

**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)



Maharashtra Pollution Control Board
SION, Mumbai-400022

1.0 Background:

The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of O.A. No. 710 of 2017 filed by Shailesh Singh vide its order dated 12.03.2019 directed CPCB to undertake study and prepare a scale of compensation to be recovered from violators of Biomedical Waste Management Rules, 2016 (BMWM Rules, 2016) within one month. Hon'ble NGT also directed that State Pollution Control Boards (SPCBs) can also recover compensation from the polluters by laying down their own scale which should not be less than the scale fixed by CPCB. In the said order, Hon'ble NGT also states that the scale of compensation must be deterrent, rendering violation of Rules to be non-profitable and which should be adequate to remedy the situation.

As per the directions of Hon'ble Tribunal in the matter of O.A. No. 593 of 2017 (WP (CIVIL) No. 375/2012), CPCB had developed a methodology for assessing environmental compensation for non-compliance by industrial units, which was derived based on pollution potential with respect to air/water/hazardous waste, scale of operations, days of violation and location factor. Adopting similar premise, compensation for healthcare facilities has been derived based on Health Risk factor, type of healthcare facility, size of operations, collection, handling, storage, transportation and disposal of biomedical waste. In case of Common Biomedical Waste Treatment Facilities (CBWTFs), compensation based on Pollution Index has been derived based on compliance to emission norms, effluent discharge, sterilization process and compliance to other provisions stipulated under BMWM Rules, 2016.

2.0 Environmental Compensation for Healthcare Facilities (HCFs):

Following cases will be considered for taking cognizance of non-compliance and fit for levying Environmental Compensation:

- i) No Authorization under BMWM Rules, 2016;
- ii) No arrangement with CBWTF for disposal of biomedical waste;
- iii) Improper Segregation of generated biomedical waste as per color coded system prescribed under BMWM 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 STP; and
- vii) Non-compliance to other responsibilities as stipulated for Healthcare Facilities under BMWM Rules, 2016.

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.

	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
Bedded Ayush Hospitals	0.5
Non-bedded (veterinary hospital, pathological laboratory, blood bank)	1
Non-bedded (clinic, dispensary, and clinical establishment)	0.5
Animal Test Houses	1

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, R&D institutions)	
i) MSI/SSI	0.2
ii) LSI	0.5

Size of Healthcare Facility (HCFs)	S factor
1 to 10 bedded HCFs	0.20
10 to 50 bedded HCFs	0.30
50 to 100 bedded HCFs	0.50
100 to 200 bedded HCFs	1.00
200 to 500 bedded HCFs	1.50
500 and more bedded HCFs	2.00
Animal Test House	1.00

N Number of days for which violation took place is the period between the days 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 0

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

2.1 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. ECC charges may increase by multiple times when;

- Healthcare facility 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 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 3 rd inspections including new violations if any	Four times
Beyond 60 days from target date	Closure of HCF
Fails to comply in 4 th consecutive inspection	Closure of HCF

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

Following cases will be considered for taking cognizance of non-compliance and fit for levying Environmental Compensation:

- a. Incinerator emissions not complying with standards notified under BMWM Rules, 2016;
- b. Treated wastewater not complying with standards prescribed under BMWM Rules, 2016;
- c. Not complying with standards of autoclave/microwave prescribed under BMWM Rules, 2016;
- d. Not collecting the biomedical waste from all the member HCFs timely; and
- e. Other violations to the conditions stipulated under BMWM Rules, 2016 / CPCB guidelines

Environmental Compensation for CBWTFs = $PI \times S \times R \times N$

Environmental Compensation

Where;

PI – Pollution Index

S – Size of Operation

R – Environmental Compensation factor

N – Number of days of Violation

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

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

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

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

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 2 nd 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 3 rd consecutive inspection	Closure of CBWTF
