

Speed - Post

F. No. B-31011/BMW (46.60)/2019/WMD-I

February 14, 2019

To,

M/s Ferro Build Hards (I) Pvt. Ltd.,
83-A, Maheba Purabpatti,
Mirjapur Road, Naini,
Prayagraj : 211 007, (U.P.)

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, 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 BMW Rules, 2016 stipulated duties of the operator of 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, "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 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 direction under Section 5 of E (P) Act 1986 was issued to the Unit by Central Pollution Control Board (CPCB) vide letter dated 05.01.2012 for violation of its provisions under BMW Rule, 1998 and complete compliance to said directions were yet to be verified. Meanwhile, MoEF & CC vide notification number S.O. 343 (E) dated the 28th March 2016 re-notified BMW Rules, 2016;

WHEREAS the said Unit was re-inspected by officials of Central Pollution Control Board (CPCB) on 20.12.2018 for verification of compliances with respect to provisions notified under BMW Rules, 2016, wherein following shortcomings were noticed during the inspection;

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- a) Separate space for storage/ reception of waste was not provided as per the BMWM Rules, 2016.
- b) The bio-medical waste was found stored for more than 48 hrs.
- c) Record was not maintained with regard to waste collection, treatment & disposal of BMW as per Bio-Medical Waste Management (BMWM) Rules, 2016.
- d) The Unit has not upgraded its existing incinerator to achieve minimum 2 seconds residence secondary chamber.
- e) Ash from incineration of biomedical waste was not got analyzed so as to ascertain the need for disposal through TSDF.
- f) The Unit has not upgraded APCDs as per the new emission norms prescribed under BMWM Rules, 2016.
- g) Quarterly, Stack emission monitoring was not done as per provisions of BMWM Rules, 2016

WHEREAS based on the methodology developed by CPCB for Assessing Environmental Compensation and Action Plan to utilize the fund, the Environmental Compensation is calculated as ₹ 10,000/- 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 BMWM notified under the Environment (Protection) Act, 1986 and amendments made thereof;

WHEREAS the Unit failed to fully comply with standard stipulated under BMW Rules since the year 2012;

Now, therefore in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, the Unit is hereby directed to;

- i) Take necessary corrective measures w.r.t. the aforesaid action points mentioned at s.no.(a) to (g) and submit the time bound action plan within 15 days of the issue of this direction so as to comply with provisions of BMWM Rules, 2016 notified under Environment (Protection) Act, 1986;
- ii) Deposit ₹ 5,70,000/- as Environmental Compensation for not complying with the provisions of BMWM Rules, 2016 as well as CPCB guideline for a period of 57 days since last inspection dated 20.12.2018 to till date i.e. 14.02.2019 in CPCB Account NO. 532702010009078 IFSC code UBIN0553271, I.P. Extension Branch within 15 days from receipt of these direction;
- iii) Thereafter, deposit ₹ 10,000/- per day of EC from 15.02.2019 till compliance w.r.to provisions of BMWM Rules, 2016 including compliance to the standards prescribed under BMWM Rules, 2016.

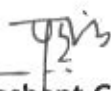
In case the Unit fails to comply with above directions, CPCB will be constrained to initiate proceedings against M/s Ferro Build Hards (I) Pvt. Ltd., Mirjapur Road, Naini, Prayagraj (U.P.) as deemed fit under the Environment (Protection) Act, 1986.

(S. P. Singh Parihar)
Chairman

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Copy 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 : For kind information
Uttar Pradesh Pollution Control Board
Building No TC-12V
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010, Uttar Pradesh.
3. Regional Directorate : For kind information
Central Pollution Control Board
Ground Floor, PICUP Bhawan,
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010
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

