

Speed Post

F. No. B-31011/BMW (46.12)/2019/WMD-I/17453  
To,

February 26, 2019

M/s Waterface products Bio-Medical Waste Management Projects,  
Near Kannamwar Bridge, Opposite Mayur Tractor,  
Mumbai Agra Road, Dwarka,  
Nashik - 422 001, Maharashtra.

**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 BMWWM 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 BMWWM Rules, 2016 stipulated duties of the operator of Common Bio-Medical Waste Treatment Facility (CBWTF);

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

WHEREAS Rules 14(1) of BMWWM 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". Meanwhile, MoEF & CC vide notification number S.O. 343 (E) dated the 28<sup>th</sup> March 2016 re-notified BMWWM Rules, 2016;

WHEREAS the Unit was inspected by officials of CPCB on 14.11.2018 for verification of compliance with respect to provisions notified under BMWWM Rules, 2016, wherein following shortcomings were noticed during the inspection;

- a. The Unit was found operational without any valid authorization under BMWWM Rules, 2016.
- b. Separate space for waste storage/reception and separate space for sorting different categories of wastes have not been provided.
- c. The Unit has installed OCEMS with the incinerator, but not connected to servers of SPCB/CPCB.
- d. The incinerator ash was not stored under a proper shed.
- e. Incinerator was not upgraded to achieve 2 sec. residence time in secondary chamber as required under BMWWM Rules, 2016.
- f. The Unit is not maintaining log book/records of sharp waste disposal.

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WHEREAS based on the methodology developed by CPCB for Assessing Environmental Compensation (EC) and Action Plan to utilize the fund, the Environmental Compensation is calculated as ₹ 9,375/- per day of non-compliance with effect from the 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 BMWWM notified under the Environment (Protection) Act, 1986 and amendments made thereof;

WHEREAS the Unit has been failed to comply with provisions and standard stipulated under BMWWM 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 shortcomings mentioned at S.No.(a) to (f) and submits the time-bound remedial action plan so as to comply with provisions of BMWWM Rules, 2016 notified under Environment (Protection) Act, 1986;
- ii) Deposit ₹ 9,84,375/- as Environmental Compensation for not complying with the provisions of BMWWM Rules, 2016 as well as CPCB guideline for 105 days since last inspection dated 14.11.2018 till 26.02.2019 in CPCB Account NO. 532702010009078 IFSC code UBIN0553271, I.P. Extension Branch within 15 days from receipt of these directions;
- iii) Thereafter, deposit ₹ 9,375/- per day of EC from 27.02.2019 till compliance w.r.to provisions of BMWWM Rules, 2016 including compliance to the standards prescribed under BMWWM Rules, 2016.

In case the Unit fails to comply with above directions, CPCB will be constrained to initiate proceedings against M/s Watergrace products Bio-Medical Waste Management Projects, Mumbai Agra Road, Dwarka, Nashik, Maharashtra as deemed 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  
Maharashtra Pollution Control Board  
Kalptaru Point, 2nd - 4th floor,  
Opp. Cine Planet, Sion Circle, Sion (E),  
Mumbai - 400 022
3. Regional Directorate : For kind information  
Central Pollution Control Board  
Parivesh Bhawan,  
Opp. VMC Ward Office No. 10,  
Subhanpura, Vadodara-390 023
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)

