

Speed Post

F. No. B-31011/BMW (46.136)/2019/WMD-I/17454

February 26, 2019

To,

M/s Shiza Hospitals & Research Institute Pvt. Ltd.
Langol, Imphal,
Manipur - 759004

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 developed 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 Shiza Hospitals & Research Institute Pvt. Ltd. (the Unit) was inspected by CPCB on 11.12.2018 for verification of compliance to the Bio-Medical Waste Management Rules, 2016 and following shortcomings were noticed:

- a. Unit has not upgraded its existing incinerator to achieve minimum 2 seconds residence time in secondary chamber as required under BMW Rules, 2016.

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- b. Unit has not installed OCEMS with the incinerator as required under BMWM Rules, 2016.
- c. Unit has not upgraded its APCDs attached with incinerator so as to comply with new emission norms prescribed under BMWM Rules, 2016.
- d. Stack emission monitoring is not being done by the Unit as required under BMWM Rules, 2016.
- e. Expired cytotoxic drugs are not disposed off as per the provision 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 (EC) 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;

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 corrective measure w.r.t. aforesaid action points mentioned at S.No.(a) to (g) so as to comply with provision of BMWM Rules, 2016 notified under Environment (Protection) Act, 1986;
- ii) Deposit ` 7,80,000/- as Environmental Compensation for not complying with the provisions of BMWM Rules, 2016 as well as CPCB guideline for 78 days since last inspection dated 11.12.2018 to till date i.e. 20.02.2019 in CPCB Account NO. 532702010009078 IFSC code UBIN0553271, I.P. Extension Branch within 15 days from receipt of these directions; and
- iii) Thereafter, deposit ` 10,000/- per day of EC from 27.02.2019 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 Shiza Hospitals & Research Institute Pvt. Ltd., Langol, Imphal as deemed fit under the Environment (Protection) Act, 1986.

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(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
Manipur Pollution Control Board
Near Imphal West D.C. Office Complex,
Lamphelpat, Imphal - 795 004
3. Regional Directorate : For kind information
Central Pollution Control Board
"TUM-SIR". Lower Motinagar
Near Fire Brigade H.Q.,
Shillong - 793 014
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


(A. Sudhakar)

