

Speed Post

F. No. B-31011/BMW (46.56)/2018/WMD-I

January 23, 2019

To,

The Director  
M/s Indira Gandhi Institute of Medical Sciences  
Sheikpura,  
Patna - 800023, Bihar.

**DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 (NOTICE THEREOF)**

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

WHEREAS Rule 4 of BMWM Rules, 2016 stipulated duties of the occupier of Common Bio-Medical Waste Treatment Facility (CBWTF);

WHEREAS as per Rule 7 (1) of BMWM Rules, "bio-medical waste shall be treated and disposed of in accordance with Schedule I and in compliance with the standards prescribed in Schedule II of the BMWM Rules, 2016";

WHEREAS Rules 14(1) of BMWM Rules, "every authorized person shall maintain records related to generation, collection, segregation, storage, transportation, treatment, disposal and or any form of handling of Bio-Medical waste in accordance with these Rules and by guidelines issued";

WHEREAS the Healthcare Facility (HCF) namely M/s Indira Gandhi Institute of Medical Science, Sheikpura, Patna, Bihar has to comply with the condition stipulated in authorization granted by the Bihar State Pollution Control Board (BSPCB) under Rule 10 of the BMWM Rules;

WHEREAS a team of officials from Central Pollution Control Board (CPCB) & Bihar State Pollution Control Board (BSPCB) has inspected the Common Bio-Medical Waste Treatment Facility of M/s Indira Gandhi Institute of Medical Science, Patna, operated by M/s S. S. Medical System (I) Pvt on 20.11.2013; wherein violation of provisions of the BMW Rules were observed. Accordingly, directions under Section 5 of the Environment (Protection) Act, 1986 were issued to the operator of the facility vide letter No. B-31011 (BMW)/30/93/2014/HWMD/1844-46 dated 08/05/2014 directing the facility operator to submit a time bound action plan along with a bank guarantee of Ten (10) lakhs in favour of CPCB, to ensure compliance to the CPCB directions;

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WHEREAS the facility was re-inspected by a team comprising officials of Central Pollution Control Board (CPCB) & Bihar State Pollution Control Board (BSPCB) on 13.01.2015 wherein the facility was again found not complying with provisions of BMW Rules. The observations were forwarded to Bihar SPCB vide CPCB letter dated 18.03.2015 for ensuring compliance by the Facility;

WHEREAS Bihar SPCB vide letter dated 05.01.2016 reported that the Facility was still not complying with CPCB directions and M/s IGIMS, Patna, Bihar is in process of procurement of treatment equipment required as a part of compliance to the CPCB directions;

WHEREAS CPCB vide letter dated 29.02.2016 requested Bihar SPCB to ensure compliance to the afore-said CPCB directions within six months and to submit the status report within one month thereafter;

WHEREAS there was delay in response from Bihar SPCB, the Unit was inspected again by CPCB on 26.10.2018 to verify the compliance to CPCB directions and observed that the facility is still not complying with the CPCB directions including provisions of BMWM Rules, 2016. Major discrepancies were (i) segregation of untreated biomedical waste inside the facility; (ii) incinerator not operated as per the operational parameters prescribed under BMWM Rules, 2016; (iii) incinerator not upgraded to comply with emission norms notified under BMWM Rules, 2016; (iv) stack monitoring platform was not safe to carry out stack monitoring; (v) autoclave was not provided with a system for recording of operational parameters such as temperature, pressure, time etc.; (vi) disinfection validation test not conducted to check the efficacy of the autoclave; (vii) treated wastewater was not complying with the effluent standards prescribed under BMWM Rules, 2016, and (viii) incinerator ash was not analyzed to check presence of hazardous constituents.

WHEREAS It was also observed during the inspection by CPCB on 26.10.2018, that M/s IGIMS, Patna, had engaged another Facility Operator M/s Sangam Mediserve Pvt. Ltd. to operate their Common Bio-Medical Waste Treatment Facility (CBMWTF) since March, 2016. As per the agreement with Facility Operator, M/s IGIMS is required to provide necessary infrastructure including treatment equipment to facility operator so that the CBWTF complies with standards prescribed under BMWM Rules, 2016;

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 any violation of the standards and rules relating to BMW notified under the Environment (Protection) Act, 1986 and amendments made thereof;

Now therefore, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, the Director of M/s Indira Gandhi Institute of Medical Science, Patna is hereby directed to explain why action shall not be taken against him for (i) failing to ensure compliance of CBMWTF operated in the premises of M/s IGIMS, Patna for more than 5 years and (ii) not providing adequate pollution control infrastructure to the CBWTF operated in the premises of M/s IGIMS, Patna.

You are further directed to reply within 15 days from issuance of this direction, failing which CPCB will be constrained to initiate proceedings against Director, M/s IGIMS, Patna, Bihar as deemed fit under the Environment (Protection) Act, 1986.

(S. P. Singh Parihar)  
Chairman

**Copy for information to:**

1. Joint Secretary, HSM Division  
Ministry of Environment, Forest & Climate  
Change  
Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi - 110 003
2. The Member Secretary : For kind information  
Bihar Pollution Control Board  
Beltron Bhawan, Shastri Nagar  
Jawahar Lal Nehru Marg Patna (Bihar)- 800  
023
3. Regional Director : For kind information  
Central Pollution Control Board  
Southernd Conclave, Block 502,  
5th & 6th Floors  
1582 Rajdanga Main Road  
Kolkata - 700 107 (W. B.)
4. I/c IT Division : For information and necessary action
5. I/c ESS Division : For information and record
6. I/c Accounts Division : For information & for further necessary  
action

(Prashant Gargava)  
Member Secretary