

By Registered Post

F. No. B-31011/BMW (47.44)/2019/WMD-I

June 20, 2019

To,

M/s Jaya Arogya Hospital
(J.A. Groups of Hospitals)
Near Mandre Ki Mata, Gwalior,
Madhya Pradesh.

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

WHEREAS the Central Government has notified the Bio-Medical Waste Management Rules, 2016 and amendments thereof (herein after referred as BMW 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 5 of BMW Rules, 2016 stipulated duties of the operator of Common Bio-Medical Waste Treatment Facility (CBWTF);

WHEREAS as per Rule 7 (1) of BMW 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 BMW Rules, 2016";

WHEREAS Rules 14(1) of BMW 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 Hon'ble National Green Tribunal, in the matter of O.A. No. 710 of 2017 (Shailesh Singh Vs Hospitals) directed CPCB "to undertake study and prepare a scale of compensation to be recovered from violators of Biomedical Waste Management Rules, 2016 within one month. Hon'ble NGT also directed that State Pollution Control Boards (SPCBs) can also recover compensation from the polluters by laying down their own scale which should not less than the scale fixed by CPCB.

WHEREAS in pursuant to Hon'ble National Green Tribunal Order dated 12.03.2019, in the matter of O.A. No. 710 of 2017, CPCB has prepared the "Guidelines for Imposition of Environmental Compensation Charges (ECC) against Healthcare Facilities (HCFs) and Common Biomedical Waste Treatment Facilities (CBWTFs);

WHEREAS the Healthcare Facility (HCF) namely M/s Jaya Arogya Hospital, Near Mandre Ki Mata, Gwalior, Madhya Pradesh (the Unit) was inspected by Central Pollution Control Board (CPCB) on 24.04.2019 whereby following discrepancies w.r.t. provisions of the BMW Rules, 2016 were observed:

- a. Unit has not applied for renewal of validity of Authorization under BMW Rules, 2016;
- b. Segregation of bio-medical waste is not carried out as per colour coded system specified under BMW Rules, 2016;

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- a. Biomedical waste was found mixed with general solid waste which is not allowed as per BMWWM Rules, 2016;
- b. Unit is practicing open dumping and burning of untreated biomedical waste;
- c. Unit has not become member of any CBWTF after relocation of earlier Common Biomedical Waste Treatment Facility namely M/s Davis Surgico and the biomedical waste was found dumped within the hospital;
- d. Separate spacing for temporary storage of untreated biomedical waste is not provided;
- e. Barcoding is not yet adopted by the Unit;
- f. Untreated biomedical plastic waste is handing over to illegal vendors;
- g. Pre-treatment facility for liquid chemical waste is not provided.
- h. ETP is not provided for the treatment of effluent and untreated effluent is discharging through Jinsi drain;
- i. Poor awareness about biomedical waste management as per BMWWM Rules, 2016 among doctors and nursing was observed;
- j. Regular training is not conducted by the Unit;
- k. Records related to biomedical waste management is not maintained by Unit
- l. Unit is not conducted immunization of staff involved in handling of biomedical waste.

WHEREAS as per the CPCB guidelines for "Imposition of Environmental Compensation against Healthcare Facilities and Common Biomedical Waste Treatment Facilities", the Environmental Compensation (EC) Charges is calculated ₹ 37,500 /- per day of non-compliance with effect from date of inspection;

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 BMWWM 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 Unit is hereby directed to:

- i) Take necessary corrective measures w.r.t. the aforesaid action points mentioned at S.No. (a) to (n) and submit the time bound action plan within 15 days from the issue of this directions, to comply with provisions of BMWWM Rules, 2016; and
- ii) Deposit ₹ 21,75,000 /- as EC for not complying with the provisions of BMWWM Rules, 2016 for a period of 58 days since date of inspection to till date, in **CPCB Account No. 532702050000164 IFSC code UBIN0553271, I.P. Extension Branch within 15 days from receipt of this directions.**

In case the Unit fails to comply with above directions, CPCB will be constrained to initiate proceedings against M/s Jaya Arogya Hospital, Near Mandre Ki Mata, Gwalior, Madhya Pradesh under the Environment (Protection) Act, 1986.

(S. P. Singh Parihar)
Chairman

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Copy to:

1. Joint Secretary, HSM Division
Ministry of Environment, Forest & Climate Change
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003
2. Member Secretary : For kind information
Madhya Pradesh Pollution Control Board
Paryavaran Parisar, Sector E-5,
Arera Colony, Bhopal – 462 016
3. Regional Director : For kind information
Central Pollution Control Board
4th Floor, Sahkar Bhawan
North TT Nagar
Bhopal – 462 003
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