

By Registered Post

F. No. B-31011/BMW (46.83)/2019/WMD-I

October 01, 2019

To,

M/s Medical Pollution Control Committee,  
Bhaila Mau, Bhaunti, Kanpur. U.P.

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

WHEREAS as per Rule 7 (1) of BMWM 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 BMWM Rules, 2016";

WHEREAS the Common Bio-Medical Waste Treatment Facility (CBWTF) namely M/s Medical Pollution Control Committee, Kanpur, U.P. (the Unit) was inspected by Central Pollution Control Board (CPCB) on 09.12.2016 and based on observations Show cause notice that why actions should not be taken for closure of the Unit for violating provisions under BMWM Rules, 2016;

WHEREAS the Unit submitted its reply dated 10.04.2017 indicating point wise reply to CPCB directions;

WHEREAS in pursuit to Hon'ble NGT order dated 08.08.2017 in matter O.A. No. 538/2016 filed by Suresh Chandra Yadav Vs CPCB & others joint inspection of the Unit was conducted by CPCB, UPPCB and MoEF &CC during September 04-05, 2017 and observations made during said joint inspection were forwarded to UPPCB vide CPCB letter dated 24.01.2018 to ensure compliance of BMWM Rules, 2016;

WHEREAS the Unit is reinspected by Central Pollution Control Board (CPCB) on 30.07.2019 to verify current compliance status of BMWM Rules, 2016. wherein following shortcomings were found:

- a) PM concentration ( $773 \text{ mg/Nm}^3$ ) exceeds the prescribed emission standard of  $50 \text{ mg/Nm}^3$ , under BMWM Rules, 2016.
- b) Incinerator is operating at lower temperature in primary and secondary chamber,  $545^\circ\text{C}$  &  $423^\circ\text{C}$ , respectively, which is not allowed as per BMWM Rules, 2016.
- c) Secondary combustion chamber of incinerator is not upgraded to 2 sec residence time.
- d) As per analysis of ETP treated effluent, BOD ( $59.1 \text{ mg/l}$ ) found exceeding the prescribed standard of  $30 \text{ mg/l}$  as under BMWM Rules, 2016.
- e) Autoclave was found non-operational during visit and was also observed that empty bottles of discarded medicines are sold to scrap dealer.
- f) Substantial difference in the log book between quantity of biomedical waste collected i.e.  $72,363 \text{ Kg}$  per month and treated i.e.  $62,170 \text{ Kg}$  per month for June, 2019 indicates unauthorized disposal of biomedical waste.
- g) Bar coding system is not yet implemented by the unit.



Contd...2/-

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)";

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 ₹ 4,35,000/- shall not be imposed against M/s Medical Pollution Control Committee, Kanpur, U.P. for violating provisions under BMWM Rules, 2016, thereby causing damage to environment.

An opportunity is hereby given to submit reply within 30 days from issuance of this notice by providing status of action taken along with document if any as proof of compliance to aforesaid shortcomings, failing which CPCB will be constrained to take action against M/s Medical Pollution Control Committee, Kanpur, U.P. as deemed fit under the 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 : For kind information  
Uttar Pradesh Pollution Control Board  
Building No. TC-12V  
Vibhuti Khand, Gomti Nagar  
Lucknow - 226 010
3. Regional Director : For kind information  
Central Pollution Control Board  
Ground Floor, PICUP Bhawan,  
Vibhuti Khand, Gomti Nagar  
Lucknow - 226 010
4. DH, IT Division : For information and necessary action
- 5 DH, Accounts Division : For information & for further necessary action

  
(Prashant Gargava)  
Member Secretary

