

By Registered Post

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

September 09, 2019

To,

The Chairman
Maharashtra Pollution Control Board
Kalptaru Point, 2nd - 4th floor,
Opp. Cine Planet, Sion Circle, Sion (E),
Mumbai – 400 022.

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) 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 as per Rule 9 (1) of BMWWM Rules, 2016, the Prescribed Authority for implementation of the provisions of said Rules shall be State Pollution Control Boards (SPCBs) in respect of States and Pollution Control Committees (PCCs) in respect of Union Territories;

WHEREAS Rule 4 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, 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 Passco Environmental Solutions Pvt. Ltd., Kailash Crematorium Ground, Pune, Maharashtra (herein after referred as the Unit) was inspected by Central Pollution Control Board (CPCB) on 17.07.2019 and based on shortcomings observed with respect to compliance, Show Cause Notice for imposition of Environmental compensation was issued vide letter dated 29.07.2019 specifying for following action points;

- (i) Validity of authorisation under BMWWM 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 BMWWM Rules, 2016;

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- (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 BMWM Rules, 2016.

WHEREAS the Unit vide E-mail dated 31.08.2019 submitted point-wise reply to CPCB directions dated 29/07/2019, wherein the following shortcomings were observed;


- (i) The unit is collecting BMW beyond its authorized treatment capacity;
- (ii) There are space constraints in handling and disposal of BMW collected by the facility. In this regard, Unit has informed that during demolition work, Pune Municipal Corporation, has demolished the room where treated red waste used to be stored; as a result the unit faced further constraints of space.
- (iii) The treatment method adopted by unit for white category waste is not as per Schedule I of BMWM Rules, 2016 and CPCB guidelines.
- (iv) The Unit needs further time to upgrade incinerator to 2 sec residence time.

WHEREAS Maharashtra Pollution Control Board (MPCB) inspected the Unit on 31.08.2019 to verify the compliance, wherein it was observed that the unit is yet to comply with action points specified in CPCB directions dated 29.07.2019;

Now therefore, in view of the non-compliance by M/s Passco Environmental Solutions Pvt. Ltd., Kailash Crematorium Ground, Pune, Maharashtra with respect to conditions of authorization issued by MPCB as well as violations to the provisions under BMWM Rules, 2016, MPCB is directed to ensure the following;

- I. That the Unit adopts treatment technologies for different categories of biomedical waste as stipulated under Schedule-I of BMWM Rules, 2016 and implementation guidelines issued by CPCB;
- II. That additional measures are taken in case the Unit is located close to residential areas and sensitive areas as per CPCB Guidelines for Common Bio-medical Waste Treatment Facilities issued in December, 2016;
- III. That the facility has adequate capacity of treatment and also complies with authorization conditions as well as norms as stipulated under BMWM Rules, 2106;
- IV. The Unit shall be directed to send additional quantity (beyond authorized quantity) of biomedical waste collected from member Healthcare Facilities to any other nearby CBWTF as may be identified by MPCB by ensuring that such CBWTF has spare capacity;
- V. That the Unit upgrades its Air Pollution Control Devices to comply with new emission norms including 2 Seconds Residence Time in Secondary Combustion Chamber.

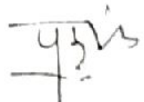
The Action Taken Report (ATR) shall be submitted to CPCB within 15 days from the issuance of this directions.


(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. Regional Director : For kind information
Central Pollution Control Board
Parivesh Bhawan,
Opp. VMC Ward Office No. 10,
Subhanpura, Vadodara-390 023
3. Regional Directorate : For kind information
Central Pollution Control Board
Pune, Maharashtra
4. ✓ DH, IT Division : For information and necessary action
5. . DH, ESS Division : For information and record
6. DH, Accounts Division : For information & for further necessary action


(Prashant Gargava)
Member Secretary

