

गौरा देवी पर्यावरण भवन

UTTARAKHAND ENVIRONMENT
PROTECTION &
POLLUTION CONTROL BOARD

46B, IT Park, Sahasradhara Road, Dehradun
(Uttarakhand)



उत्तराखण्ड पर्यावरण संरक्षण एवं प्रदूषण
नियंत्रण बोर्ड
46बी, आई.टी. पार्क, सहस्रधारा रोड,
देहरादून, उत्तराखण्ड

UEPPCB/HO/BMW-33 (II)/2018/ 180-24

Dehradun, March 2019

SPEED POST

08/04/19

To,

(As per List
(1-20 Health Care Facilities)

Directions under section-5 of the Environment (Protection) Act, 1986 for non-compliance of the Bio-Medical Waste Management Rules, 2016.

WHEREAS, the Government of India has promulgated the Bio-Medical Waste Management Rule 2016 (BMW Rules 2016), under the Environment (Protection) Act 1986; and it is mandatory requirement of every Health Care Facilities (HCFs) to comply with the provisions of the said Rules, and

WHEREAS, the (Health Care Facility "HCF") is a health care facility of 98 beds capacity; and

WHEREAS, Rules-4 of the Bio-medical Waste Management Rules, 2016 defines duties of Occupier, amongst others; it shall be duty of every occupier to:

- Take all necessary steps to ensure that bio-medical waste is handled without any adverse effect to human health and the environment and in accordance with these rules;
- Make a provision within the premises for a safe, ventilated and secured location for storage of segregated biomedical waste in colored bags or containers in the manner as specified in Schedule-I of BMW Rules, 2016, to ensure that there shall be no secondary handling, pilferage of recyclables or inadvertent scattering or spillage by animals and the bio-medical waste from such place or premises shall be directly transported in the manner as prescribed in these rules to the common bio-medical waste treatment facility or for the appropriate treatment and disposal, as the case may be, in the manner as prescribed in Schedule-I;
- Pre-treat the laboratory waste, microbiological waste, blood samples and blood bags through disinfection or sterilisation on-site in the manner as prescribed by the World Health Organisation (WHO) or National AIDs Control Organisation (NACO) guidelines and then sent to the common bio-medical waste treatment facility for final disposal;
- Phase out use of chlorinated plastic bags, gloves and blood bags within two years from the date of notification of these rules;
- Dispose of solid waste other than bio-medical waste in accordance with the provisions of respective waste management rules made under the relevant laws and amended from time to time;
- Not to give treated bio-medical waste with municipal solid waste;
- Provide training to all its health care workers and others, involved in handling of bio medical waste at the time of induction and thereafter at least once every year and the details of training programmes conducted, number of personnel trained and number of personnel not undergone any training shall be provided in the Annual Report;
- Immunise all its health care workers and others, involved in handling of bio-medical waste for protection against diseases including Hepatitis B and Tetanus that are likely to be transmitted by handling of bio-medical waste, in the manner as prescribed in the

- National Immunisation Policy or the guidelines of the Ministry of Health and Family Welfare issued from time to time;
- Establish a Bar- Code System for bags or containers containing bio-medical waste to be sent out of the premises or place for any purpose within one year from the date of the notification of these rules;
- (i) Ensure segregation of liquid chemical waste at source and ensure pre-treatment or neutralisation prior to mixing with other effluent generated from health care facilities;
 - (j) Ensure treatment and disposal of liquid waste in accordance with the Water Prevention and Control of Pollution) Act, 1974 (6 of 1974);
 - (k) Ensure occupational safety of all its health care workers and others involved in handling of bio-medical waste by providing appropriate and adequate personal protective equipments;
 - (l) Maintain and update on day to day basis the bio-medical waste management register and display the monthly record on its website according to the bio-medical waste generated in terms of category and colour coding as specified in Schedule-I;
 - (m) Report major accidents including accidents caused by fire hazards, blasts during handling of bio-medical waste and the remedial action taken and the records relevant thereto, (including nil report) in Form I to the prescribed authority and also along with the annual report;
 - (n) Make available the annual report on its web-site and all the health care facilities shall make own website within two years from the date of notification of these rules
 - (o) Inform the prescribed authority immediately in case the operator of a facility does not collect the bio-medical waste within the intended time or as per the agreed time;

WHEREAS, according to **Rule-7** of the **BMW Rules, 2016**, the Bio-medical waste shall be treated and disposed of in accordance with **schedule-I** and in compliance with the standards provided in **schedule-II** by the Health Care Facilities and Common Bio-medical Waste Treatment Facility; and

WHEREAS, **Rule-8**, of the **BMW Rules, 2016** describes segregation, packaging, transportation and storage of Bio-medical waste; and stipulated that no bio-medical waste shall be mixed with other waste; and

WHEREAS, according to the **Rule-10** of the **BMW Rules, 2016**, every occupier, or operator handling Bio Medical Waste, irrespective of the quantity shall make an application in **Form-II** to the **prescribed authority** i.e. State Pollution Control Board for grant of authorization; and

WHEREAS, according to the **Rule-13** of the **BMW Rules, 2016**- "Every occupier or operator of Common Bio-Medical Waste Treatment Facility shall submit an Annual Report to the prescribed authority in Form-IV, on or before the 30th June of every year; and

WHEREAS, according to the **Rule-18** of the **BMW Rules, 2016**, the occupier or an operator of the Common Bio Medical Waste Treatment Facility shall be liable for all the damages caused to the environment or the public due to improper handling of Bio-medical waste; and

WHEREAS, the Hon'ble National Green Tribunal (NGT) in its order dated 19.07.2016 in the matter of *M.C. Mehta Vs. Union of India and Ors*; and *Society for Protection of Environment & Biodiversity & Anr Vs. Union of India and Ors.* directed that: "We hereby direct the State Government to impose an Environmental Compensation of Rs 50,000 on each hospital which is not having complete arrangement for disposal and regular dumping of Bio medical Waste in accordance with law with the Bio Medical Waste Rules 2006."

WHEREAS, according to the **Section-5** of the **Environment (Protection) Act, 1986**:

"Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions".

WHEREAS, the Ministry of Environment, Forests and Climate Change, Govt. of India has delegated the power vested in it under **section-5** of the **Environment Protection Act, 1986** to the State Govt. of Uttar Pradesh vide notification no. 1(38)/86-pl dated April 14, 1988; and

WHEREAS, the Government of Uttarakhand vide its G.O. dated 26.07.2016 authorized the Uttarakhand Environment Protection and Pollution Control Board to impose and collect the Environmental Compensation on each hospital which are not having complete arrangement for disposal of Bio-Medical Waste; and


WHEREAS, The Health Care Facility was issued Show Cause Notice vide UEPPCB/HO/BMW-Gen-33/2016/59-21 dated 04.04.2016 with a direction to show cause within 30 days, why action not be initiated against the Hospital under provisions 19 of the Environment (Protection) Act, 1986.

WHEREAS, as per report of Regional Office, Dehradun dated 25.02.2019 (letter no. UEPPCB/ROD/Gen-23/2018-19/2626-954) it is mentioned that you have not applied to Board for getting authorisation and accordingly recommendation for imposing Environmental Compensation of Rs. 50,000/- has been submitted.

As such it is evident from above observation that the Health Care Facility (HCF) has violated the provisions of the Biomedical Waste Management Rules, 2016 and the Environment (Protection) Act, 1986.


AND NOW THEREFORE, in compliance of the directions issued by Government of Uttarakhand vide above referred order dated 26.07.2016; and in compliance of the order dated 19.07.2016 of the Hon'ble National Green Tribunal, with approval of the Competent Authority of the Board, an Environment Compensation of Rs. 50,000/- (Rupees Fifty Thousand only) is hereby imposed your Health Care Facility. You are hereby direct to deposit the Environmental Compensation of Rs. 50,000/- to this office in the form of Demand Draft in favor of **Member Secretary, Uttarakhand Environment Protection and Pollution Control Board** payable at Dehradun within a **15 days** from the issue of this directions.

Further, you are directed to apply to Board for getting authorization and ensure compliance of provisions of the **Bio-Medical Waste Management Rules, 2016**. In case of default with the above directions by your HCF, the UEPPCB will be constrained to initiate appropriate actions against the occupier(s) of the HCF without giving any further notice, in accordance with provisions of the **Environment (Protection) Act, 1986**.


Member Secretary

Copy to:

1. Chairman, UEPPCB, Dehradun for kind information please.
2. Regional Officer (I/c), UEPPCB, Regional Office, Dehradun, Uttarakhand for information and necessary compliance.
- ✓ 3. Guard file.


Member Secretary

List of 20 Health Care Facilities

S.No.	Name and Address of Health care facility
1	Vetnary Hospital, Vikasnagar, Dehradun
2	Medical Superintendent Rajkiya Chikitshalaya, Pauri
3	Medical Superintendent Rajkiya Chikitshalaya, Rudraprayag
4	Primary Health Centre, Dudhali, Dehradun
5	Primary Health Centre, Bhaniyawala, Dehradun
6	Primary Health Centre, Rudrapur, Dehradun
7	Primary Health Centre, Ranjhawala, Dehradun
8	Primary Health Centre, Herbertpur, Dehradun
9	Yashika Pathology Lab, Near Govt. Hospital, Vikas Nagar, Dehradun
10	Vidya Diagnostic Centre, Rishikesh Road, Rishikesh
11	Rawal Nursing Home, 35/1, EC Road, Dehradun
12	Sameer Swami Cardiac Care, Dehradun
13	Kranti Nursing Home, Ballupur Road, Dehradun
14	Gangotri Child Care, 98 Old Nehru Colony, Dehradun
15	Doon Eye Care, Vikas Nagar, Dehradun
16	Dehradun Diabities Centre, Sahastradhara Road, Dehradun
17	Collection Centre & Imagine Centre, Premnagar, Dehradun
18	Bagchi Nursing Home, 29/20, Bhandari Bagh, Dehradun
19	Arogya Clinic, Hospital Road, Rishikesh, Dehradun
20	Ajay Orthopedic, Dehradun Road, Dehradun