

By Registered Post

F. No. B-31011/BMW (15067)/2023/WMD-I 6471

22 November, 2023

To,

The Chairman,  
State Pollution Control Board, Odisha  
Paribesh Bhawan, A-118, Nilakantha Nagar,  
Unit-VIII, Bhubaneswar – 751 012.

**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 Rule 7 (3) of BMW Rules, 2016 stipulates that no occupier shall establish on-site treatment and disposal facility, if a service of CBWTF is available at a distance of seventy-five kilometre; 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 inspection of the Captive treatment facility operated by M/s Maharaja Krishna Chandra Gajapati (M.K.C.G.), Medical College and Hospital, Brahmapur, Ganjam, Odisha (the Unit) was conducted by Central Pollution Control Board (CPCB) on 22.08.2023 and 23.08.2023 wherein following non-compliances were observed:

- o The Unit does not have Consent to Operate under the Water (Prevention and control of Pollution) Act, 1974 and the Air (Prevention and control of Pollution) Act, 1981.
- o The Unit was operating as captive treatment facility even though service of CBWTF is available within 75 KMs.
- o Temperature of 200-250 °C was maintained in primary chamber of incinerator which is less than the prescribed temperature (800°C) under BMW Rules, 2016.

- o Spore test on autoclave was not conducted as required under BMW Rules, 2016 to ensure efficacy of treatment.
- o Expired medicine and other category of waste was found dumped in the nearby land fill site and it was observed that open burning of that waste is in practice.
- o Online Continuous Emission Monitoring System of the Unit is not connected to CPCB server.
- o Biomedical Waste is being segregated inside the storage area.
- o Incinerator ash is being disposed off into the nearby land fill without assessing toxic metals present in incinerator ash, as required under BMW Rules, 2016.

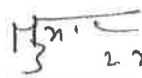
WHEREAS CPCB vide letters dated 12.08.2021 and 08.07.2022 requested to ensure the installation of OCEMS by every CBWTF operator as well as HCFs operating captive treatment facilities and their connectivity with CPCB server as required under BMW Rules, 2016. Further, CPCB vide direction dated 27.10.2022 directed to (i) ensure compliance to the standards prescribed under BMW Rules, 2016 by CBWTFs and also captive treatment facilities operated by Healthcare Facilities; (ii) 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) 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. Ensure that the Unit namely M/s Maharaja Krishna Chandra Gajapati (M.K.C.G.), Medical College and Hospital, Brahmapur, Ganjam, Odisha closes its captive treatment facility and dispose its biomedical waste through CBWTF.
- ii. Ensure that no occupier shall establish on-site treatment and disposal facility, if a service of CBWTF is available at a distance of 75 KM.
- iii. Environmental Compensation may be imposed to the unit for violation of BMW Rules, 2016.
- iv. Ensure that the unit operates with Consent to Operate under the Water (Prevention and control of Pollution) Act, 1974 and the Air (Prevention and control of Pollution) Act, 1981, authorisation under the Hazardous and Other Waste (Management & Transboundary) Movement Rules, 2016, as applicable.

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

  
22/11/23  
(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,  
South end Conclave, Block-502,  
5<sup>th</sup> & 6<sup>th</sup> Floors, 1582, Razidanga, Main Road  
Kolkata - 700 107 : For kind information and follow-up
3. I/c IT Division : For information and necessary action



(Bharat Sharma)  
Member Secretary

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