



ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ

Karnataka State Pollution Control Board

"ಪರಿಸರ ಭವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ. 49, ಚರ್ಚ್ ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಭಾರತ
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No. PCB/WMC/3306/BMW/2019-20 **2741**

Date: **29 JUL 2019**

CIRCULAR

Sub:- Levying Environmental Compensation charges against Healthcare Facilities (HCFs) for violations of the Provisions of the Biomedical Waste Management Rules 2016

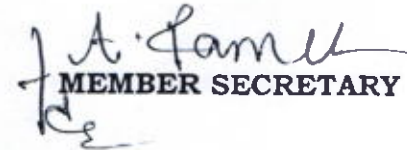
Ref:- 1. Hon'ble National Green Tribunal's Order dated 12.03.2019 in the matter of O.A. 710 of 2017
2. CPCB Guidelines issued in July 2019

Hon'ble National Green Tribunal's Order in the matter of O.A. 710 of 2017 relating to implementation of biomedical waste has passed order dated 12.03.2019 . In the said order several directions are issued to SPCB to comply including leaving of compensation charges against Health Care Establishments {HCFs} and Common Bio Medical Waste Treatment and Disposal Facilities {CBMWTDFs}. The order also specifies the formula for calculating Environmental Compensation for Healthcare Facilities.

The Central Pollution Control Board has issued Guidelines for Imposition of Environmental Compensation Charges against Healthcare Facilities and Common Biomedical Waste Treatment Facilities (As per Hon'ble National Green Tribunal's Order dated 12.03.2019 in the matter of O.A. 710 of 2017)

Copy of Hon'ble NGT order and Guidelines issued by the Central Pollution Control Board is enclosed for ready reference.

Details of formula given by Hon'ble NGT and the weightage given in the CPCB guidelines are summarized and enclosed as **Annexure -I** as a Ready reference.


MEMBER SECRETARY

To

1. All the Regional Officers for information and inform all the stake holders on the provisions and to submit proposals to the Board office to levy Environmental Compensation charges against the defaulting HCFs & CBMWTDF.

2. All Regional Senior Environmental Officers for information and to monitor.
3. The Regional Director, CPCB, Southern Zone, Bengaluru for information.
4. All CBMWTDF for information and to bring to the notice of all the Health Care Establishments covered by them.
5. Technical Officer to Chairman for Information and to Bring to the Kind notice of Chairman.
6. IT manager for information and to upload in Board Web site.

ANNEXURE -1

I. Health Care Facilities (HCFs)

Environmental Compensation for HCFs = HR x T x S x R x N

Where;

HR – Health Risk factor

T- Type of Healthcare Facility

S – Size of Health Care Facility

R – Environmental Compensation factor

N – Number of days of Violation HR 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 BMW in healthcare facility.

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

Incremental effect on Environmental compensation charges are given below

SCENARIO	APPLICABLE ECC
Up to 15 days from target date	Original ECC
Between 15 to 30 days beyond target date	Two times
Fails to comply in 2 nd inspections including new violations if any	Two times
Between 30 to 45 days beyond target date	Four times
Fails to comply in 3rd inspections including new violations if any	Four times
Beyond 60 days from target date	Closure of HCEs
Fails to comply in 4th consecutive inspection	Closure of HCEs

HR -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 BMW in healthcare facility.

	No arrangement for disposal of BMW with CBWTF (1)	Not Applied for Authorization (2)	Improper Segregation of BMW (3)	No pre-Treatment (4)	On-site storage not provided or not adequate (5)	No ETP Despite requirement (6)	Score for each of Other Violations of BMW Rules, 2016 (7)
Health Risk Score (HR)	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

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

T is a factor for type of healthcare facility, as given below:

Type of Healthcare 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

S is a factor for size of Healthcare Facility (HCFs) based on number of beds of the Healthcare Facility, as given below:

Size of Healthcare Facility (HCFs)	S factor
Non-bedded (clinic, dispensary, and clinical establishment)	0.15
Non-bedded (veterinary institution, 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 and more bedded HCFs	1.50
Animal Test House	1.00

N -Number of days for which violation took place is the period between the day of violation observed/due date of implementation as per BMW Rules, 2016/due date of compliance of directions and the day of compliance verified by CPCB/SPCB/PCC.

R is a factor in Rupees, taken as 250

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

I. Common Bio Medical Waste Treatment and Disposal Facilities (CBMWTF)

Environmental Compensation charges for CBMWTFs = $PI \times S \times R \times N$

Environmental Compensation

Where;

PI- Pollution Index

S – Size of Operation

R – Environmental Compensation factor

N – Number of days of Violation

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

SCENARIO	APPLICABLE ECC
Up to 30 days from target date	Original ECC
Between 30 to 60 days beyond target date	Two times
Fails to comply in 2 nd inspections including new violations if any	Two times
Between 60 to 90 days beyond target date	Four times
Beyond 90 days from target date	Closure of CBMWTDF
Fails to comply in 3 rd consecutive inspection	Closure of CBMWTDF

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)
PI	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

$PI = (1) + (2) + (3) + (4)$ [Restricted to 100]

S Scale of operation for CBWTFs will be taken from following Table;

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

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

N Number of days for which violation took place is the period between the day of violation observed/due date of implementation as per BMWM Rules, 2016/due date of compliance of directions and the day of compliance verified by CPCB/SPCB/PCC.

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 Healthcare facilities having their own treatment and disposal facility, the environmental compensation shall be calculated as in the case of CBWTFs.


3.1 Deterrent Factor for Common Biomedical Waste Treatment Facilities

In order to make scale of environmental compensation deterrent for CBWTFs to make non-compliance as not profitable, a deterrent factor has been introduced for repeated violations. ECC charges may increase by multiple times when;

- CBWTF fails to comply with action points within stipulated time as may be directed by CPCB/SPCB/PCC; or
- Fails to comply during re-inspections

Incremental effect on Environmental compensation charges are given below:

Scenario	Applicable ECC
Up to 30 days from target date	Original ECC
Between 30 to 60 days beyond target date	Two times
Fails to comply in 2nd inspection including 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 3rd consecutive inspection	Closure of CBWTF


MEMBER SECRETARY