

By Registered Post

F. No. B-31011/BMW (15111)/2023/WMD-I 6150

7<sup>th</sup> November, 2023

To,

The Chairman,  
Gujarat Pollution Control Board,  
Paryavaran Bhawan, Sector 10-A,  
Gandhi Nagar – 382010, Gujarat.

**DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 – FOR COMPLIANCE TO BIOMEDICAL WASTE MANAGEMENT RULES, 2016**

WHEREAS the Central Government has notified the Biomedical Waste Management Rules, 2016 (herein after referred as BMW Rules, 2016) 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 biomedical wastes in environmentally sound manner and thereby, reducing its impact on the environment; and

WHEREAS, under section 3 (1) of Environment (Protection) Act, 1986, the Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution; and

WHEREAS as per Rule 9 (1) of BMW Rules, “The prescribed authority for ensuring implementation of the provisions of rules shall be the State Pollution Control Boards (SPCBs) in respect of States and Pollution Control Committees (PCCs) in respect of Union territories”; and

WHEREAS SPCBs and PCCs also have mandate to monitor the compliance of various provisions and conditions of authorization and take action against defaulting Healthcare Facilities (HCFs) or Common Bio-medical Waste Treatment Facilities (CBWTFs) for violation of rules; and

WHEREAS Guidelines for Common Biomedical Waste Treatment and Disposal facilities suggests that CBWTFs should make a MoU with the nearest CBWTF located within the respective State/UT, as alternate arrangement and submit it to the respective SPCB/PCC; and

WHEREAS CPCB has been reviewing the compliance status of BMW Rules, 2016 based on Annual Reports submitted by SPCBs and PCCs, through CPCB server of Online Continuous Emission Monitoring System and also by conducting random inspections of CBWTFs & HCFs; and

WHEREAS Common Biomedical Waste Treatment Facility namely M/s Porbandar Manav Seva Trust, Plot no. 81/1, Village Kalipadt, Tal. Porbandar, Dist. Porbandar, Gujarat (Herein after referred as the Unit) was conducted by Central Pollution Control Board (CPCB) on 22.08.2023 wherein following non-compliances were observed:

- i. The Unit was sending biomedical waste collected from its member HCFs to the CBWTF situated at Jamnagar for treatment and disposal since 21.08.2023 without any MoU and without informing State Pollution Control Board.

*(Signature)*

- ii. Barcode system was not implemented as required under BMW Rules, 2016.
- iii. Online Continuous Emission Monitoring System is not connected to CPCB server as required under BMW Rules, 2016.
- iv. Records for the treatment & disposal of biomedical waste and the operation of autoclave was not maintained.
- v. All category wastes were found stacked and distinctive partition for colour code containers was not providing in the main storage room.

WHEREAS CPCB vide letters dated 12.08.2021 and 08.07.2022 requested to ensure the installation of OCEMS by every CBWTF operator as well as HCFs operating captive treatment facilities and their connectivity with CPCB server as required under BMW Rules, 2016. Further, CPCB vide direction dated 27.10.2022 directed (i) to ensure compliance to the standards prescribed under BMW Rules, 2016 by CBWTFs and also captive treatment facilities operated by Healthcare Facilities; (ii) to verify whether existing deep burial pits are authorized as per BMW Rules, 2016 and are designed in line with standards given under BMW Rules, 2016; (iii) to ensure installation of OCEMS and transmission of data to CPCB server by all CBWTFs and captive incinerators operated by HCFs; 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 for violation of the standards and rules relating to BMW notified under the Environment (Protection) Act, 1986; and

NOW, THEREFORE, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, following directions are issued:

- i. To take appropriate action against the Unit for non-compliance of BMW Rules, 2016
- ii. To ensure compliance to the standards prescribed under BMW Rules, 2016 by the Unit.
- iii. Environmental Compensation may be imposed on the unit for violation of BMW Rules, 2016.

Action taken report on above be submitted to the Central Pollution Control Board within 15 days from the date of receipt of these directions.

  
(Tanmay Kumar)  
Chairman

**Copy for information to:**

1. The Additional Secretary,  
HSM Division  
Ministry of Environment, Forest & Climate Change  
Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi - 110 003. : For kind information



2. The Regional Director,  
Regional Directorates,  
Central Pollution Control Board,  
Parivesh Bhawan  
Opp. VMC Ward Office No. 10,  
Subhanpura, Vadodara-390 023
3. I/c IT Division

: For kind information and follow-up

: For information and necessary action



(Bharat Sharma)  
Member Secretary

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