

By Registered Post

F. No. B-31011/BMW(46.139)/2018/WMD-II 14298

December 18, 2018

To

M/s SMS Watergrace Mediwaste Management Private Limited,  
Village & Post - Bindow, Mohanlalganj,  
Lucknow, Uttar Pradesh.

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

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";

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WHEREAS the Common Bio-medical Waste Treatment Facility (CBWTF) operated by M/s SMS Watergrace Mediawaste Management Private Limited, Village & Post - Bindow, Mohanlalganj, Lucknow, Uttar Pradesh (Unit) shall comply with the conditions stipulated in authorization granted by the Uttar Pradesh Pollution Control Board (UPPCB) for collection, reception, storage, transportation, treatment and disposal of bio-medical waste as required under Rule 7 of the BMW Rules; and

WHEREAS Show Cause Notice under section 5 of the Environment (Protection) Act, 1986 vide CPCB letter dated 07.03.2018 for not complying with the provisions for BMW Rules, 2016 and was directed to submit the action plan within 15 days; and

WHEREAS the Unit vide letter no. SMS/BMW/2018-19/0005 dated 25.03.2018 has submitted point wise compliance status report with respect to CPCB's observations mentioned in afore-said Show Cause Notice; and

WHEREAS the Unit was inspected on 31.08.2018 by CPCB to verify the compliance made by the Unit wherein it was observed that the Unit is not complying with respect to following action points:

- (a) Incinerator is not upgraded to achieve 2 seconds residence time in secondary chamber and to comply with new stack emission norms as required under BMW Rules, 2016;
- (b) Incinerator is not complying with stack emission norms as prescribed under BMW Rules, 2016 as the concentration for Particulate Matter is exceeding limit of 50 mg/Nm<sup>3</sup>; and
- (c) As per waste water analysis results, except pH all the parameters notified under BMW Rules, 2016 are exceeding the prescribed limits.

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 ₹ 6,562/- 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) Upgrade the existing incinerator to have two second residence time in secondary chamber and upgrade the Air Pollution Control Devices so as to meet compliance to the emission norms prescribed under BMW Rules, 2016 **immediately**;
- b) Upgrade the Effluent Treatment Plant so as to comply with the effluent standards prescribed under BMW Rules, 2016 by **31.12.2018**;
- c) to submit the Environmental Compensation of ₹ **16,93,125/-** **immediately** in favour of CPCB for not complying with the provisions of BMW Rules, 2016 as well as CPCB guidelines for 258 nos. of days i.e. from the due date of CPCB direction compliance till

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05.12.2018. Thereafter, you shall pay ₹ 6,562/- 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

- d) deposit Environmental Compensation of ₹ 16,93,125/- in CPCB Account No 532702010009078 IFSC code UBIN0553271, I. P. Extension Branch.

You are further directed to comply with the above directions and submit time bound action plan 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 SMS Watergrace Mediawaste Management Private Limited, Village & Post - Bindow, Mohanlalganj, Lucknow, Uttar Pradesh as deemed fit under the Environment (Protection) Act, 1986.

(S.P. Singh Parihar)  
Chairman

Copy to:

1. Joint Secretary, HSM Division,  
Ministry of Environment, Forest & Climate Change  
Indira Paryavaran Bhavan, Jor Bagh Road,  
New Delhi - 110 003.
2. Member Secretary  
Uttar Pradesh Pollution Control Board,  
PICUP Bhavan, III<sup>rd</sup> Floor, B-Block  
Vibhuthi Khand, Gomti Nagar,  
Lucknow- 226 010, U.P. : For information & ensure that  
afore-said Unit to comply with  
these directions within the  
stipulated time period.
3. Regional Director  
Regional Directorate  
Central Pollution Control Board (North)  
Ground Floor, PICUP Bhawan,  
Vibhuthi Khand, Gomti Nagar  
Lucknow - 226 010 , U.P.
4. I/c ESS Division, CPCB : for information & record.
5. I/c IT Division, CPCB : for information & n.a.pl.
6. Accounts Division : For information & for further  
necessary action

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26/12

(Prashant Gargava)  
Member Secretary

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