

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI.**

Original Application No.274 of 2024

IN THE MATTER OF:

Tribunal on its own motion SUO MOTU
based on the News Item published in
'Dinamalar' Chennai Edition dated 25.09.2024
titled, "Dumping of 05 tons of medical
waste in Pallavaram Eri"

With

The Chief Secretary to Government of Tamil Nadu,
Chennai and Others.

...Respondents.

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**Advocate
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

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**REPORT FILED ON BEHALF OF THE FOURTH RESPONDENT-
THE TAMIL NADU POLLUTION CONTROL BOARD.**

I, S.Palanisamy, Son of Thiru.S.Santhappan, aged about 59 years having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby solemnly affirm and sincerely state as follows:

1. I respectfully submit that I am working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am authorized to file this report on behalf of the fourth respondents and as such I am well acquainted with the facts of the case from the records available in our office.
2. It is respectfully submitted that the Hon'ble NGT(SZ) on its own taken a SUO MOTU case based on the news item published in Dinamalar, Chennai Edition dated 25.09.2024 titled, " **Dumping of 05 tons of medical waste in Pallavaram Eri**".
3. It is respectfully submitted that a complaint was received by the Office of DEE, Maraimalai Nagar, TNPCB from the Tambaram Municipal Corporation - Zone II, Chennai through telephonic message regarding the illegal disposal/dumping of Hospital general waste mixed with Bio Medical Waste along the Pallavaram radial road adjacent to Pallavaram Lake (Periya Eri) on 24.09.2024. Based on the complaint, the said

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complaint site was inspected by the Officials of the Office of DEE, Maraimalai Nagar, TNPCB on 24.09.2024 forenoon and the following were observed:

- a. Huge quantity of Hospital general waste mixed with Bio Medical Waste were dumped in three different places such as 1) Along the Pallavaram radial road adjacent to Pallavaram Lake (Periya Eri), 2) Inside the Pallavaram Lake (Periyaeri), 3) Along the Pallavaram radial road opposite to Saravana Selvarathinam commercial building.
- b. The Common Biomedical Waste Disposal Facility of M/s. G.J Multiclave (India) Pvt Ltd., S.F.No. 245&247, Thenmelpakkam Village, Chengalpattu Taluk, Chengalpattu District was instructed to remove all the Bio Medical Waste mixed with the hospital general waste from the complaint site and to dispose the same to their Bio-medical waste treatment facility for processing.
- c. In the complaint site Hospital records, Hospital prescription sheets, Letter head, Bio Medical Waste, hospital domestic waste and other details of the following hospitals were found in the illegally dumped waste.
 - i. M/s. MIOT International Hospital, No. 4/112, Mount Nagar, Poonamallee Road, Sathya Manapakkam, Chennai _ 600 089.
 - ii. M/s Gem Hospital, MDR452, Gandhi Nagar, Thiruvengadam Nagar, Perungudi, Chennai - 600 096.
- d. M/s. G.J Multiclave (India) Pvt Ltd, S.F.No. 245&247, Thenmelpakkam Village, Chengalpattu Taluk, Chengalpattu District has collected 700 kgs of Bio Medical Waste (M/s. MIOT International Hospital, Chennai - 200 kgs and M/s. Gem Hospital, Chennai - 500 kgs - BMW facility receipt enclosed) from the illegally dumped hospital general waste mixed with the Bio Medical waste.
- e. News flashed in the daily news paper- Dinamalar dated 25.09.2024 & The Hindu Tamil dated 25.09.2024 regarding illegal dumping of hospital waste mixed with bio medical waste along the Pallavaram radial road adjacent to Pallavaram lake.


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4. It is respectfully submitted that since the above mentioned health care facilitates (M/s. MIOT International Hospital, Manapakkam, Chennai & M/s. Gem Hospital, Perungudi, Chennai) falls within the Jurisdiction of the office of DEE, TNPCB, Chennai South and the above said details were communicated to office of DEE, TNPCB, Chennai South vide Lr. No. DEE/TNPCB/MMN/BMW/ 2024 dated: 25.09.2024 to take necessary action under the Environmental Protection Act, 1986 and as per the Bio Medical Waste Management Rules, 2016 as amended.
5. It is respectfully submitted that simultaneously the unit of M/s. MIOT Hospitals Private Limited, S.F.No. 80/1A2, 80/2 of Ramapuram village, and 3/1A, 3/1B, 3/1C & 2/2 of Manappakkam village, Alandur Taluk, Chennai District and M/s. GEM Hospital and Research Centre Pvt Ltd , S.F.No. 227/2C2A & 228/2A2, Perugudi Village, Sholinganallur Taluk and Chennai District were inspected by the Officials of the office of DEE, TNPCB, Chennai South on 24.09.2024 and show cause notice were issued to the units of M/s.MIOT Hospital Private Limited &M/s.GEM Hospital and research Centre Pvt Ltd under Section 25 of the Water (Prevention and Control of Pollution) Act 1974, as amended and Section 21 of the Air (Prevention and Control of Pollution) Act 1981, as amended vide SCN Proceeding No. DEE / TNPCB / CHS / F.2353 / RL / W&A /2024, Dated:25.09.2024 and SCN Proc.No.DEE/TNPCB/CHS/F.2022/RL/ W&A/2024, Dated:25.09.2024. In this connection, the unit M/s. MIOT Hospitals Private Limited and M/s. GEM Hospital and Research Centre Pvt Ltd has furnished its reply to the show cause notice vide letter dated 27.09.20204 & 26.09.2024 (Copy Enclosed) and the said replies were not found satisfactory.
6. It is respectfully submitted that it was ascertained that earlier due to improper handling and non-segregation of Bio Medical Waste and Solid waste by the unit authorities, the Bio Medical Waste might got mixed up with the general solid waste and disposed to the general solid waste vendor M/s. Ashok Waste Paper Mart. Later, the said general solid waste vendor M/s. Ashok Waste Paper Mart has vacated his rented solid waste storage yard without clearing the waste dumped for


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years together and the present owner of the premises has cleared the said general solid waste storage yard with unauthorized vendor which has resulted in the dumping of general solid waste mixed biomedical waste in the Public Place (along the Pallavaram Radial Road adjacent to Pallavaram Periya Eri) of about 200 Kgs and 500 kgs of Bio Medical Waste from the said dumping area pertaining to the health care facilities of M/s. MIOT Hospitals Private Limited & M/s. Gem Hospital and Research Centre Pvt Ltd, Chennai District respectively.

7. It is respectfully submitted that the Biomedical Waste (Management & Handling) Rules, 1998, was notified under the provisions of section 6, 8 and 25 of the Environment (Protection) Act, 1986. Further, the Ministry of Environment Forest and Climate Change, Government of India has notified the Bio Medical Waste Management Rules, 2016 in supersession of the Bio Medical Waste Management and Handling Rules, 1998 on 28th March 2016.

Whereas, duties of the Occupier (Health care facilities) as per Bio-Medical Waste Management Rules, 2016 as follow:

- i) 4 (a) - 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;
- ii) 4 (b) - 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, 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;
- iii) 4 (e)- 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;


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- iv) 4 (f)- not to give treated bio-medical waste with municipal solid waste;
 - v) 7 (2) - the occupier of the HCF has to hand over the segregated biomedical waste as per the Schedule-I to common bio-medical waste treatment facility for treatment, processing and final disposal.
 - vi) 8 (1) - No untreated bio-medical waste shall be mixed with other wastes.
 - vii) 8 (2) - The bio-medical waste shall be segregated into containers or bags at the point of generation in accordance with Schedule I prior to its storage, transportation, treatment and disposal.
8. It is respectfully submitted that the District Environmental Engineer, Maraimalai Nagar vide letter dated 25.09.2024 (Copy Enclosed) has informed that in the complaint site, Hospital records, Hospital prescription sheets, Letter head, Bio Medical Waste, hospital domestic waste and other details of the hospital M/s. MIOT Hospitals Private Limited & M/s. Gem Hospital and Research Centre Pvt Ltd., were found in the illegally dumped waste.
9. It is respectfully submitted that in view of the above, the District Environmental Engineer, Chennai South vide Letter No. F.No.2353 / DEE / CHS / TNPCB / BMW / Complaint / EPA / 2024, Dated: 01.10.2024 and Letter No.F.No.2022 / DEE / CHS /TNPCB / BMW/ Complain/EPA/2024, Dated:01.10.2024 has submitted and recommended to TNPC Board Office that following directions under section 5 of the Environment (Protection) Act, 1986 may be issued to the unit's of M/s. MIOT Hospitals Private Limited & M/s. Gem Hospital and Research Centre Pvt Ltd, for the non-compliance of Biomedical Waste Management Rules, 2016 and for contravening conditions imposed in the consent order issued under section 25 of the Water (P & CP) Act, 1974 as amended
- i. The HCF shall comply with the Biomedical Waste Management Rules, 2016 as amended in 2018 at all times.

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- ii. The Bio-medical waste generated from the Health Care Facility shall be disposed only through Common Bio-medical waste treatment facilities and shall ensure that no bio medical waste is disposed unauthorized/mixed with solid waste.
- iii. The HCF shall ensure that the bio-medical waste is segregated in colour coded bags at the point of generation in accordance with Schedule I prior to its storage, transportation, treatment and disposal to Common Biomedical Waste Treatment Facility.
- iv. The HCF shall ensure that the recyclable contaminated waste and glasswares shall be sent to Common Biomedical Waste Treatment Facility only for further treatment and disposal; and the details of the record for the same shall be sent to the Board every month.
- v. The HCF shall 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;
- vi. The HCF shall provide periodical training to all its health care workers and others involved in handling of bio-medical waste.
- vii. The HCF shall ensure the bar coded colored bags issued by CBMWTF are used only for disposing Bio Medical Wastes and shall maintain record for Bar coded bags obtained and disposed to CBMWTF.
- viii. The HCF shall segregate and store the plastic waste generated in accordance with the Solid Waste Management Rules, 2016 and handover segregated wastes to authorised waste processing or disposal facilities or deposition centres either on its own or through the authorised waste collection agency; and the records for the same shall be sent to the Board every month.


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10. It is respectfully submitted that above Healthcare Facilities (M/s. MIOT Hospitals Private Limited & M/s. Gem Hospital and Research Centre Pvt Ltd) are fit for taking cognizance of non-compliance and fit for levying Environmental Compensation on the following cases as per CPCB guideline

- i) Improper Segregation of generated biomedical waste as per color coded system prescribed under BMW Rules, 2016.
- ii) Non-compliance to other responsibilities as stipulated for Healthcare Facilities under BMW Rules, 2016.

11. It is respectfully submitted that in view of the above, the District Environmental Engineer, Chennai South vide Lr.No.F.No.2353 / DEE / CHS / TNPCB / BMW / Complaint/ EC /2024, Dated: 07.10.2024 and Lr.No.F.No.2022/ DEE / CHS / TNPCB / BMW /Complaint/ EC/2024,Dated:07.10.2024 has submitted and recommended to TNPC Board Office to issue directions under section 5 of the Environment (Protection) Act, 1986 along with to impose Environmental compensation of Rs.55,25,625 & Rs. 28,78,750 to the units of M/s. MIOT Hospitals Private Limited & M/s. Gem Hospital and Research Centre Pvt Ltd respectively for the non-compliance of Biomedical Waste Management Rules, 2016 and for contravening conditions imposed in the consent order issued under section 25 of the Water (P & CP) Act, 1974 as amended.

12. It is respectfully submitted that under the above circumstances, in exercise of the powers conferred under section 5 of Environment (Protection) Act, 1986 as amended, the Tamil Nadu Pollution Control Board (TNPCB) has issued direction to the M/s. MIOT Hospitals Private Limited, S.F.No.80/1A2, 80/2 of Ramapuram Village and 3/1A, 3/1B, 3/1C & 2/2 of Manappakkam Village, Alandur Taluk, Chennai district &M/s. GEM Hospital and Research Centre Pvt Ltd,S.F.No. 227/2C2A & 228/2A2, of Perungudi Village, Sholinganallur Taluk and Chennai District vide Proceeding No.T3/TNPCB/F.0224991/BMW/2024-1Dated:15.10.2024 & Proceeding No.T3/ TNPCB /F.024512 /BMW

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/2024-1 Dated:17.10.2024 respectively for strict compliance of the following within a month of time

- a) The HCF shall comply with the BMWM Rules, 2016 as amended in 2018 at all times.
- b) The BMW generated from the HCF shall be disposed only through Common Bio Medical Waste Treatment Facilities and shall ensure that no BMW is disposed unauthorized/mixed with solid waste.
- c) The HCF shall ensure that the BMW is segregated in colour coded bags at the point of generation in accordance with Schedule I prior to its storage, transportation, treatment and disposal to CBMWTF.
- d) The HCF shall ensure that the recyclable contaminated waste and glass-wares shall be sent to the CBMWTF only for further treatment and disposal; and the details of the record for the same shall be sent to the Board every month.
- e) The HCF shall 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.
- f) The HCF shall provide periodical training to all its health care workers and others involved in handling of BMW.
- g) The HCF shall ensure the bar coded colored bags issued by CBMWTF are used only for disposing of BMW and shall maintain record for Bar coded bags obtained and disposed to CBMWTF.
- h) The HCF shall segregate and store the plastic waste generated in accordance with the SWM Rules, 2016 and handover segregated wastes to authorized waste processing or disposal facilities or deposition centres either on its own or through the authorized waste collection agency; and the records for the same shall be sent to the Board every month.
- i) The HCF shall register in the TNPCB Bio Medical online web portal (OBMWMS)/mobile app, shall provide the pick-up request


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only through the app/web portal and shall use the app on daily basis for report generation.

13. It is respectfully submitted that under the above circumstances, Further in exercise of the powers conferred under section 5 of Environment (Protection) Act, 1986 as amended, the Tamil Nadu Pollution Control Board (TNPCB) has issued Show cause Notice to the M/s. MIOT Hospitals Private Limited, & M/s. GEM Hospital and Research Centre Pvt Ltd, as to why the Board shall not recover the Environmental Compensation of Rs. 55,25,625/- for the period 01.08.2023 to 24.09.2024 and Rs. 28,78,750/- for the period 01.11.2023 to 24.09.2024 vide Proc.No.T3/TNPCB/F.0224991/BMW/2024-2 Dated:15.10.2024 & Proc.No.T3/TNPCB/F.024512/BMW/2024-2 Dated:17.10.2024 (Copy Enclosed) respectively against the said Healthcare facilities for the non-compliance of the provisions of the Biomedical Waste Management Rules, 2016 as amended. A reply to the show cause notice shall be furnished so as to reach to this office within 15 days from the receipt of this notice, failing which the TNPCB will be constrained to initiate action as deemed necessary and appropriate in the circumstances under the Environment (Protection) Act 1986, as amended.
14. It is respectfully submitted that further to state on the potential damage and the entire impact on the incident, it is submitted that the Common Bio Medical Waste Treatment Facility M/s. G.J Multiclave (India) Pvt Ltd, located at S.F.No. 245&247, Thenmelpakkam Village, Chengalpattu Taluk, Chengalpattu District., has collected 700 kgs of Bio Medical Waste (M/s. MIOT International Hospital, Chennai - 200 kgs and M/s. Gem Hospital, Chennai - 500 kgs) from the complaint site.
15. It is respectfully submitted that the Colour coded bags collected from the complaint site were issued by the Common Bio Medical Waste Treatment Facility to M/s. MIOT Hospitals Private Limited & M/s. Gem Hospital and Research Centre Pvt Ltd, Chennai District during the month of August 2023 & November 2023 respectively.


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Therefore, it is prayed that this Hon'ble National Green Tribunal (SZ) may be pleased to pass such order or further orders or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

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VERIFICATION

I, S.Palanisamy, Son of Thiru.S.Santhappan, working as Joint Chief Environmental Engineer, office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby verify that the contents of above are true to the best of my knowledge through records.

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CONTROL BOARD.**

**Advocate for Respondent: TNPCB
Thiru.Sai Sathya Jith,
Advocate, Chennai.**

Date:10.12.2024

Date of Hearing on:13.12.2024

