

Speed Post

F. No. B-31011/BMW (46.54)/2019/WMD-I

February 14, 2019

To,

M/s Pondicherry Solid Waste Management Company Private Limited
Village Thuthipet, Villianur Commune,
Puducherry

MODIFIED 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 Environmental Compensation and Action Plan to Utilize the Fund";

WHEREAS the Common Bio-Medical Waste Treatment Facility (CBWTF) namely M/s Pondicherry Solid Waste Management Company Private Limited, Village Thuthipet, Villianur Commune, Puducherry (the Unit) was inspected jointly by Central Pollution Control Board (CPCB) & Puducherry Pollution Control Committee (PPCC) on 17.04.2013 and the shortcomings observed in the operation were forwarded to Puducherry PCC vide CPCB letter dated 14.02.2014 with suggestions to ensure compliance by the Unit;

WHEREAS the Unit was re-inspected by CPCB & PPCC on 23.07.2014 and found non-complying with provisions of BMW Rules, thereby Show Cause Notice u/s 5 of E(P) Act, 1986 vide letter dated 27.11.2014 was issued;

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WHEREAS CPCB directed PPCC vide letter dated 09.04.2015 for taking necessary action against the Unit so as to ensure compliance to the CPCB Show Cause Notice dated 27.11.2014 within period of two month;

WHEREAS the Unit was again inspected by the officials of CPCB, RD Bengaluru and PPCC on 20.05.2016 where violation of provisions of the BMW Rules were observed and accordingly revised direction under Section 5 of the Environment (Protection) Act, 1986 was issued vide CPCB letter dated 27.07.2016 directing the Unit to ensure compliance till 31.12.2016;

WHEREAS the Unit was re-inspected by CPCB & PPCC on 28.07.2017 and the shortcomings were forwarded to PPCB vide CPCB letter dated 30.11.2017 to ensure compliance by the Unit within a period of one month;

WHEREAS the Unit was again jointly inspected by the officials of CPCB & PPCB on 29.10.2018 wherein the following shortcomings were noticed;

- a. The Unit was found operational without any valid authorization under BMWM Rules, 2016
- b. Separate space for waste storage/reception area was not provided.
- c. Incinerator stack was found damaged during the inspection.
- d. Incinerator was not upgraded to achieve 2 sec. residence time in secondary chamber as required under BMWM Rules, 2016.
- e. Data of OCEMS installed with the incinerator is not transmitted to CPCB server.
- f. It was observed that ETP not operated regularly.
- g. Records were not maintained with regard to waste collection, treatment & disposal of BMW as per CBWTF Rules, 2016.

WHEREAS based on the methodology developed by CPCB for Assessing Environmental Compensation and Action Plan to utilize the fund, the Environmental Compensation (EC) 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 10.07.2002 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 comply with standard stipulated under BMW Rules since the year 2014;

Now therefore, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, the occupier of 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 ₹ 10,21,875/- as Environmental Compensation for not complying with the provisions of BMWM Rules, 2016 as well as CPCB guideline for a period of 109 days since last inspection dated 29.10.2018 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 ₹ 9,375/- 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.

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- iii) Thereafter, deposit ₹ 9,375/- 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 Pondicherry Solid Waste Management Company Private Limited, Puducherry as deemeo fit under the Environment (Protection) Act, 1986.

(S. P. Singh Parihar)
Chairman

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
Puducherry Pollution Control Committee
Illrd floor, Housing Board Complex, Anna Nagar,
Puducherry - 600 005
3. Regional Directorate : For kind information
Central Pollution Control Board
1st & 2nd Floors, Nisarga Bhavan
A-Block, Thimmaiah Main Road
7th D Cross, Shivanagar, Opp.
Pushpanjali Theatre, Bengaluru -560 010
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