

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

**O.A.No. 43 of 2017 (SZ)**

**REPORT**

PRESENTED BY JUSTICE A.V.RAMAKRISHNA PILLAI  
(FORMER JUDGE, HIGH COURT OF KERALA)  
CHAIRMAN, STATE LEVEL MONITORING COMMITTEE, KERALA  
(FOR AND ON BEHALF OF THE AFORESAID COMMITTEE)  
REGARDING THE FIRE INCIDENT ON 16.1.2022 IN THE CBWTF BY  
NAME IMAGE AT PALAKKAD



**PRESENTED ON : 04.03.2022**

To Registrar

**JUSTICE A.V. RAMAKRISHNA PILLAI**  
(Former Judge, High Court Of Kerala)  
**CHAIRMAN**

**State Level Monitoring Committee, Kerala**

(An authority constituted by the  
National Green Tribunal)  
**'AMPAZHAVELI'**  
Rajeev Nagar, Elamakkara  
Kochi-682026  
Home Office: 0484-2408388  
Mob: 9447090130  
8139878758  
e-mail: avrpillai@gmail.com



04.03.2022

Madam,

Kindly see the appended Report in O.A.No.43/2017(SZ) regarding the fire incident on 16.1.2022 in the CBWTF by name IMAGE at Palakkad in Kerala.

The same may kindly be placed before the Hon'ble Tribunal for consideration and orders.

Yours Sincerely,

  
JUSTICE A.V. RAMAKRISHNA PILLAI,  
(Chairman, SLMC, KERALA)

To  
The Registrar,  
National Green Tribunal, Southern Zone Bench,  
Kalas Mahal, Kamarajar Salai, PWD Estate,  
Chepauk, Triplicane, Chennai, Tamil Nadu-600005.

111 B

9 MAR 2022

*But ypm II  
Case relat  
to Am Biomed  
Health Plans*

*2/8/22*

*8/2/2022*  
*8.3.22*

*ke*

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

**O.A.No. 43 of 2017 (SZ)**

**REPORT**

PRESENTED BY JUSTICE A.V.RAMAKRISHNA PILLAI  
(FORMER JUDGE, HIGH COURT OF KERALA)  
CHAIRMAN, STATE LEVEL MONITORING COMMITTEE, KERALA  
(FOR AND ON BEHALF OF THE AFORESAID COMMITTEE)  
REGARDING THE FIRE INCIDENT ON 16.1.2022 IN THE CBWTF BY  
NAME IMAGE AT PALAKKAD

**PRESENTED ON : 04.03.2022**

I N D E X

|                  |   | Pages   |
|------------------|---|---------|
| Report           | : | 01 - 05 |
| <u>Annexures</u> |   |         |
| I-series         | : | 06 - 07 |
| II(a)            | : | 08 - 11 |
| II(b)            | : | 12      |

===\*\*\*===

## REPORT

A major fire broke out on 16.1.2022 at M/s.IMAGE (Indian Medical Association Goes Eco-friendly) at Palakkad run by the Indian Medical Association (IMA).

Reportedly, the officials of the Kerala State Pollution Control Board reached the site within an hour of the incident. At that time, a storage shed filled with bio-medical waste was seen under fire and the Fire force was trying to put out the fire using hydrants. Though they could not prevent the spread of fire to other parts, the bio-medical waste materials kept in plastic bags were burning without any respite even after continuous effort. It was also reported that according to IMAGE the storage shed where the bio-medical waste stacked in plastic bags, caught fire from the bush fire broke out in the adjacent forest land. However, the reason was not categorically established by the Department of Fire and Safety. **Annexure-I series** are the screen shots of the fire incidents.

The Environmental Engineer, KSPCB, District Office, Palakkad reported that the following were revealed on a detailed inspections after fire subsided.

1. The size of the storage shed which caught fire is 35m x 40m. The Bio-Medical Waste has been stacked inside the shed with an average height of 4.5m. Thus the total volume of the Bio-Medical Waste is 6300m<sup>3</sup>. The density of the Bio-Medical Waste was calculated using a vehicle and weigh bridge in the plant itself and it was obtained as 0.3 tons/m<sup>3</sup>. Based on this, total quantity of the Bio-Medical Waste which caught fire was estimated to be 2000 tons. Bio-Medical Waste was also stacked outside, abutting the building. It was reported by the IMAGE that the Bio-Medical Waste accumulated inside the building and abutting the

building were being taken for incineration everyday and the backlog was being reduced day by day until the day of the fire incident.

2. The entire Bio-Medical Waste that caught fire is of Yellow type as per the Rules. During the peak Covid pandemic and continuing days, the Covid Bio-Medical Waste was given preference and it was being incinerated on the day itself. The non-Covid Bio-Medical Waste – Yellow – was being stacked like this.
3. Outside the sheds, near the autoclaving sheds, some stacks of autoclaved/disinfected Bio-Medical Waste could be seen exposed. These are Bio-Medical Waste packets taken out and stored after autoclaving. During the pandemic period, as well as after that, many hospitals were doing faulty segregation of Bio-Medical Waste. So even in red packets, many incinerable waste were coming. Such dry incinerable waste which came in red packets were autoclaved, separated manually, put in new packets and was being stored in this region. So these Bio-Medical Waste was also being taken day by day and the volume was getting reduced until the day of fire incident. Adjacent to that many autoclaved/recyclable waste also seen stocked.

IMAGE which is the first common waste management treatment facility (CBWTF) run by IMA has a consented capacity to treat 55.8 tonnes of bio-medical wastes per year. It has five incinerators, sufficient number of autoclaves, other processing equipments and an effluent treatment plant of capacity 400 kilolitres per day. It receives Bi-Medical Waste from all over the State.

It is reported by the Environmental Engineer, KSPCB, District Office, Palakkad that the start of the first wave of Covid-19 in 2020

IMAGE started to receive considerably larger quantities of waste. The quality of the waste also changed drastically due to the presence of more percentage of synthetic materials in the Yellow bags, to be incinerated. This led to operational difficulties like break downs in the incinerators. Resultantly, the plant was unable to process its full capacity in those days. The situation continued during the 2<sup>nd</sup> wave of Covid-19 in 2021 resulting in huge backlog of waste to be incinerated. It is also reported that repeated instructions were given by KSPCB to clear the backlog. However, those directions could not evoke any positive response. IMAGE maintained the stand that the reason for the backlog is the excessive quantity of waste materials received.

Here it is apt to note that the second CBWTF in the State run by Kerala Enviro Infrastructure Limited (KEIL), Ambalamedu has been set up in the year 2021 and the Department of Health and Family Welfare to Government issued a directive on 3.5.2021 allotting the waste from Government Hospital in the District of Malappuram, Ernakulam and Pathanamthitta to the said CBWTF. Later, the Chairman, Kerala State Pollution Control Board issued orders on 13.8.2021 as under.

***"Considering the above facts and as per Schedule III 8(viii) of Rule 6 and 9(3) of the Bio-Medical Waste Management Rules, 2016 it is now decided to allot the waste of KEIL & IMAGE, the two service providers as follows:***

- 1. As per the guideline, KEIL shall operate their plant at Ambalamedu, Kochi by collecting bio-medical waste from both private and government health care units within a radial distance of 75 km from their facility. As implementation of this procedure based on radial distance would be difficult, it would be appropriate to***

*allocate the full districts of Pathanamthitta, Alappuzha and Idukki along with Kottayam and Ernakulam to KEIL. Therefore KEIL shall collect and process BMW from both Govt. and Private health care units from the districts of Alappuzha, Kottayam, Ernakulam, Pathanamthitta and Idukki.*

- 2. The rest of the bio-medical waste generated both from the government and private health care units of the districts of Thiruvananthapuram, Kollam, Thrissur, Malappuram, Palakkad, Wayanadu, Kozhikkod, Kannur and Kasargod shall be collected and processed by IMAGE in their facility at Palakkad."*

**Annexure-II(a)** is the copy of the aforesaid order and **Annexure-II(b)** is the sketch showing the bifurcation.

However, Annexure-II(a) order was challenged by the IMA and few others before the Hon'ble High Court of Kerala in WP(C) No.17693 of 202 and WP(C) No.18270 of 2021. The aforesaid writ petitions were dismissed by the Hon'ble High Court on 27.9.2021 without expressing any opinion on the merits of the contentions raised by the parties, reserving the liberty of the petitioners to raise their contentions before this Tribunal.

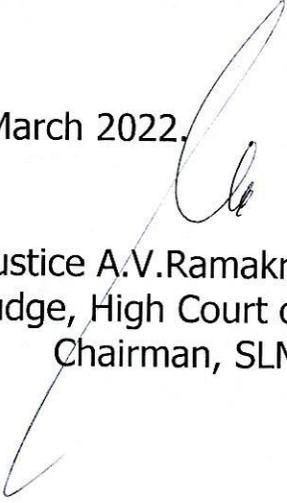
Though the said Judgment was challenged before the Division Bench in WA.No.1290 of 2021, the same was dismissed on 22.11.2021 on the same lines. It is learnt that the matter is now taken in appeal before the Hon'ble Supreme Court of India.

Had the bifurcation as proposed in Annexure-II(a) order has been effected, the same would have helped in clearing the backlog

at IMAGE, thereby preventing untoward incidents like the one now reported.

The aforesaid report is presented for the kind consideration of this Hon'ble Tribunal.

Dated this the 4<sup>th</sup> day of March 2022.

  
Justice A.V. Ramakrishna Pillai  
(Former Judge, High Court of Kerala )  
Chairman, SLMC, Kerala.



4  
-6-

ANNEXURE. I (B)



Ca

- 7 .

ANNEXURE - II (a)

PROCEEDINGS

(Present: Pradeepkumar A.B., Chairman)

Sub:- O A 43/2017-Allocation of bio medical waste to CBWTF of M/s Kerala Enviro Infrastructure Limited, Ambalamedu, Ernakulam and IMAGE, Palakkad- Sanctioned - Orders issued.

KERALA STATE POLLUTION CONTROL BOARD

Thiruvananthapuram

No. PCB/HO/EE2/BMW-03/GENERAL

Dated: 13 /08/2021

- Read:
1. The Bio medical Waste Management Rules, 2016
  2. Revised guideline of CPCB for CBWTF dated 21.12.2016
  3. Hon'ble NGT order dated 24.06.2021 in O.A 43/2017
  4. Minutes of meeting dated 29.06.2021 held by ACS, Env't.
  5. Minutes of meeting dated 19.07.2021 held by Chairman, KSPCB
  6. Letter dated 17.07.2021 of KEIL
  7. Letter dated 09.08.2021 of IMAGE
  8. Consent to establish issued to KEIL dated 10.03.2014 and renewals dated 15.10.2017 & 02.11.2019
  9. Environmental Clearance no. 1036(A)/SEIAA/EC3/502/2016 dated 29.11.2017 issued by SEIAA
  10. Consent to operate/authorization issued to KEIL dated 11.05.2021

ORDER

The occupiers of health care units and operators of Common Bio Medical Waste Treatment Facilities (CBWTFs) are bound to comply with the relevant provisions under the Bio Medical Waste Management Rule 2016 (BMW Rule) and the guidelines issued by CPCB. The concept of biomedical waste treatment at common facility has been introduced in our country and widely accepted among health care units, medical associations and entrepreneurs. As per Rule 7, occupiers of health care units shall dispose BMW through CBWTFs, if the service of CBWTF is available at a distance of 75 km. Central Pollution Control Board (CPCB) published revised guidelines for common bio medical waste treatment and disposal facilities in December, 2016. It is mentioned therein that these guidelines are mandatory under the Bio-Medical Waste Management Rules, 2016. The guideline provides the criteria for development of CBWTFs for a locality or region.

The common facility, IMAGE in Palakkad was the only one common facility that catered the waste from Govt. and Private health care units across the State so far, in addition to the captive treatment facilities in a few institutions.

The second CBWTF in the State by Kerala Enviro Infrastructure Limited (KEIL), Ambalamedu has been set up and is presently functional at the premises of the already



established common hazardous waste treatment facility (CTSDF), after getting consent to establish of the Board and environmental clearance from SEIAA. Consent to operate/authorization was issued for 16 tonne/day capacity to KEIL on 11.05.2021 with validity up to 30.06.2024.

The Govt.(Health Department) issued directive vide M4/70/2021-Health dated 03.05.2021 allotting the waste from the Govt. hospitals in the three districts of Malappuram, Ernakulam and Pathanamthitta to KEIL. KEIL started treating wastes from Govt. health care units collected from these three districts with effect from 24.05.2021. They have also started collecting COVID BMW from these districts from 27.07.2021 onwards.

KEIL submitted before the Hon'ble NGT that they have been permitted to collect BMW from Govt. hospitals from the three districts of Ernakulam, Malappuram and Pathanamthitta. However as their installed capacity is much more than the permitted quantity they stated that the operation of the plant is not viable with the reduced quantity of waste, that they obtain from the government health care unit of 3 districts.

The Hon'ble NGT in its order dated 24.06.2021 in O A 43/2017 directed the Govt. to examine whether more area and hospitals can be connected with the facility of KEIL and directed the State Government to file a detailed report regarding the policy by which the demarcation is being made and whether the current allocation criteria caters to the entire biomedical waste generated in that area.

In compliance with the above order the Additional Chief Secretary, Environment Department convened a meeting on 29.06.2021 with the Principal Secretary, Health and the Chairman, KSPCB. The issues emerged during the pandemic situation, was discussed in the meeting and after deliberations on the bifurcation of area and allotment of Govt. and private health care units, the Additional Chief Secretary directed PCB to take a decision on the allotment of wastes from both Pvt. and Govt. sector health care units to KEIL. Accordingly the Board Chairman held a meeting on 19.07.2021 with IMAGE and KEIL authorities. KEIL vide letter dated 17.07.2021 submitted proposal and requested for granting permission for collection of BMW from both Govt. and Private health care units within 75 km radial distance from their facility as they are getting only a very few quantity as against their designed capacity of 16 t/day. IMAGE submitted a proposal regarding the system of charges to be levied from HCFs, in the State but did not submit any alternate proposal suggesting the allocation or transferring of waste from Govt. and private health care units to KEIL within 75 km radius.



As part of implementation of the guideline for the management of COVID waste, CPCB has developed a tracking app COVID 19 BWM for monitoring the waste being handled by the generators and CBWTFs and both the service providers are updating the daily quantity collected and disposed in the app. It is evident from the data that KEIL is getting only 3 to 4 t/day including both COVID and non COVID BMW from the already allotted hospitals by the Govt. whereas IMAGE is getting surplus quantity. This system of distribution of BMW is resulting in shortage of waste for processing in one unit and accumulation of waste in another unit. Hence, a balance need to be worked out for the effective management of BMW.

As per the CPCB guideline a CBWTF located within the respective State/UT shall be allowed to cater 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) may be allowed to cater the healthcare units situated upto 150 km radius with respect to its location provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMW Rules.

It is also emphasized in the Rules that no healthcare facility shall establish on-site treatment and disposal facility for BMW, if a service of CBWTF is available within 75 km of travelling distance of the facility. All the healthcare facilities within a radius of 75km of CBWTF needs to dispose the BMW through such CBWTF only and are not allowed to establish its own treatment and disposal facility.

As the service charge for Govt. hospitals is at subsidized rate, the transportation cost could be utilized effectively only if the wastes from both Govt. and private hospitals in the same area are allotted. KEIL also informed that only 80 % of beds are considered for payment from the Govt. hospitals and as there is no affiliation charge, the plant can be run in a viable manner only if waste is obtained from both private and govt. health care units.

Considering the above facts and as per schedule III 6 (viii) of Rule 6 and 9(3) of the Bio medical Waste Management Rules, 2016 it is now decided to allot the waste to KEIL& IMAGE, the two service providers as follows:

1. As per the guideline, KEIL shall operate their plant at Ambalamedu, Kochi by collecting bio medical waste from both private and government health care units within a radial distance of 75 km from their facility. As implementation of this procedure based on radial distance would be difficult, it would be appropriate to allocate the full districts of Pathanamthitta, Alappuzha and Idukki along with Kottayam and Ernakulam to KEIL.



Therefore KEIL shall collect and process BMW from both Govt. and Private health care units from the districts of Alappuzha, Kottayam, Ernakulam, Pathanamthitta and Idukki.

2. The rest of the bio medical waste generated both from the government and private health care units of the districts of Thiruvananthapuram, Kollam, Thrissur, Malappuram, Palakkad, Wayanadu, Kozhikkodu, Kannur and Kasargodu shall be collected and processed by IMAGE in their facility at Palakkad.

The sketch showing the allotment is attached with this order.

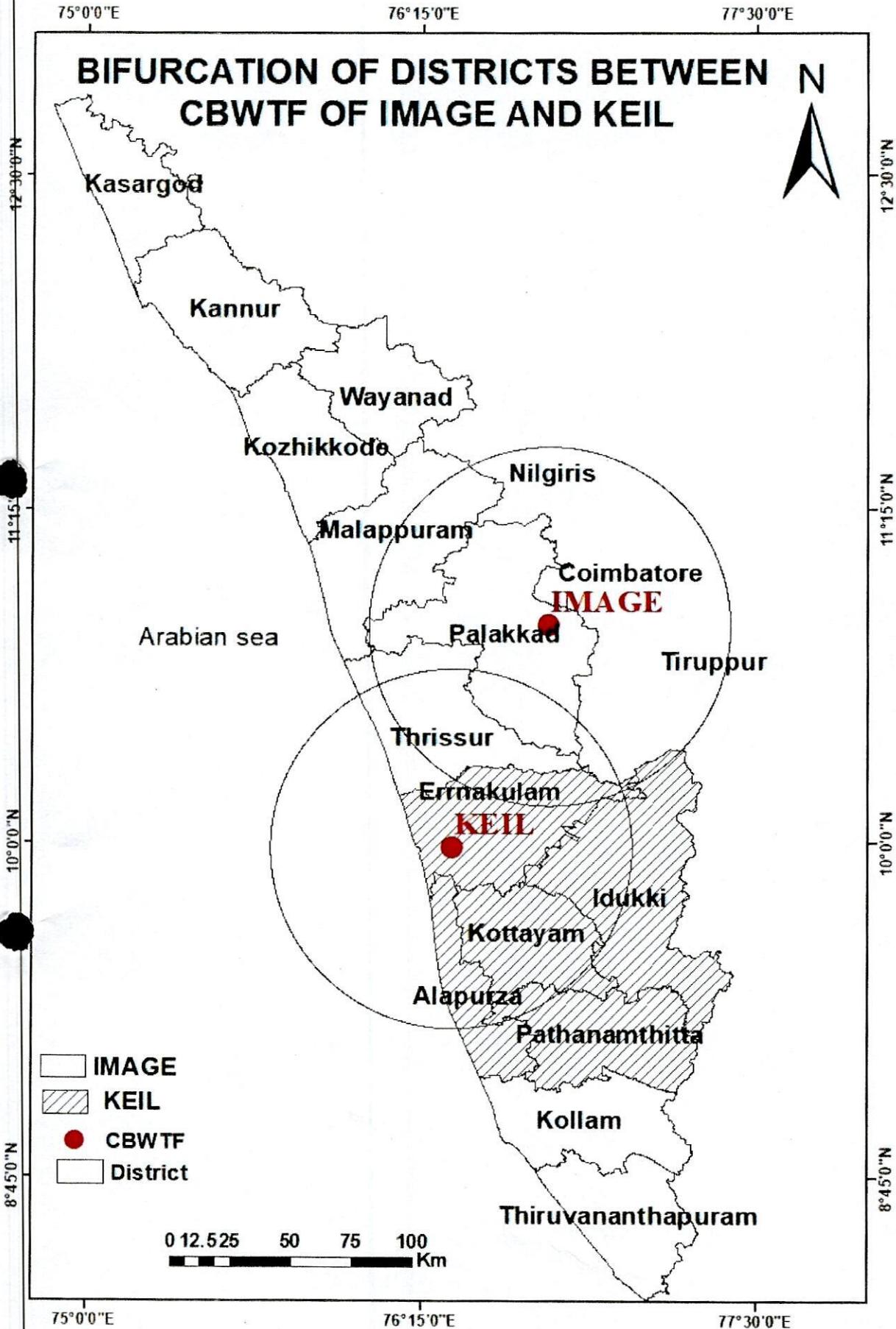
This order shall come into effect from the first day of September 2021. All Government and private health care institutions in the State shall comply with this order.



CHAIRMAN

Copy to: The Additional Chief Secretary, Environment Department  
The Principal Secretary, Health and Family Welfare Department  
The Director, Directorate of Health Services, TVM  
The Director, Directorate of Medical Education, TVM  
The State President, IMA KSB, IMA State HQ, Thiruvananthapuram  
The Hon. Secretary to IMAGE, IMAGE, Palakkad  
The Chief Executive Officer, KEIL, Ernakulam  
The Chief Environmental Engineers, Regional Offices, KSPCB  
The Environmental Engineers, District Offices, KSPCB  
CA to Chairman  
CA to MS





4  
-12-