

Registered Post

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January 10, 2018

To

The Chairman
(Andman & Nicobar, Daman & Diu, Goa, Lakshadweep, Maharashtra, and Nagaland)

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 IN CASE OF VIOLATIONS OF PROVISIONS OF BIO-MEDICAL WASTE MANAGEMENT RULES, 2016

WHEREAS the Central Government has notified the Bio-medical Waste Management Rules, 2016 (hereafter will be referred as BMW Rules) in suppression of Bio-medical Waste (Management & Handling) Rules, 1998 and amendments thereof, under the Environment (Protection) Act, 1986, to improve collection, segregation, processing, treatment and disposal of the bio-medical waste in an environmentally sound management thereby reducing the bio-medical waste generation and its impact on the environment;

WHEREAS Rule 3(f) of the BMW Rules stipulates that bio-medical waste means any waste which is generated during the diagnosis, treatment or immunization of human beings or animals or research activities pertaining thereto in the production or testing of biological or in health camps, including the categories mentioned in Schedule I of the said rules.; and

WHEREAS as per Rule 9 (1) of BMW Rules, the Prescribed Authority for implementation of the provisions of BMW Rules, 2016 shall be the State Pollution Control Boards (SPCBs) in respect of States and Pollution Control Committees (PCCs) in respect of Union Territories; and

WHEREAS as per Rule 10 of BMW Rules, every occupier or operator handling bio-medical waste, irrespective of the quantity shall make an application in an Form II to the prescribed authority i.e. State Pollution Control Board and Pollution Control Committee for grant of authorization; and

WHEREAS as per Rule 13 (1) of BMW Rules, every occupier or operator of common bio-medical waste treatment facility shall submit an annual report to the prescribed authority in Form IV on or before 30th June of every year; and

WHEREAS as per Rule 13(2) of BMW Rules, the prescribed authority shall compile, review and analyse the information received and send this information to CPCB on or before 31st July of every year; and

WHEREAS as per Rule 13(3) of BMW Rules, CPCB shall compile, review and analyse the information received and send this information along with its comments or suggestions or observations to the Ministry of Environment Forests and Climate Change on or before 31st August of every year; and

WHEREAS CPCB vide letters dated 17.03.2017, 16.06.2017 and 17.08.2017 forwarded format for submission of annual report information for the year 2016; and

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WHEREAS it has come to the notice that despite of several reminders your Board/Committee has not sent the annual report information for the year 2016 on Bio-medical Waste Management which was to be sent to CPCB by 31st July, 2017; and

WHEREAS in absence of the said inventory CPCB is unable to perform its statutory duty as mentioned in the BMWM Rules regarding submission of annual report information alongwith suggestions and recommendations to Ministry of Environment Forest & Climate Change by 31st August of every year; and

WHEREAS the Central Government vide notification S.O. 730 (E) dated July 10, 2002, has delegated the powers under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, Central Pollution Control Board (CPCB), to issue directions to any industry or any local, or any other authority for violation of the standards and rules including rules relating to bio-medical waste notified under the Environment (Protection) Act, 1986 and amendments thereof.;

NOW THEREFORE, in view of the above facts and in exercise of the powers delegated to the Chairman, CPCB under section 5 of the Environment (Protection) Act, 1986 why action against the Member Secretary, SPCB/PCC (Andman & Nicobar, Dman & Diu, Goa, Lakshadweep, Maharashtra, and Nagaland) and Nodal Officer of bio-medical waste management shall not be initiated under section 15 of the Environment (Protection) Act, 1986 for not complying with the provisions of Bio-medical Waste Management Rules, 2016 vis-à-vis submission of annual report information by 31st July, 2017.

In SPCB/PCC (Andman & Nicobar, Dman & Diu, Goa, Lakshadweep, Maharashtra, and Nagaland) fails to provide the required information and reasons for delay against submission of Annual Report on Bio-medical Waste Management for the year 2016, within fifteen days of issuance of these CPCB directions, action will be initiated as deemed fit under the provision of the Environment (Protection) Act, 1986 and amendments made thereof.


(S. P. Singh Parihar)
Chairman

Copy to:

1. Joint Secretary, HSM Division
Ministry of Environment, Forests & Climate Change
Indira Paryavaran Bhavan,
Jor Bagh Road, New Delhi - 110 003.

2. Regional Directorate
Central Pollution Control Board
Shilong, Vadodara, Bengaluru & Kolkata

3. I/c ESS

: For information & record

4. I/c IT Division

: For information and necessary action


(A. Sudhakar)
Member Secretary