TSDF - Ramasetu Infrastructure Pvt. Limited, as a part of their **Integrated Common Hazardous Waste Treatment, Storage, Disposal and Recycling Facility** at Deep Valley, Phase II, IGC

Samba had been granted Consent to Establish (Fresh) dated 06-04-2023, for Treatment and Disposal of 2 MT/Day of Bio Medical Waste also.

- The existing Common Biomedical Waste Treatment Facility covering HCFs of Jammu - M/s Anmol Healthcare has filed a writ petition WP(C) No. 1027 dated 09/05/2023 v/s UT of J&K and ors, against the Consent to Establish (Fresh) issued to the above mentioned TSDF.

Kashmir: There are only 02 Common Bio Medical Waste Treatment Facilities providing service to Health Care Facilities in all the 10 districts of Kashmir Region. Both the CBWTF are located in two districts of Kashmir Division, within 35 kms of each other, but cater to the entire Kashmir Division.

- **Current Scenario with respect to CBWTFs:**

Adequacy of CBWTFs in terms of compliance with standards: All the three CBWTFs are connected with the Online Continuous Emission / Effluent Monitoring System (OCEMS) and are regularly monitored by the J&K PCC Laboratories.

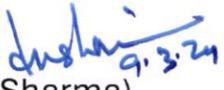
Whether gap analysis has been conducted: Yes/No (If yes, submit the report to CPCB if not yet submitted): The Gap Analysis report of Jammu is enclosed as **Annexure-II**. The gap analysis report of Kashmir will be submitted soon.

Outcome of the gap analysis conducted in Jammu: Besides, the above mentioned CBWTF & an integrated TSDF, 02 CBMWTFs are urgently required for HCFs of Jammu Division for the 05 Districts of Rajouri, Poonch, Kishtwar, Doda and Ramban.

01 CBWTF is required for Kashmir to cover the hilly and remote areas, as well as for preparedness of any future pandemic in the UT of Jammu & Kashmir.

- **Prayer :**

In the premises, it is therefore respectfully prayed that the compliance report may kindly be taken on record and placed before the Hon'ble National Green Tribunal for consideration.


(J.N. Sharma)
Environmental Engineer
J&K PCC



Government of Jammu and Kashmir,
General Administration Department,
Civil Secretariat, Srinagar.

Subject:- Re-constitution of the Advisory Committee to oversee the implementation of the Bio-Medical Waste (Management and Handling) Rules, 2016 in the State.

Reference: UO No.FST/PCB/66/1998 dated 12.06.2017 from Forest, Environment & Ecology Department.

Government Order No: **874** -GAD of 2017
Dated: **7** .07.2017

In supersession of Government Order No.692-GAD of 1999 dated 16.06.1999, and in pursuance of rule-11 of Bio-Medical Waste (Management and Handling) Rules, 2016 of the Ministry of Environment, Forest and Climate Change, Government of India, as issued under Notification No. G.S.R 450(E) dated 3rd June, 2015, sanction is hereby accorded to the re-constitution of Advisory Committee comprising the following to oversee the implementation of Bio-Medical Waste (Management and Handling) Rules, 2016 in the State:-

1	Administrative Secretary, Health & Medical Education Department.	Chairman
2	Representative of Forest, Environment & Ecology Department.	Member Secretary
3	Representative of Animal and Sheep Husbandry Department.	Member
4	Principal, Government Medical College, Jammu/Srinagar.	Member(s)
5	Director, Health Services, Jammu/Kashmir.	Member(s)
6	Chief Engineer, Urban Environmental Engineering Department (UEED).	Member
7	Member Secretary, State Pollution Control Board.	Member
8	Director, Urban Local Bodies, Jammu/Kashmir.	Member(s)
9	Two NGOs from Jammu/Kashmir.	Member(s)

By order of the Government of Jammu & Kashmir.

Sd/-
(Khurshid Ahmad) IAS,
Commissioner/Secretary to the Government.

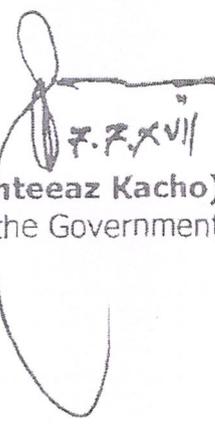
Dated: **7** .07.2017

No. GAD(Adm)168/2017-V

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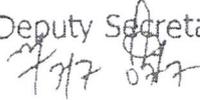
- 1) Commissioner/Secretary to the Government, Health & Medical Education Department
- 2) Commissioner/Secretary to the Government, Forest, Environment and Ecology Department. His UO file is also returned herewith.

- 3) Chairman, J&K, State Pollution Control Board, Srinagar.
- 4) Principal Government Medical College, Jammu/Srinagar.
- 5) Director, Health Services, Jammu/Kashmir.
- 6) Chief Engineer, Urban Environmental Engineering Department (UEED).
- 7) Member Secretary, State Pollution Control Board.
- 8) Director, Urban Local Bodies, Jammu/Kashmir.
- 9) Director, Archives, Archeology and Museums, J&K.
- 10) OSD to Minister for Forest, Environment and Ecology for information of the Hon'ble Minister.
- 11) OSD to Deputy Chief Minister.
- 12) Private Secretary to the Chief Secretary.
- 13) Private Secretary to the Commissioner/Secretary to the Government, GAD.
- 14) Govt. Order file/stock file/GAD website.



(Imteeaz Kacho),

Deputy Secretary to the Government.



Ministry of Environment, Forests & Climate Change (MoEFCC), Govt. of India notified the Bio-Medical Waste (BMW) Management Rules, 2016 and its subsequent amendments. In accordance to the rules, every occupier of a Health Care Facility (HCF) shall either set up requisite Bio-Medical waste treatment facilities on site or ensure requisite treatment of the Bio-Medical Waste (BMW) at an approved Common Bio-Medical Waste Treatment Facility (CBWTF). No untreated bio-medical waste shall be kept stored beyond a period of 48 hours. Majority of the hospitals do not have adequate arrangement for disposal of the hospital waste.

As per the guidelines, State Pollution Control Board/Committee, the prescribed authority under the Bio-Medical Waste Management Rules, 2016 is required to prepare an inventory with regard to bio-medical waste generation and to conduct gap analysis with respect to coverage area of bio-medical waste generation. To conduct gap analysis with respect to coverage area of Bio-Medical Waste generation, adequacy of existing treatment capacity of CBWTF in each coverage area of 75 Km. and to prepare action plan for development of new CBWTF. CBWTF may be allowed to be established in an approved industrial area or on a land procured by entrepreneur in accordance with location criteria prescribed under these guidelines in consultation with SPCB/PCC.

A CBWTF located within the respective State/UT shall be allowed to cater the healthcare units situated at a radial distance of 75 Km. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 Km., existing CBWTF in the locality (located within the respective State/UT) may be allowed to cater to the healthcare units situated upto 150 Km. radius w.r.t. its location provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the Bio-Medical Waste Management Rules, 2016, as amended.

A centralized system for treatment of Bio-medical waste came up in Jammu Division at village Rakh Rara, Vijaypur, Samba in the year 2012, which is catering to most of the parts of Jammu Division .

At present 1595.53 kg/day waste is being collected by the CBWTF for treatment and disposal i.e. 91% of total waste generated in Jammu Division viz. 1748.78 kg/day (Annexure III). The remaining 9 % of waste is being disposed off through Deep Burials, mostly used by Govt. HCFs and few Pvt. HCFs in remote areas where the CBWTF facility is not available. As is evident from current scenario of Bio-medical Waste Management in the UT, there is no Gap between BMW Generation and the Existing BMW Treatment Capacity of CBWTF either within prescribed 75 kms radius area or above. However, there is a need of Common Bio-medical Waste Treatment and Disposal Facility in Districts beyond 75 kms of radius of existing CBWTF, which can cater to the remote areas and hilly areas of the Jammu Division, so that the waste is disposed off within 48 hrs and travelling of infectious waste across many districts is minimized (Annexure I & II).

Coverage District-wise gap analysis for assessing additional BMW treatment capacity requirement is tabulated as below:

S. No	District Wise Coverage area (pl. indicate areas covered by a CBWTF in the State/UT)	No. Of HCFs		No. of Beds covered	Total estimated BMW generation in kg/day	Total existing treatment capacity in kg/day					Total BMW Treated and Disposed in kg/day	Gap between BMW Generation and the Existing BMW Treatment Capacity in Kg/day	Remarks (Whether additional Treatment Capacity is required or not)		No. of HCFs Having MOU with CBWTF	No. of HCFs Having Valid Authorization	No. of HCFs Having Valid Consent
		Bedded	Non Bedded			Incineration	Autoclaving/ Hydroclaving/ Microwaving	Chemical Disinfection	Deep Burial	Any other mode of disposal			Yes	No			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1	Jammu	381	731	4907	1157.77	4800	1600			4800 (shredder)	1593.53	-10042.23	* Yes CBWTF Is Required Beyond 75 km radius		553	169	50
2	Samba	123	159	278	71.64							-11128.36			97	27	3
3	Kathua	257	285	304	64.36							-11135.64			118	40	1
4	Udhampur	210	203	668	113.72							-11086.28			89	21	1
5	Reasi	103	126	372	146.9							-11053.1			28	5	1
6	Ramban	123	93	70	28.22							-11171.78			14	4	1
7	Poonch	179	139	239	25.43							-11174.57			15	4	0
8	Rajouri	280	113	550	57.26							-11142.42			36	18	3
9	Doda	211	170	590	53.61							-11146.39			18	4	0
10	Kishtwar	82	56	100	29.87							-11170.13			5	11	0
Total		1949	2075	8078	1748.78						-9451.22				973	303	60
TOTAL		4024		8078	1748.78	11,200					1595.53	-9451.22			973	303	60

* One CBWTF is catering to all the Districts of Jammu Districts and the waste is not collected and disposed off from far flung areas within 48 hrs prescribed time limit. Hence CBWTF beyond 75 km: radius is required in Jammu Division.

DISTRICT WISE AREAS COVERED BY CBWTF WITHIN 75 KMS.

Annexure-II

S. No	DISTRICT	COVERAGE AREA OF CBWTF WITHIN 75 KMS.
1.	Jammu	Jammu, Akhnoor, Arnia, Bahu, Bhalal, Bishnah, Dansal, Jourian, Khour, Mandal, Marh, Nagrota, Pargwal, Ranbir Singh Pura, Suchetgarh.
2.	Samba	Samba, Bari Brahamna, Ghagwal, Rajpura, Ramgarh, Vijaypur
3.	Kathua	Kathua, Hiranagar, Nagri, Marheen, Dinga Amb, Ramkote
4.	Udhampur	Udhampur, Majalta, Tikri
5.	Reasi	Katra

DISTRICT WISE AREAS COVERED BY CBWTF UPTO 150 KMS.

S. No	DISTRICT	COVERAGE AREA OF CBWTF FROM 75 -150 KMS
1.	Jammu	Chowki Choura, Maira Mandrian
2.	Kathua	Billawar, Basohli, Mahanpur, Lohai Malhar
3.	Udhampur	Ramnagar, Chenani, Panchari
4.	Reasi	Reasi, Pouni, Arnas, Chassana, Thakrakote
5.	Ramban	Ramban, Batote, Assar, Taryath
6.	Rajouri	Kalakote, Siot, Beripattan, Sunderbani, Nowshera, Qila Darhal

DISTRICT WISE AREAS COVERED BY CBWTF BEYOND 75 KMS AND MORE.

S. No	DISTRICT COVERAGE AREA OF CBWTF BEYOND 150 KMS	
1.	Rajouri	160 KM
2.	Manjakote	179 KM
3.	Doda	181 KM
4.	Bhaderwah	194 KM
5.	Thathri	174 KM
6.	Gandoh	241 KM
7.	Surankote	219 KM
8.	Mendhar	221 KM
9.	Kishtwar	239 km
10.	Mandi	247 KM
11.	Poonch	245 KM

Gap Analysis Based on Bio-Medical Waste (BMW) Generation & Actual Treatment/Disposal of BMW by CBWTF

S. No	Coverage area (pl. indicate areas covered by a CBWTF in the State/UT)	No. Of HCFs		No. of Beds covered	Total estimated BMW generation in kg/day	Total existing treatment capacity in kg/day					Total BMW Treated and Disposed in kg/day	Gap between BMW Generation and the Existing BMW Treatment Capacity in Kg	Remarks (Whether additional Treatment Capacity is required or not)	
		Bedded	Non Bedded			Incineration	Autoclaving/ Hydroclaving/ Microwaving	Chemical Disinfection	Deep Burial	Any other mode of disposal			Yes	No
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Yr. 2022	Jammu, Samba, Kathua, Udhampur, Reasi, Rajouri, Doda, Poonch, Ramban, Kishtwar	1949	2075	8078	1748.78	4800	1600	-	-	4800 (shredder)	1595.53	- 9451.22	Yes beyond 75 km radius	
TOTAL		4024		8078	1748.78	11,200					1595.53			

Approximate Projection of BMW Waste in next ten year:

S. No	Year	Total No. of HCFs	Total No. of Beds	No of Beds Covered / To Be Covered by CBMWTF		Qty. of Waste To Be Generated
				Within 75 Kms.	Beyond 75 Kms.	
1.	2032	20514 Projected @ 41% Annual Growth Rate	19119 Projected @ 10% Annual Growth Rate	12030 Assumed @ 11% Annual Growth Rate	8448 Assumed @ 26% Annual Growth Rate	3462.58 kg/day Projected @ 9.8% Annual Growth Rate
2.	2022	4024	9559	5730	2348	1748.78 Kg/day
3.	2012	783	4698	INA		881 Kg/day