

F. No. B-31011/BMW (46.114)/2019/WMD-I  
To,

Speed Post

February 19, 2019

M/s Fresh Air Waste Management Services Pvt. Ltd.  
1<sup>st</sup> Floor, Prof. A.K. Pathak Building, Fatashil,  
Guwahati - 781009

**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 Fresh Air Waste Management Services Pvt. Ltd. (the Unit) was inspected jointly by the team of CPCB, Shillong & Assam SPCB on 25.11.2018 to verify the compliance wherein the following shortcoming were noticed;

- a. The Unit has not upgraded its existing incinerator to achieve minimum 2 seconds residence secondary chamber.
- b. Unit failed to maintain desire temperature in waste combustion chambers.
- c. Incomplete combustion of waste was found in bottom ash.
- d. Validation test not done for autoclaving.
- e. Incineration ash not analyzed for disposing through hazardous waste TSDF.
- f. Records were not maintained with regard to treatment & disposal of BMW

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 ₹ 10,000/- per day of non-compliance with effect from the 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;

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

- i) Take necessary corrective measure w.r.t. the aforesaid action points mentioned at s.no.(a) to (f) and submits the time bound action plan so as to comply with provisions of BMW Rules, 2016 notified under Environment (Protection) Act, 1986;
- ii) Deposit ₹ 8,70,000/- as Environmental Compensation for not complying with the provisions of BMW Rules, 2016 as well as CPCB guideline for 87 days since inspection dated 25.11.2018 till 19.02.2019 in CPCB Account NO. 532702010009078 IFSC code UBIN0553271, I.P. Extension Branch within 15 days from receipt of these directions;
- iii) Thereafter, deposit ₹ 10,000/- per day of EC from 20.02.2019 till compliance w.r.to provisions of BMW Rules, 2016 including compliance to the standards prescribed under BMW Rules, 2016.

In case the Unit fails to comply with above directions, CPCB will be constrained to initiate proceedings against M/s Fresh Air Waste Management Services Pvt. Ltd., Guwahati 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  
Assam Pollution Control Board  
Bamunimaiden,  
Guwahati - 781 021 : For kind information
3. Regional Directorate  
Central Pollution Control Board  
"TUM-SIR". Lower Motinagar  
Near Fire Brigade H.Q.,  
Shillong - 793 014 : 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