

By Registered Post

F. No. B-31011/BMW (1138/47.56)/2022/WMD-I

March 28, 2022

To,

14822
The Chief Medical Superintendent,
Dr. Ram Manohar Lohia Institute of Medical Sciences,
Vibhuti Khand, Gomati Nagar,
Lucknow, Uttar Pradesh – 226010.

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, 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 Bio-Medical wastes in an environmentally sound management thereby, reducing the biomedical waste generation and its impact on the environment; and

WHEREAS Rule 4 of BMWWM Rules, 2016 stipulated duties of the occupier of Health Care Facility (HCF); and

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

WHEREAS the Hon'ble National Green Tribunal, in the matter of O.A. No. 710 of 2017 filed by Shailesh Singh vide order dated 12.03.2019 directed Central Pollution Control Board (CPCB) to undertake study and prepare a scale of compensation to be recovered from violators of Bio-Medical Waste Management Rules, 2016. Hon'ble NGT also states that scale of compensation must be deterrent, rendering violation of Rules to be non-profitable and which should be adequate to remedy the situation"; and

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

WHEREAS the Healthcare Facility (HCF) namely 'Dr. Ram Manohar Lohia Institute of Medical Sciences, Vibhuti Khand, Gomati Nagar, Lucknow, Uttar Pradesh' (the Unit) was inspected by CPCB on 17.02.2021 for verification of compliance to BMWWM Rules, 2016, whereby following observations were made: (i) improper segregation of biomedical waste was observed in few wards; (ii) barcode system is not yet adopted by the hospital as required under BMWWM Rules, 2016; and (iii) as per analysis report of effluent of ETP, parameters for BOD (84 mg/l), COD (262 mg/l) and O & G (45.5 mg/l) exceeds the prescribed limit of 30 mg/, 250 mg/l and 10 mg/l, respectively; and

WHEREAS the HCF was re- inspected by CPCB on 21.12.2021 to verify the status of compliance to BMWWM Rules, 2016 and following discrepancies were observed:

- a. Poor segregation of biomedical waste was observed in few wards;
- b. Poor ventilation in temporary storage room for untreated biomedical waste;
- c. Barcode system is still not adopted;
- d. Municipal solid waste and biomedical waste stored in common location.

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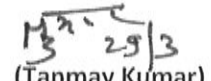
WHEREAS based on the aforesaid non-compliance, direction (Show Cause Notice) has been issued to the Unit vide letter dated 24.01.2022 to Show Cause why Environment compensation should not be imposed for violating provisions under BMW Rules, 2016; and

WHEREAS Unit vide letter dated 08.02.2022 submitted status of compliance w.r.t CPCB action points, and it is observed that the Unit is still in the process of adopting barcode system and expansion of temporary storage area has not been completed. Hence violating the Bio Medical Waste Rules, 2016; and

Now, therefore, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, the Unit is hereby directed;

- i. To deposit Environmental Compensation of ₹ 53,19,375/- (Rs. Fifty-three lac nineteen thousand three hundred seventy-five only in CPCB account No. 532702050000164 IFSC code UBIN0553271, I.P. Extension Branch within 15 days on receipt of this direction;
- ii. To expedite the implementation of Barcode System as required under BMW Rules, 2016; and
- iii. To ensure compliance to the other provisions of BMW Rules, 2016.

In case the Unit fails to comply with above directions, action will be taken under the provisions of the Environment (Protection) Act, 1986.


(Tanmay Kumar)
Chairman

Copy to:

1. The Additional 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 and follow-up
Uttar Pradesh Pollution Control Board
Building No TC-12V
Vibhuti Khand, Gomti Nagar
Lucknow – 226 010, Uttar Pradesh
3. The Regional Director : For kind information and follow-up
Regional Directorate, Central Pollution Control
Board, Ground Floor, PICUP Bhawan
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010
4. DH, IT Division : For information and necessary
action
- 5 DH, Accounts Division : For information and necessary
action


(Prashant Gargava)
Member Secretary

