Circular Memo No. APPCB/UH-IV/BMW/HQ/2016


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The Ministry of Environment and Forests, Government of India notified the Bio Medical Waste (Management & Handling) Rules, 1998 (BMW (M&H), Rules, 1998) on 20-07-1998 under Environment (Protection) Act, 1986. As per Rule 7, the A.P. Pollution Control Board is the prescribed authority for enforcement of provisions of these rules in A.P. The Government of Andhra Pradesh vide G.O.Ms.No.15 of EFS&T Department dated 04.02.1999 designated the Member Secretary as Single Member prescribed authority for the implementation of these rules.

The Ministry of Environment Forests & Climate Change suppressed the BMW (M&H), Rules, 1998 and issued new Bio Medical Waste Management Rules, 2016 (the BMWM Rules, 2016) on 28.03.2016 vide G.S.R.343 (E). As per Rule 9 of the BMWM Rules, 2016 the A.P. Pollution Control Board is the prescribed authority and has to perform duties as specified in the Schedule III which includes grant and renewal, suspension or refusal or cancellation of authorization under the BMWM Rules, 2016.

As per Rule, 10 of the BMWM Rules, 2016, every occupier handling Bio Medical Waste, irrespective of the quantity shall make an application of Form II to the Prescribed Authority for grant of authorization and the Prescribed Authority shall grant the provisional authorization in Form III and the validity of such authorization for bedded Health Care Facility and operation of a common facility shall be synchronized with the validity of consents. The authorization shall be one time for non bedded occupiers and authorization in such cases shall be deemed to have been granted if not objected by the prescribed authority within a period of 30 days from the date of receipt of duly completed application.

The Government of Andhra Pradesh issued G.O.Ms.No.119, dated 25.10.2004 regarding the delegation of powers to the Regional Officers and Zonal Officers for issue of Bio Medical Authorizations based on the bed strength as follows:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>HCEs with bed strength</th>
<th>Inspected by</th>
<th>Issued by</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>All the Hospitals, Clinics, Dispensaries and Blood banks having less than 10 beds (both Govt., and Private)</td>
<td>Regional Officer</td>
<td>Regional Officer</td>
</tr>
</tbody>
</table>
2. All hospitals with 10 to less than 50 beds (both Govt., and Private) | Regional Officer | Zonal Officer
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3. All hospitals with 50 beds and above (both Govt., and Private) | Regional Officer | Member Secretary

The Government also amended Water (Prevention & Control of Pollution) Rules, 1976 and issued G.O.Ms.No.50, dated 20.09.1994 wherein all the Health Care Establishments having bed strength of 25 or more shall obtain consent for establishment and operation of outlets as per section 25 of the Water Act. The Board Office vide circular memo dated 20.09.2015 directed all the Regional Offices to insist HCEs to submit both the Consent (under Water & Air Acts) and Authorisation (Under BMW Rules) at a time, so that HCEs compiles with provisions of Water Act, Air Act and BMW Rules.

As per the present delegation of powers of issue of consents, Zonal Officers are empowered to issue consents for all HCEs irrespective of bed strength as the HCEs are categorized as Red. The recent reclassification by CPCB has also categorized all Health Care Establishments under Red / Orange category with following remarks.

i. Mainly water polluting.

ii. The water pollution score is normalized to 100 & valid for Hospitals having total waste-water generation > 100 KLD.

iii. The hospitals with incinerator will be categorized as Red irrespective of the quantity of waste-water generation.

iv. The hospitals having total waste-water generation less than 100 KLD and without incinerator, the normalized water pollution score will be 50 and will be categorized as Orange category.

It has been observed that many of the HCEs are not obtaining CFO of the Board as per G.O.Ms.No.50, dated 20.09.1994, though applying for authorization.

In view of the above, it is decided to modify delegation of powers in respect of issue of consents to HCEs and issue of authorizations under BMWM Rules, 2016 as mentioned below for effectively bringing HCEs under consent management and also for better monitoring of bigger hospitals and to facilitate HCEs to apply for consent, HWA and BMWA together.

For issue of combined order of consents under Water & Air acts, HMWA and authorizations (fresh and renewals) under Rule 9 of BMWM Rules, 2016:

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<th>Issued by</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>All the Non bedded HCEs covered under BMWM Rules, 2016 and bedded hospitals less than 25 beds</td>
<td>Regional Officer</td>
<td>Regional Officer*</td>
</tr>
<tr>
<td>2</td>
<td>All hospitals with 25 to less than 200 beds</td>
<td>Regional Officer</td>
<td>Zonal Officer**</td>
</tr>
<tr>
<td>3</td>
<td>All hospitals with 200 beds and above</td>
<td>Regional Officer</td>
<td>Member Secretary**</td>
</tr>
</tbody>
</table>
Validity periods:
   a. For Bedded hospitals
      Validity period for renewal of consent / BMW authorization shall be 5 years for Red
      Category HCEs and 10 years for Orange category HCEs. Validity period for fresh CFOs /
      BMW authorizations shall be for a period of one year as permitted for issue of
      consents. The same validity periods shall be followed for issue of authorizations for
      bedded HCEs less than 25 beds.
   b. For Non bedded hospitals
      One time BMWM Authorisation shall be issued.

* Only BMWM authorization.
** Combined order of consent, HWA & BMWA collecting fee under Water Act, Air Act (based on
investment) and BMWM Rules (based on bed strength) as in vogue at present.

In view of the above, all the ZOs & ROs and concerned Unit Heads shall follow the above
decision and issue authorizations / consents as mentioned above. The ZOs and ROs shall follow
relevant provisions of the BMWM Rules, 2016 as applicable for grant and renewal, suspension
or refusal or cancellation of authorization under the BMWM Rules, 2016.

Sd/-
MEMBER SECRETARY

To,
The Joint Chief Environmental Engineer,
A.P. Pollution Control Board,
Zonal Office, Visakhapatnam / Vijayawada / Kurnool

The Environmental Engineer,
A.P. Pollution Control Board,
Regional Office, Vizianagaram / Visakhapatnam / Kakinada / Eluru / Vijayawada / Guntur /
SPSR Nellore / Kurnool / Tirupathi

Copy to:
The Joint Chief Environmental Engineer, APPCB, Head Office, Unit Head-I / Unit Head-II / Unit
Head-III / Unit Head-IV for information.

// T.C.F.B.O. //

Joint Chief Environmental Engineer
Unit Head-IV