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**ABSTRACT**

Environment - Levying environmental compensation against the Health Care Facilities and Common Bio-medical Waste Treatment and Disposal Facilities for non-compliance of Bio-Medical Waste Management Rules, 2016 in compliance with the orders of Hon'ble National Green Tribunal, New Delhi dated 12.03.2019 and 15.07.2019 in O.A.No.710-713 /2017 - Orders - Issued.

**Environment and Forests (EC.2) Department**

G.O.(Ms) No.77

Dated: 28.10.2020

சார்வரி, ஐப்பசி - 12,  
திருவள்ளூர் ஆண்டு-2051**Read :**

1. Orders of Hon'ble National Green Tribunal in Original Application No.710 - 713 of 2017, dated 12.03.2019 and 15.07.2019.
2. From the Chairman, Tamil Nadu Pollution Control Board, Chennai-32. Letter No.T4/TNPCB/F.17509/CPCB/NGT 710 of 2017/2019, dated 19.08.2019 and 10.09.2020.

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**ORDER :**

The Hon'ble National Green Tribunal, Principal Bench in its order in O.A.No.710-713 of 2017 dated 12.03.2019 first read above among other things has directed that the Central Pollution Control Board to undertake study and prepare a scale of compensation to be recovered from the violators of Biomedical Waste Management Rules, 2016. Based on the directions of the National Green Tribunal, the Central Pollution Control Board had developed a methodology for assessing environmental compensation for the Health Care Facilities and Common Biomedical Waste Treatment and Disposal Facilities. The Central Pollution Control Board has been further directed that this will not debar the State Pollution Control Boards from performing their duty of recovery of compensation from the polluters or laying down their own scale which should not less than the scale fixed by the Central Pollution Control Board. The scale must be deterrent rendering violation of the Biomedical Waste Management Rules to be non-profitable and which should be adequate to remedy the situation. Further, the Hon'ble National Green Tribunal in its order

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dated 15.07.2019 has directed that the compensation regime suggested by the Central Pollution Control Board has to be adopted and it will be open to the State Pollution Control Boards to adopt a higher scale of compensation having regard to the problems faced in the respective States.

2. Based on the Central Pollution Control Board developed methodology for assessing environmental compensation, the Chairman, Tamil Nadu Pollution Control Board has sent a proposal for levying environmental compensation against the Health Care Facilities and Common Biomedical Waste Treatment and Disposal Facilities for non-compliance of Biomedical Waste Management Rules.

3. The Chairman, Tamil Nadu Pollution Control Board has stated that the subject matter of implementation of environmental compensation for the Health Care Facilities and Common Biomedical Waste Treatment Facilities in the State of Tamil Nadu as evolved by Central Pollution Control Board and the following action plan for utilization of Environmental Compensation Fund was placed before the Board meeting held on 22.07.2019 and it was resolved to recommend to approve the proposal for levying of Environmental Compensation against the Health Care Facilities and Common Biomedical Waste Treatment Facilities based on the methodology and formula given by Central Pollution Control Board and recommended to Government :-

- a) Inspection of Common Biomedical Waste Treatment Facilities/ Health Care Facilities for compliance verification.
- b) Strengthening of Tamil Nadu Pollution Control Board Laboratories.
- c) Inventorisation of Biomedical Waste
- d) Investigations of environmental damages, preparation of Detailed Project Reports.
- e) Infrastructure augmentation and capacity building of Tamil Nadu Pollution Control Board.
- f) The above proposed list may include other schemes, also, depending upon the requirement.

4. The Chairman, Tamil Nadu Pollution Control Board has therefore requested to issue necessary orders for levying of environmental compensation against the Health Care Facilities and Common Biomedical Waste Treatment Facilities based on the methodology and formula given by Central Pollution Control Board.

5. The Government, after careful examination have decided to accept the proposal of the Chairman, Tamil Nadu Pollution Control for levying environmental compensation against the Health Care Facilities and Common Biomedical Waste Treatment Facilities in the State for non-compliance of the

Bio-Medical Waste Management Rules, based on the annexed methodology and formula, which is given by Central Pollution Control Board.

6. This order issues with the concurrence of Health and Family Welfare Department vide its U.O.Note No.31/Health & Family Welfare/2020, dated 03.10.2020.

(BY ORDER OF THE GOVERNOR)

**SANDEEP SAXENA**  
**ADDITIONAL CHIEF SECRETARY TO GOVERNMENT**

**To**

- The Chairman,  
Tamil Nadu Pollution Control Board, Guindy, Chennai – 600 032.
- The Principal Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Chennai – 600 009.
- The Principal Secretary to Government,  
Animal Husbandry, Dairying and Fisheries Department,  
Secretariat, Chennai – 600 009.

**Copy to :-**

- The Member Secretary,  
Central Pollution Control Board,  
'Parivesh Bhawan', East Arjun Nagar,  
Shahdara, New Delhi – 110 032.
- The Director of Medical Education, Chennai-600 010.
- The Director of Medical and Rural Health Services, Chennai – 600 006.
- The Director of Medical and Rural Health Services (Employees State Insurance),  
Chennai – 600 006.
- The Director of Public Health and Preventive Medicine, Chennai – 600 006.
- The Director of Indian Medicine and Homeopathy, Chennai – 600 106.
- All Secretaries to Government, Secretariat, Chennai- 600 009.
- All District Collectors.
- Hon'ble Chief Minister's Office.
- The Special/Senior Personal Assistant to  
Hon'ble Minister (Environment), Secretariat, Chennai – 600 009.
- The Private Secretary to the Additional Chief Secretary to Government,  
Environment and Forests Department,  
Secretariat, Chennai – 600 009.
- The Environment and Forests (EC.1/EC.3)Department,  
Secretariat, Chennai – 600 009.
- Stock File/Spare Copy.

// FORWARDED: BY ORDER //

*Jyoti...*  
SECTION OFFICER  
28/10/2020  
8/10/2020



**ANNEXURE**

**( G.O.Ms.No.77, Environment and Forests (EC.2) Department,  
Dated 28.10.2020 )**

**Levying environmental compensation against the Health Care Facilities and Common Bio-Medical Waste Treatment and Disposal Facilities for non-compliance of the Bio-medical Waste Management Rules, based on the methodology and formula given by the Central Pollution Control Board in compliance with the orders of Hon'ble National Green Tribunal, New Delhi dated 12.03.2019 and 15.07.2019 in O.A.No.710-713 /2017**

**Environmental Compensation for Health Care Facilities (HCFs):**

The following cases have been considered for levying Environmental Compensation:

- i) No Authorization under Bio Medical Waste Management Rules, 2016
- ii) No arrangement with Common Biomedical Waste Treatment Facilities for disposal of biomedical waste
- iii) Improper Segregation of generated biomedical waste as per color coded system prescribed under Bio Medical Waste Management Rules, 2016
- iv) No facility for pre-treatment of yellow (h) category waste (microbiology, biotechnology and other clinical laboratory waste)
- v) Storage facility not provided for segregated biomedical waste (applicable for bedded hospitals)
- vi) Not provided Effluent Treatment Plant for treatment of wastewater, in case when city sewerage network is not connected to terminal Sewage Treatment Plant and
- vii) Non-compliance to other responsibilities as stipulated for Healthcare Facilities under Bio-Medical Waste Management Rules, 2016.

**Environmental Compensation for Health Care Facilities = HR x T x S x R x N**

Where,

- HR - Health Risk factor
- T - Type of Health care Facility
- S - Size of Health Care Facility
- R - Environmental Compensation factor
- N - Number of days of Violation

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- ❖ **Health Risk (HR)** is a number from 0 to 100 and increasing HR value denotes the increasing degree of health risk due to improper handling of Bio-Medical Wastes in health care facility.

	No arrangement for disposal of BMW with CBMWTF	Not applied for Authorization	Improper segregation	No pre-treatment	On-site storage not provided or not adequate	No ETP despite requirement	Score for each of other violation of BMW Rules, 2016
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Health Risk Score	30	10	20	10	10	15	5

( **Note:** Score of 5 to be added for each of other violations at column (7), with sum of HR limited to 100 )

Health Risk is sum of (1) + (2) + (3) + (4) + (5) + (6) + (7) [restricted to 100]

- ❖ **T is a factor for type of health care facility**, as given below:

Type of Health Care facility	T Factor
Bedded Hospitals	1.0
Bedded Ayush Hospitals	0.5
Non-bedded (Veterinary hospital, pathological laboratory, blood bank)	1.0
Non-bedded (Clinic, dispensary and clinical establishment)	0.5
Animal Test Houses	1.0

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- ❖ **S is a factor for size of Health Care Facility** - based on number of beds of the Health Care Facility, as given below:

Size of Health Care Facility	S factor
Non-bedded (Clinic, dispensary and clinical establishment)	0.15
Non-bedded (Veterinary hospital, pathological laboratory, blood bank)	0.2
1 to 10 bedded HCFs	0.20
10 to 50 bedded HCFs	0.30
50 to 100 bedded HCFs	0.50
100 to 500 bedded HCFs	1.00
500 or more bedded HCFs	1.50
Animal Test House	1.00

- ❖ **N is the Number of days for which violation took place** is the period between the day of violation observed/due date of implementation as per Bio-Medical Waste Management Rules, 2016/ due date of compliance of directions and the day of compliance verified by Central Pollution Control Board/Tamil Nadu Pollution Control Board.
- ❖ **R is a factor in Rupees, taken as 250**

Further, in any case minimum Environmental Compensation in respect to Health Care Facility shall not be less than Rs.1200/- per day.

#### **Deterrent Factor for Healthcare Facilities**

In order to make scale of environmental compensation deterrent in rendering violation of Rules to be non-profitable, a deterrent factor has been introduced in case of recurrent violations. Environmental Compensation Charges may increase by multiple times when:

- Health Care facility fails to comply with action points within stipulated time as directed by Tamil Nadu Pollution Control Board; or
- Fails to comply during re-inspections

Incremental effect on Environmental compensation charges are given below:

Scenario	Applicable Environmental Compensation Charges (ECC)
Upto 15 days from target date	Original ECC
Between 15 to 30 days beyond target date	Two times
Fails to comply in 2 <sup>nd</sup> inspections new violations if any	Two times
Between 30 to 45 days beyond target date	Four times
Fails to comply in 3 <sup>rd</sup> inspections including new violations if any	Four times
Beyond 60 days from target date	Closure of HCF
Fails to comply in 4 <sup>th</sup> consecutive inspection	Closure of HCF.

**Environmental Compensation for Common Biomedical Waste Treatment Facility (CBWTF)**

The following cases have been considered for levying Environmental Compensation for Common Biomedical Waste Treatment Facilities:-

- a) Incinerator emissions not complying with standards notified under Biomedical Waste Management Rules, 2016
- b) Treated waste water not complying with standards prescribed under Biomedical Waste Management Rules, 2016
- c) Not complying with standards of autoclave/microwave prescribed under Biomedical Waste Management Rules, 2016
- d) Not collecting the biomedical waste from all the member Health Care Facilities timely; and
- e) Other violations to the conditions stipulated under Biomedical Waste Management Rules, 2016/ Central Pollution Control Board guidelines

**Environmental Compensation for Common Biomedical Waste Treatment Facilities = PI x S x R x N**

Where;

- PI- Pollution Index
- S - Size of Operation
- R - Environmental Compensation factor
- N - Number of days of Violation



❖ **Pollution Index (PI) is a number from 0 to 100** and increasing value of PI denotes the increasing degree of pollution hazard from CBWTF

Cases	Incinerator emissions not complying with standards notified under BMWM Rules, 2016 (1)	Treated wastewater not complying with standards notified under BMWM Rules, 2016 (2)	Not complying with standards of autoclave/microwave notified under BMWM Rules, 2016 (3)	Biomedical waste not collected and disposed off within 48 hours (4)	Each of Other violations to BMWM Rules, 2016/ CPCB Guidelines (5)
Pollution Index	20	15	15	10	10

( **Note:** Score of 10 can be added at column (5) for each of other violations, provided sum of PI is limited to 100 )

$$\text{Pollution Index} = (1) + (2) + (3) + (4) \text{ [Restricted to 100]}$$

❖ **S Scale of operation for Common Biomedical Waste Treatment Facilities** will be taken from following Table :

Authorized Treatment Capacity (Based on Incinerator size)	Scale Factor
Upto 100 Kg/hr	0.25
100 to 250 Kg/hr	0.50
250 to 500 Kg/hr	1.00
> 500 Kg/hr	1.50

❖ **R is a factor in Rupees, which is taken as 250**

❖ **N is the Number of days for which violation took place** is the period between the day of violation observed/due date of implementation as per Biomedical Waste Management Rules, 2016/due date of compliance of directions and the day of compliance verified by Central Pollution Control Board/Tamil Nadu Pollution Control Board.

Further, in any case minimum Environmental Compensation in respect to Common Biomedical Waste Treatment Facility shall not be less than Rs. 3,000/- per day.

For Health Care facilities having their own treatment and disposal facility, the environmental compensation shall be calculated as in the case of Common Bio-Medical Waste Treatment Facilities.

**Deterrent Factor for Common Biomedical Waste Treatment Facilities**

In order to make scale of environmental compensation deterrent for Common Bio-Medical Waste Treatment Facilities(CBWTFs) to make non-compliance as not profitable, a deterrent factor has been introduced for repeated violations. Environmental Compensation Charges may increase by multiple times when:

- Common Bio-Medical Waste Treatment Facility(CBWTF) fails to comply with action points within stipulated time as directed by Central Pollution Control Board /Tamil Nadu Pollution Control Board
- Fails to comply during re-inspections

Incremental effect on Environmental compensation charges are given below:

Scenario	Applicable Environmental Compensation Charges
Upto 30 days from target date	Original ECC
Between 30 to 60 days beyond target date	Two times
Fails to comply in 2 <sup>nd</sup> inspections new violations if any	Two times
Between 60 to 90 days beyond target date	Four times
Beyond 90 days	Closure of CBWTF
Fails to comply in 3 <sup>rd</sup> consecutive inspection	Closure of CBWTF

**SANDEEP SAXENA**  
**ADDITIONAL CHIEF SECRETARY TO GOVERNMENT**

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*Jaya Arora*  
28/10/2020  
SECTION OFFICER