

By Registered Post

F. No. B-31011/BMW (10.9)/2019/WMD-I
To,

6290

September 2, 2019

Dr. Atul's Child Hospital
37, Kamdhenu Shopping Center,
Shastri Nagar, Jaipur, Rajasthan

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 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 4 of BMW Rules, 2016 stipulated duties of the occupier of Health Care Facility (HCF);

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 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 Healthcare Facility (HCF) namely Dr. Atul's Child Hospital 37, Kamdhenu Shopping Center, Shastri Nagar, Jaipur, Rajasthan (the Unit) was inspected by Central Pollution Control Board (CPCB) on 17.07.2019 for verification of compliance to BMW Rules, 2016, wherein following discrepancies were found:

- (i) Pre-treatment facility for liquid chemical waste generated from wards is not provided as required under BMW Rules, 2016;
- (ii) Spore test for autoclave is not conduct to check its efficiency as required under BMW Rules, 2016.

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 Environment compensation of ₹ 90,000/-should not be imposed against Dr. Atul's Child Hospital 37, Kamdhenu Shopping Center, Shastri Nagar, Jaipur, Rajasthan for violating provisions under BMW Rules, 2016, thereby causing damage to environment.

You are hereby given an opportunity to submit reply within 15 days from issuance of this notice, failing which CPCB will be constrained to take action against M Dr. Atul's Child Hospital 37, Kamdhenu Shopping Center, Shastri Nagar, Jaipur, Rajasthan 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
Rajsthan Pollution Control Board
A-4, Institutional Area, Jhalane Dungri, Jaipur
Rajasthan - 302004
3. Regional Director : For kind information
Central Pollution Control Board
3rd Floor Sahkar Bhawan,
North T.T. Nagar, Bhopal
Madhya Pradesh - 462003
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