

By Registered Post

F. No. B-31011/BMW (46.60)/2019/WMD-I

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September 02, 2019

To,

M/s Ferro Build Hards (I) Pvt. Ltd.,
83-A, Maheba Purabpatti,
Mirjapur Road, Naini,
Prayagraj : 211 007, (U.P.)

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, 2016) 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 the Hon'ble National Green Tribunal (NGT), 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 Biomedical Waste Management Rules, 2016. Hon'ble NGT also states that the scale of compensation must be deterrent, 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 against Healthcare Facilities and Common Biomedical Waste Treatment Facilities";

WHEREAS the Common Bio-Medical Waste Treatment Facility (CBWTF) namely M/s Ferro Build Hards (I) Pvt. Ltd., 83-A, Maheba Purabpatti, Mirjapur Road, Naini, Prayagraj : 211 007, (U.P.) (the Unit) was inspected by Central Pollution Control Board (CPCB) on 20.12.2018 for verification of compliance to BMWWM Rules, 2016, and based on non-compliance, direction under Section 5 of Environmental (Protection) Act, 1986 was issued to the Unit vide letter dated 14.02.2019 to ensure compliance to following action points: (i) provide separate space for storage / reception of waste ; (ii) stop storage of untreated biomedical waste for more than 48 hours; (iii) maintenance of records for waste collection, treatment & disposal; (iv) upgradation of incinerator for two seconds residence time in secondary chamber; (v) analysis of incinerator ash; (vi) upgradation of APCDs to comply with emission norms; (vii) quarterly stack emission monitoring;

WHEREAS based on reply dated 02.03.2019 CPCB vide letter dated 15.05.2019 issued directions under section 5 of Environment (Protection) Act, 1986 directing the Unit to deposit ₹ 8,30,000/- within 15 days and also directed that ₹ 10,000/- per day shall be imposed in case Unit found non-complying during next inspection;

WHEREAS vide letter dated 05.06.2019 Unit deposited afore-said Environmental Compensation of ₹ 8, 30,000/- in CPCB Account;

WHEREAS as per directions of Hon'ble National Green Tribunal passed vide order dated 21.05.2019 in matter of O.A. No. 420/2016, filed by Praduman Tiwari vs Union of India & Ors., the Unit was again inspected jointly by CPCB & Uttar Pradesh Pollution Control Board (UPPCB) on 13.06.2019 whereby following observations were made:

- a) As per incinerator stack monitoring results, Particulate Matter (478 mg/Nm^3) found exceeding the standard of 50 mg/Nm^3 ;
- b) Primary chamber of incinerator was found operating at temperature less than standard of minimum 800°C as per BMWWM Rules, 2016;
- c) Autoclave is not having computer recording device as required under BMWWM Rules, 2016 for recording of operational parameters;
- d) Spore test and strip test for autoclave are not conducted by Unit;
- e) Barcode system is not yet adopted by the Unit;

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- f) Online Continuous Emission Monitoring System (OCEMS) is not connected to CPCB server as required under BMWM Rules, 2019;
- g) GPS is not provided in all vehicles used for collection of biomedical waste as required under BMWM Rules, 2019.

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, the Unit is hereby directed to take necessary corrective measures w.r.t. the aforesaid action points mentioned at S.No. (a) to (g) within 30 days from the issue of this directions, to comply with provisions of BMWM Rules, 2016; and

In case the Unit fails to comply with above directions, CPCB will be constrained to initiate proceedings against M/s Ferro Build Hards (I) Pvt. Ltd., Mirjapur Road, Naini, Prayagraj (U.P.) 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. The Member Secretary
Uttar Pradesh Pollution Control Board
Building No TC-12V
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010, Uttar Pradesh. : For kind information
3. Regional Directorate
Central Pollution Control Board
Ground Floor, PICUP Bhawan,
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010 : 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