

Speed Post

No. B-31011/BMW (46.56)/2018/WMD-I

January 23, 2019

To,

15902
M/s Sangam Mediserve Pvt. Ltd.
(CBWTF Operated at M/s Indira Gandhi Institute of Medical Sciences)
Sheikpura,
Patna – 800023, Bihar.

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 BMWM Rules) in suppression of the Bio-Medical Waste (Management & Handling) Rules, 1998, and amendments thereof, under the Environment (Protection) Act, 1986, to improve the collection, segregation, processing, treatment and disposal of the Bio-Medical wastes in an environmentally sound management thereby, reducing the biomedical waste generation and its impact on the environment;

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

WHEREAS as per Rule 7 (1) of BMWM 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 BMWM Rules, 2016";

WHEREAS Rules 14(1) of BMWM Rules, "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 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., installed at M/s Indira Gandhi Institute of Medical Science (IGIMS), Sheikpura, Patna, Bihar has to comply with the condition stipulated in authorization granted by the Bihar State Pollution Control Board (BSPCB) for generation, collection, reception, storage, transportation, treatment and disposal of BMW as per the authorization granted under Rule 10 of the BMWM Rules;

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WHEREAS the Common Bio-Medical Waste Treatment Facility (CBWTF) namely M/s Sangam Mediserve Pvt. Ltd., IGIMS, Sheikpura, Patna (the Unit) was inspected by a team comprising officials of Central Pollution Control Board (CPCB) & Bihar State Pollution Control Board (BSPCB) on 26.10.2018 whereby following discrepancies were observed:

- a) Segregation of untreated biomedical waste is carried at the facility;
- b) Incinerator is not operated as per the operational parameters as prescribed under BMWM Rules, 2016;
- c) Incinerator is not upgraded so as to comply with emission norms notified under BMWM Rules, 2016;
- d) Stack monitoring platform was found not proper to carry out stack monitoring;
- e) The data of Online Continuous Emission Monitoring System installed with the incinerator stack is transmitted to CPCB server;
- f) Autoclave is not provided with system for recording of operational parameters such as temperature, pressure, time etc. as required under BMWM Rules, 2016;
- g) Validation test is not conducted as per the BMWM Rules, 2016 to check the efficacy of the autoclave;
- h) Treated wastewater is not complying with the effluent standards prescribed under BMWM Rules, 2016;
- i) Incinerator ash is not analysed to check presence of hazardous constituents for final disposal through Hazardous Waste Treatment Storage and Disposal Facility;

WHEREAS based on the methodology prepared by CPCB for Environmental Compensation and Action Plan to utilize the fund, the Environmental Compensation is calculated as ₹ 9,375/- 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 powers under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, Central Pollution Control Board (CPCB), to issue directions to any industry or any local, or any other authority for any violation of the standards and rules relating to BMW 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) take necessary corrective measures w.r.t. the afore-said discrepancies mentioned at (a) to (i) and submit the time bound action plan so as to comply with provisions of BMWM Rules, 2016 notified under Environment (Protection) Act, 1986, **within 15 days of the issue of this direction;**
- b) to deposit Environmental Compensation of ₹ **7,50,000/-** **immediately** with CPCB for not complying with the provisions of BMWM Rules, 2016 as well as CPCB guidelines for 80 nos. of days i.e. from the day on which non-compliance was observed till 14.01.2019. Thereafter, you shall pay ₹ **9,375/-** per day of Environmental Compensation till compliance w.r.t. provisions of BMWM Rules, 2016 including compliance to the standards prescribed under BMWM Rules, 2016; and

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- c) deposit Environmental Compensation of ₹ 7,50,000/- in CPCB Account No 532702010009078 IFSC code UBIN0553271, I. P. Extension Branch.

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., installed at M/s Indira Gandhi Institute of Medical Sciences (IGIMS), Sheikpura, Patna, Bihar as deemed fit under the Environment (Protection) Act, 1986.

(S. P. Singh Parihar)
Chairman

Copies for information to:

1. Joint Secretary, HSM Division
Ministry of Environment, Forest & Climate Change
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003
2. The Member Secretary
Bihar Pollution Control Board
Beltron Bhawan, Shastri Nagar
Jawahar Lal Nehru Marg Patra (Bihar)- 800 023 : For kind information
3. Regional Director
Central Pollution Control Board
Southernd Conclave, Block 502,
5th & 6th Floors
1582 Rajdanga Main Road
Kolkata - 700 107 (W. B.) : For kind information
4. I/c IT Division : For information and necessary action
5. I/c ESS Division : For information and record
6. I/c Accounts Division : For information & for further necessary action

(Prashant Gargava)
Member Secretary

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