

By Registered Post

F. No. B-31011/BMW (46.56)/2019/WMD-I

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August 13, 2019

To,

M/s Sangam Mediserve Pvt. Ltd.,
(CBWTF operated at M/s Indira Gandhi Institute of Medical Sciences)
Near Dharvantri Hospital,
Sheikpura, Patna – 800023, Bihar.

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. 710 of 2017 (Shailesh Singh Vs Hospitals) directed CPCB "to undertake study and prepare a scale of compensation to be recovered from violators of Biomedical Waste Management Rules, 2016 within one month. Hon'ble NGT also directed that State Pollution Control Boards (SPCBs) can also recover compensation from the polluters by laying down their own scale which should not less than the scale fixed by CPCB.

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

WHEREAS the Common Biomedical Waste Treatment Facility (CBWTF) namely M/s Sangam Mediserve Pvt. Ltd., Near Dharvantri Hospital, Sheikpura, Patna – 800023, Bihar (the Unit) (operated at premises of M/s Indira Gandhi Institute of Medical Sciences, Patna, Bihar) was inspected by CPCB on 26.10.2018 to verify the compliance to the provision of BMW Rules, 2016 and based on the non-compliances observed, directions under section 5 of Environment (Protection) Act, 1986 has been issued to the Unit vide CPCB letter dated 23.01.2019 directing to take necessary corrective measures w.r.to the action points as mentioned in the direction within 15 days. The Unit was also directed to deposit ₹ 7,50,000/- as Environmental Compensation Charges for 80 days since date of inspection and thereafter to deposit ₹ 9,375 /- per day till compliance to BMW Rules, 2016;

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WHEREAS the Unit has submitted its reply vide letter dated 23.02.2019 indicating point wise action taken w.r.to CPCB action points and informed that the Unit is under process of shifting its treatment facility to new location for which Environmental Clearance is pending from SEIAA;

WHEREAS since the Unit was yet to comply with CPCB action points vis-à-vis upgradation of incinerator for two seconds residence time and treated wastewater found not complying with prescribed standards, CPCB vide letter dated 08.04.2019 issued directions to M/s Indira Gandhi Institute of Medical Sciences, Patna, Bihar directing to stop operation of the Unit till the operator starts operation of its treatment facility at new site and to ensure collection of biomedical waste generated from member HCFs of the Unit for treatment & disposal through any other CBWTF located nearby in consultation with Bihar SPCB;

WHEREAS the Unit vide letter dated 23.04.2019 submitted its reply in consultation with M/s Indira Gandhi Institute of Medical Sciences, Patna, Bihar, indicating point wise reply w.r.to CPCB action points and deposited the Environmental Compensation of ₹ 7,50,000/- to CPCB. The Unit has further requested for grant of one month time for upgradation of existing incinerator, as the process of obtaining Environmental Clearance will take six to nine months;

WHEREAS CPCB vide letter dated 04.06.2019 requested Bihar State Pollution Control Board to verify whether Unit has upgraded its incinerator to achieve two seconds residence time in secondary chamber and subsequently, Bihar SPCB vide letter dated 20.06.2019 confirm following:

- (i) Unit has stopped its operation since 23.05.2019;
- (ii) The biomedical waste collected from member HCFs through CBWTF at Muzaffarpur; and
- (iii) Unit has upgraded its incinerator with two seconds residence time in secondary combustion chamber.

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, directions dated 23.01.2019 and 08.04.2019 are hereby revoked with following conditions:

- i. Unit may start operation of its facility installed at premises of M/s Indira Gandhi Institute of Medical Sciences, Patna, Bihar with valid authorisation from BSPCB till the Unit starts operation at new site;
- ii. Unit shall deposit ₹ 3,57,000/- as Environmental Compensation charges for the period of 119 days (i.e. 24.01.2019 to 22.05.2019) for operating incinerator without having 2 sec residence time in secondary combustion chamber as required under BMWM Rules, 2016 and
- iii. Unit shall ensure compliance to provisions under Biomedical Waste Management Rules, 2016 including compliance to standards notified under said Rules.

In case Unit found non-complying with above directions, CPCB will be constrained to take legal proceedings against M/s Sangam Mediserve Pvt. Ltd., Near Dharvantri Hospital, Sheikpura, Patna – 800023, Bihar, as deemed fit under the Environment (Protection) Act, 1986.


(S. P. Singh Parihar)
Chairman
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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
Bihar Pollution Control Board
Beltron Bhawan, IInd floor
Jawahar Lal Nehru Marg
Shastri Nagar, Patna – 800 023.
3. Regional Director : For kind information
Central Pollution Control Board
Southernd Conclave, Block 502,
5th & 6th Floors
1582 Rajdanga Main Road
Kolkata - 700 107 (W. B.)
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

