

By Speed Post

F.No. B- 31011/BMW (46.43)/2018/WMD-I/ 13947

December 12, 2018

To,

M/s Sangam Mediserve Pvt. Ltd.,
Plot No. 281, Village Jaitapur,
Post-Handia, Allahabad, U.P.

**DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986
(NOTICE THEREOF)**

WHEREAS the Central Government has notified the Bio-Medical Waste Management Rules, 2016 and amendments thereof (herein after referred as BMW Rules) in suppression of the Bio-Medical Waste (Management & Handling) Rules, 1998, under the Environment (Protection) Act, 1986, to improve the collection, segregation, processing, treatment and disposal of the Bio-Medical wastes in an environmentally sound manner thereby, reducing the impact on the environment;

WHEREAS Rule 5 of BMW Rules, 2016 stipulated duties of the operator of a Common Bio-medical Waste Treatment Facility (CBWTF);

WHEREAS as per Rule 7 (1) of BMW Rules, "bio-medical waste shall be treated and disposed of in accordance with Schedule I and in compliance with the standards prescribed in Schedule II of the BMW Rules, 2016";

WHEREAS Rules 14(1) of BMW Rules stipulates that "every authorized person shall maintain records related to generation, collection, segregation, storage, transportation, treatment, disposal and or any form of handling of Bio-Medical waste in accordance with these Rules and by guidelines issued";

WHEREAS the Hon'ble National Green Tribunal, in the matter of O.A. No. 593 of 2017 (W.P.(CIVIL) NO. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors.) directed CPCB that "*CPCB may take penal action for failure against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the CPCB within three months*";

WHEREAS in pursuant to the Hon'ble National Green Tribunal, in the matter of O.A. No. 593 of 2017, CPCB has prepared the "Methodology for Assessing Penalty and Environmental Compensation and Action Plan to Utilize the Fund";

WHEREAS the Common Bio-Medical Waste Treatment Facility (CBWTF) operated by M/s Sangam Mediserve Pvt. Ltd., Plot No. 281, Village Jaitapur, Post-Handia, Allahabad, U.P. (Facility) was inspected by team of officials from CPCB Regional Directorate Bhopal on 16/10/2018 and observed that:

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- (i) Environmental Clearance is not obtained as the facility was established in the year July, 2015 after the EIA notification dated 17.04.2015.
- (ii) Separate spacing is not provide for treatment equipment, untreated biomedical waste and treated biomedical waste in accordance with CPCB guidelines.
- (iii) The incinerator is not upgraded to achieve compliance to standards prescribed under Schedule II of the BMWM Rules, 2016.
- (iv) During the inspection, incinerator installed by the facility was not complying with the emission standards as notified under BMWM Rules, 2016, as the concentration of Particulate Matter (4,525 mg/Nm³) was exceeding the standard of 50 mg/Nm³.
- (v) The wastewater treated by Effluent Treatment Plant is not complying with the standards given under BMWM Rules, 2016 w.r.to the parameters of Suspended Solids (117 mg/l); BOD (488 mg/l) and COD (771 mg/l).
- (vi) The stack monitoring platform is not as per the design given under CPCB revised guidelines for CBWTFs.
- (vii) Validation test and routine test is not conducted for autoclave to check its efficacy as required under BMWM Rules, 2016.
- (viii) Sharp pit is not provided for disposal of sharp waste.
- (ix) GPS system is not provided for all vehicles provided for collection of biomedical waste in accordance with CPCB revised guidelines.
- (x) Records w.r.t treatment equipment and site records are not maintained properly as per CPCB revised guidelines.

WHEREAS based on the methodology prepared by CPCB for Assessing Penalty and Environmental Compensation and Action Plan to Utilize the Fund, The Environmental Compensation is calculated as ₹ 8,203/- per day of non-compliance with effect from date of inspection;

WHEREAS, the Central Government vide notification S.O. 730 (E) dated July 10, 2002, has delegated the power under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local, or any other authority for the violation of the standards and rules relating to bio-medical waste notified under the Environment (Protection) Act, 1986 and amendments made thereof;

Now therefore, in exercise of the powers vested under section 5 of the Environment (Protection) Act, 1986, the facility is hereby directed to:

- a) explain that why action should not be taken for closure of the facility for violation of the provisions of Biomedical Waste Management Rules, 2016 notified under Environment (Protection) Act, 1986;

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- b) to submit the Environmental Compensation of ₹ 3,69,135/- immediately in favour of CPCB for not complying with the provisions of BMWM Rules, 2016 as well as CPCB guidelines for 45 nos. of days i.e. from the day on which non-compliance was observed till 30.11.2018. Thereafter, you shall pay ₹ 8,203/- per day of Environmental Compensation till compliance w.r.to provisions of BMWM Rules, 2016 including compliance to the standards prescribed under BMWM Rules, 2016; and
- c) deposit Environmental Compensation of ₹ 3,69,135/- in CPCB Account No 532702010009078 IFSC code UBIN0553271, I. P. Extension Branch.

You are further directed to reply within 15 days of issue of this direction. In case the Unit fails to comply with the above Directions, CPCB will be constrained to initiate proceedings against M/s Sangam Mediserve Pvt. Ltd., Plot No. 281, Village Jaitapur, Post-Handia, Allahabad, U.P. as deemed fit under the E(P) Act, 1986.

(S. P. Singh Parihar)
Chairman

Copy to:

- (i) Member Secretary : With a request to further follow up
Uttar Pradesh Pollution Control Board
IIIrd floor, PICUP Bhawan
Vibhuti Khand, Gomti Nagar
Lucknow - 226 020, Uttar Pradesh.
- (ii) Regional Director : This is with reference to your letter dated
Central Pollution Control Board
Ground Floor, PICUP Bhawan,
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010, U.P.
- (iii) I/C ESS Division, CPCB : For information & record
- (iv) I/C IT Division : For information & n.a.pl.
- (v) Accounts Division : For information & for further necessary action.

(Prashant Gargava)
Member Secretary