

By Registered Post

September 09, 2019

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

To,

M/s Passco Environmental Solution Pvt. Ltd.,
Kailash Crematorium Compound
Pune, Maharashtra - 411001.

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 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, 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 (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;
- (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 BMWWM Rules, 2016.

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WHEREAS vide afore-said CPCB Notice dated 29.07.2019 the Unit was directed to Show Cause why Environmental Compensation of ₹ 14,67,000/- should not be imposed against M/s Passco Environmental Solutions Pvt. Ltd., Kailash Crematorium Compound, Pune, Maharashtra for not complying with provisions under BMWM Rules, 2016 and the Unit was given an opportunity to submit reply within 15 days from issuance of this Notice failing which CPCB shall be constraint to issue directions for imposition of Environmental Compensation against the Unit;

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) Unit is collecting biomedical waste beyond its authorized treatment capacity;
- (ii) There are space constraints in handling and disposal of biomedical waste collected by the Unit and the Unit has informed that during demolition work, Pune Municipal Corporation has demolished the room where treated red category waste used to be stored, as a result the Unit faced further constraints of space;
- (iii) Treatment method adopted by the unit for red category biomedical waste is not as per treatment option prescribed under Schedule I of the BMWM Rules, 2016 as well as CPCB guidelines;
- (iv) Unit needs further time to upgrade incinerator to two seconds residence time;

WHEREAS Maharashtra Pollution Control Board 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 exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, the Unit is hereby directed to:

- (a) Restrict operation of the facility to the authorized capacity with immediate effect;
- (b) Ensure that biomedical waste collected beyond the authorized capacity is sent to any other CBWTF located nearby as may be decided by MPCB and by ensuring that such waste is treated and disposed off within 48 hours;
- (c) Deposit Environmental Compensation of ₹ 15,78,000/- for 526 no. of non-complying days within 15 days from issuance of these directions; and
- (d) Ensure that existing incinerator achieves 2 Seconds Residence Time in Secondary Combustion Chamber.

In case the Unit fails to comply with above directions, CPCB shall be constrained to take appropriate action against M/s Passco Environmental Solutions Pvt. Ltd., Kailash Crematorium Compound, Pune, Maharashtra as deemed fit under 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
Maharashtra Pollution Control Board
Kalptaru Point, 2nd - 4th floor,
Opp. Cine Planet, Sion Circle, Sion (E),
Mumbai - 400 022 : For kind information
3. Regional Director
Central Pollution Control Board
Parivesh Bhawan,
Opp. VMC Ward Office No. 10,
Subhanpura, Vadodara-390 023 : For kind information and further follow-up on
the matter
4. Regional Directorate
Central Pollution Control Board
Pune, Maharashtra : For kind information
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

