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F. No. B-31011/BMW (47.43)/2019/WMD-I

June 18, 2019

To,

Dr. S.K. Deshmukh
Chief Medical Superintendent
M/s Badarpur Sub-divisional Railways Hospital
Badarpur, Assam. 788806

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 BMWWM 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 BMWWM Rules, 2016 stipulated duties of the operator of Common Bio-Medical Waste Treatment Facility (CBWTF);

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

WHEREAS Rules 14(1) of BMWWM 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 Badarpur Sub-divisional Railways Hospital, Badarpur, Assam (the Unit) was inspected by Central Pollution Control Board (CPCB) on 04.02.2019 whereby following discrepancies w.r.t. provisions of the BMWWM Rules, 2016 were observed:

- a) Unit has not obtained authorisation under BMWWM Rules, 2016;
- b) Biomedical waste was not segregated as per the colour coded system prescribed under BMWWM Rules, 2016;
- c) Biomedical waste was found openly dumped alongwith general waste;
- d) Unit is neither having captive treatment facility nor a member of Common Biomedical Waste Treatment Facility for the treatment & disposal of biomedical waste as per BMWWM Rules, 2016;
- e) Chemical disinfection was done for plastic waste which was openly dumped by the Unit;
- f) Temporary storage space for segregated biomedical waste is not provided by the Unit;
- g) Unit has not provided pre-treatment facility for liquid chemical waste;
- h) Records for biomedical waste generation, collection, treatment & disposal not maintained.
- i) Poor awareness on BMWWM Rules, 2016 among the doctors and nursing staff;

In contd....2/-

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 ₹ 12,500/- 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 (i) 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 ₹ 16,37,500/- as EC for not complying with the provisions of BMWWM Rules, 2016 for a period of 131 days since date of inspection (that is 04.02.2019) to till date, in **CPCB Account No. 532702010009078 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 Badarpur Sub-divisional Railways Hospital, Badarpur, Assam under the Environment (Protection) Act, 1986.

(S. P. Singh Parihar)
Chairman

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
Assam Pollution Control Board
Bamunimaiden,
Guwahati – 781 021
3. Regional Director : For kind information
Central Pollution Control Board
"TUM-SIR". Lower Motinagar
Near Fire Brigade H.Q.,
Shillong - 793 014
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