

Speed Post

F. No. B-31011/BMW (46.04)/2019/WMD-I

September 25, 2019

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To,

M/s Instromedix (India) Pvt. Ltd.  
Village Khori Ropda,  
Jaipur Agra Highway, NH-11, Tehsil Sanganer  
Jaipur-302031

**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 5 of BMW Rules, 2016 stipulated duties of the operator of Common Bio-Medical Waste Treatment Facility (CBWTF);

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 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 (ECC) against Healthcare Facilities (HCFs) and Common Biomedical Waste Treatment Facilities (CBWTFs)";

WHEREAS the Common Bio-Medical Waste Treatment Facility namely M/s Intromedix (India) Pvt. Ltd., Jaipur Agra Highway, NH-11, Tehsil Sanganer Jaipur- 302031 (the Unit) was inspected by Central Pollution Control Board (CPCB) team, Bhopal on 16.01.2019 wherein following discrepancies were observed; (i) up gradation of incinerator to achieve two seconds residence time in secondary combustion chamber (ii) no proper segregation of untreated biomedical waste (iii) discarded medicines was stored openly in the premises;

WHEREAS based on aforesaid discrepancies, direction under Section 5 of Environment (Protection) Act 1986 were issued against the Unit vide letter dated 06.06.2019, whereby the Unit was directed to; (i) take necessary corrective measures w.r.to the aforesaid action points and (ii) to deposit Environmental Compensation of ₹ 7,10,000/- for violation of BMW Rules, 2016 within 15 days from receipt of aforesaid directions;

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WHEREAS the Unit has submitted its reply vide letter dated 10.07.2019 indicating point wise compliance status w.r.to CPCB action points whereby it is observed that the Unit is still in operation without upgrading the incinerator which may leads to harmful emission to the environment and Unit is still segregating the untreated bio-medical waste. Unit has also not yet deposited Environmental Compensation (EC);

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 show cause that why environmental compensation of ₹ 12,65,000 for 253 number of non complying days should not be imposed against M/s Instromedix (India) Pvt. Ltd., Jaipur as the Unit is operating its facility without complying with provisions of BMWM Rules as observed in inspection conducted on 16.01.2019 and 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/s Instromedix (India) Pvt. Ltd., Village Khori Ropda, Sanganer, Jaipur -302031 as deemed fit under the Environment (Protection) Act, 1986

(S. P. Singh Parihar)  
Chairman

Copy for information 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 : For kind information  
Rajasthan Pollution Control Board  
4, Institutional Area, Jhalana Doongri  
Jaipur - 302 004, Rajasthan.
3. The Regional Director : For kind information  
Central Pollution Control Board  
4th Floor, Sahkar Bhawan  
North TT Nagar  
Bhopal - 462 003
4. I/c IT Division : For information and necessary action
5. I/c Accounts Division : For information & for further necessary  
action

(Prashant Gargava)  
Member Secretary