

By Registered Post

F. No. B-31011/BMW (46.19)/2019/WMD-I 5692

August 19, 2019

To,

M/s ESS Kay Hygienic Services Pvt. Ltd.  
VPO Bagwala, Tehsil Barwala,  
Dist. Panchkula, Haryana.

**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 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 4 of BMWWM Rules, 2016 stipulated duties of the occupier 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. 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 the Common Bio-Medical Waste Treatment Facility (CBWTF) namely M/s Ess Kay Hygienic Solutions, VPO Bagwala, Tehsil Barwala, Panchkula, Haryana (the Unit) was inspected by Central Pollution Control Board (CPCB) on 10.06.2019 for verification of compliance to BMWWM Rules, 2016 and following observations were made:

- a) Particulate Matter (590 mg/Nm<sup>3</sup>) found exceeding the prescribed standard of 50 mg/Nm<sup>3</sup> as per BMWWM Rules, 2016;
- b) As per wastewater analysis result for ETP treated effluent, TSS (139 mg/l), BOD (103 mg/l) & COD (342 mg/l) found exceeding the prescribed standard; and
- c) Spore test is not conducted for autoclave by the Unit as required under BMWWM Rules, 2016.

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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 ₹ 3,99,375/- with effect from date of inspection shall not be imposed against M/s Ess Kay Hygienic Solutions, VPO Bagwala, Tehsil Barwala, Panchkula, Haryana for not complying with BMW 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 take appropriate action against M/s Ess Kay Hygienic Solutions, VPO Bagwala, Tehsil Barwala, Panchkula, Haryana 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  
Haryana Pollution Control Board  
C-11, Sector-6, Panchkula  
Haryana-134 109 Chandigarh
3. Regional Director : For kind information  
Central Pollution Control Board  
Ground Floor, PICUP Bhawan,  
Vibhuti Khand, Gomti Nagar  
Lucknow - 226 010
4. Regional Directorate Chandigarh : For kind information  
Central Pollution Control Board  
Regional Director  
Shri Suneel Dave, Sc. 'E'
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