

By Registered Post

July 29, 2019

F. No. B-31011/BMW (46.100)/2019/WMD-I 4158

To,

M/s Passco Environmental Solution Pvt. Ltd.,
Kailash Crematorium Compound
Pune, Maharashtra.

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 (NOTICE THEREOF)

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 4 of BMW Rules, 2016 stipulated duties of the occupier 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. 710 of 2017 filed by Shailesh Singh vide order dated 12.03.2019 directed "CPCB to undertake study and prepare a scale of compensation to be recovered from violators of Bio-Medical Waste Management Rules, 2016. Hon'ble NGT also states that scale of compensation must be different, rendering violation of Rules to be non-profitable and which should be adequate to remedy the situation".

WHEREAS in pursuant to Order dated 12.03.2019 passed by Hon'ble National Green Tribunal, in the matter of O.A. No. 710 of 2017, CPCB has prepared Guidelines for "Imposition of Environmental Compensation Charges (ECC) against Healthcare Facilities (HCFs) and Common Biomedical Waste Treatment Facilities (CBWTFs)";

WHEREAS, delay in up-gradation of Secondary Combustion Chamber would result in release of higher emissions of Dioxins and Furans, which is harmful to human health;

WHEREAS the Common Bio-Medical Waste Treatment Facility (CBWTF) namely M/s Passco Environmental Solutions Pvt. Ltd., Kailash Crematorium Ground, Pune, Maharashtra (the Unit) was inspected by Central Pollution Control Board (CPCB) on 17.07.2019 and following observations were made:

- (i) Validity of authorisation under BMW Rules expired on 31.01.2018;
- (ii) Unit is collecting biomedical waste more than the quantity mentioned in Consent under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981;
- (iii) Incinerator is not upgraded to have two second residence time in secondary combustion chamber as required under BMW Rules, 2016;
- (iv) Untreated red category biomedical waste was found stockpiled in haphazard manner;
- (v) Waste sharps is treated by disinfecting with 1 % hypochlorite solution instead of autoclave or dry heat sterilization as required under BMW Rules, 2016.

Contd...2/-

Now therefore, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, the Unit is hereby directed to Show Cause why Environmental Compensation of ₹ 14,67,000/-@ ₹ 3,000/- per day for 489 no. of non-complying days shall not be imposed against M/s Passco Environmental Solutions Pvt Ltd., Kailash Crematorium Ground, Pune, Maharashtra for not complying with BMWM Rules, 2016, thereby causing damage to environment.

You are hereby given an opportunity to submit reply within 15 days from issuance of this direction, failing which CPCB will be constrained to issue directions for imposition of Environmental Compensation against M/s Passco Environmental Solutions Pvt Ltd., Kailash Crematorium Ground, Pune, Maharashtra as deemed fit under the Environment (Protection) Act, 1986.

(S. P. Singh Parihar)
Chairman

Copy to:

1. Joint Secretary, HSM Division :
Ministry of Environment, Forest & Climate Change
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003
2. 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 Director : For kind information
Central Pollution Control Board
Parivesh Bhawan,
Opp. VMC Ward Office No. 10,
Subhanpura, Vadodara-390 023
4. Shri Bharat Kumar Sharma : For kind information
Regional Director
Central Pollution Control Board
Regional Directorate, Pune
5. DH, IT Division : For information and necessary action
6. DH, ESS Division : For information and record
7. DH, Accounts Division : For information & for further necessary action


(Prashant Gargava)
Member Secretary