

By Registered Post

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September 11, 2019

To,

M/s S. D. Bio- Medical Waste Management Company,
Rohtak, Beri Road, VPO Baland,
District Rohtak, 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 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, 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 S. D. Bio- Medical Waste Management Company, Rohtak, Beri Road, VPO Baland, Rohtak, Beri Road, VPO Baland, Haryana (the Unit) was inspected by Central Pollution Control Board (CPCB) on 22.11.2018 and following discrepancies were found: (i) incinerator not upgraded to achieve two seconds Residence Time in secondary combustion chamber; (ii) Unit has not upgraded APCDs to comply with new emission norms; (iii) stack monitoring platform not as per CPCB guidelines; (iv) combustion efficiency was less than 99% as required under BMWWM Rules, 2016; (v) Unit has not installed any requisite system for removal of oil & grease at ETP;

WHEREAS based on above discrepancies CPCB has issued directions dated 14.02.2019 under section 5 of Environment (Protection) Act, 1986 to the Unit wherein it was directed to: (i) take corrective measures on above action points; (ii) deposit Environmental Compensation of ₹ 7,87,500/- for the period of 84 days since dated of inspection within 15 days; and (iii) thereafter deposit ₹ 9,375/- per day of Environmental Compensation till compliance to the provisions of BMWWM Rules, 2016;

WHEREAS the Unit vide letter dated 27.03.2019 submitted its reply indicating point wise action taken on above CPCB action points along with photographs, certificate for upgradation of incinerator, analysis results for ETP treated effluent as well as stack emission as proof of compliance and requested to waive off from Environmental Compensation;

WHEREAS the Unit was re-inspected by CPCB on 05.06.2019 for verification of compliance to the CPCB directions dated 14.02.2019 wherein it was found that Unit has complied CPCB action points except following: combustion efficiency (95.23%) of incinerator was found less than 99 %; and as per analysis results for ETP concentration of Suspended Solid (146 mg/l) was found to be exceeding the prescribed limit of 100 mg/l;

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WHEREAS Unit vide letter dated 24.07.2019 deposited Environmental Compensation of ₹ 7, 87,500/- in CPCB account;

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 explain within 15 days of issue of this direction that why action should not be taken for closure of M/s S. D. Bio- Medical Waste Management Company, Rohtak, Beri Road, VPO Baland, Rohtak, Beri Road, VPO Baland, Haryana and for sending waste collected from member Healthcare Facilities (HCFs) to another CBWTF as may be identified by Haryana State Pollution Control Board (HSPCB) in light of above violations to standards prescribed under BMWM Rules, 2016.

In case, the Unit fails to comply with the afore-said directions, CPCB will be constrained to initiate proceedings against M/s S. D. Bio- Medical Waste Management Company, Rohtak, Haryana under the provisions of 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. The Member Secretary
Haryana Pollution Control Board
C-11, Sector-6, Panchkula,
Haryana-134 109 Chandigarh : 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. Regional Director
Central Pollution Control Board
Chandigarh.
5. I/c IT Division : For information and necessary action
6. I/c Accounts Division : For information & for further necessary action

(Prashant Gargava)
Member Secretary

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