

By Registered Post

F. No. B-31011/BMW (46.41)/2019/WMD-I

November 25, 2019

To,

M/s Envision Enviro Pvt. Ltd.,
Plot No. 5008, Village Umarda,
Tehsil Girwa, Distt. Udaipur,
Rajasthan.

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 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 Facilities (HCFs);

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 Common Bio-Medical Waste Treatment Facility (CBWTF) namely M/s Envision Enviro Engineers Pvt. Ltd., Plot No. 5008, Village Umarda, Tehsil Girwa, Distt. Udaipur, Rajasthan (the Unit) was inspected by Central Pollution Control Board (CPCB) on 15.01.2019 to verify the compliance to BMW Rules, 2016. During the inspection, it was found that: (a) Online Continuous Emission Monitoring System (OCEMS) installed by the Unit was not connected to CPCB server for data transmission; and (b) segregation of untreated biomedical waste was practiced by the Unit;

WHEREAS based on afore-said discrepancies, CPCB vide letter dated 16.05.2019 directed the Unit to ensure connectivity of OCEMS with CPCB server as well as to stop segregation of untreated bio-medical waste immediately and was directed to submit the action taken report within 15 days failing which direction under section 5 of Environment (Protection) Act, 1986 may be issued levying Environmental Compensation;

WHEREAS, since the Unit did not submitted its reply, CPCB vide letter dated 12.07.2019 issued direction under Section 5 of Environmental (Protection) Act 1986 against the Unit, whereby the Unit was directed to: (i) take necessary corrective measures w.r.to CPCB action points within 30 days; (ii) to deposit Environmental Compensation (EC) of ₹ 5,37,000/- since date of inspection; and (iii) deposit ₹ 3,000/- per day of EC till the Unit comply with said CPCB action points;

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::2::

WHEREAS the Unit vide letters dated 17.07.2019 and 31.07.2019 the Unit had submitted that the segregation of untreated biomedical waste has been stopped however due to some technical reasons with the supplier, OCEMS data was not transmitted to CPCB server;

WHEREAS Unit has not yet deposited Environmental Compensation so far;

WHEREAS on verification the OCEMS data is being transmitted to CPCB server with effective from 27.08.2019 for flue gase parameters namely CO and CO₂;

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 Hon'ble National Green Tribunal in its order dated 15.07.2019 in the matter of O.A. No. 710 of 2017, accepted Guidelines for "Imposition of Environmental Compensation Charges (ECC) against Healthcare Facilities (HCFs) and Common Biomedical Waste Treatment Facilities (CBWTFs)";

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 Bio-Medical Waste Management notified under the Environment (Protection) Act, 1986;

Now, therefore, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, CPCB directions dated 12.07.2019 is hereby revoked with following conditions:

- i) Unit shall deposit Environmental Compensation of ₹ 6,72,000/- for a period of 224 days since last inspection dated 15.01.2019 till receipt of OCEMS data on 26.08.2019; Unit shall deposit Environmental Compensation in CPCB Account No. 532702050000164 IFSC code UBIN0553271, I.P. Extension Branch within 15 days from receipt of these directions;
- ii) Unit shall ensure transmission of OCEMS data for parameters as specified in Authorization under BMWM Rules granted by Rajasthan State Pollution Control Board;
- iii) Unit shall ensure compliance to provisions under BMWM Rules, 2016.

In case the Unit fails to comply with above directions, CPCB will be constrained to initiate proceedings against M/s Envision Enviro Pvt. Ltd, Plot No. 5008, Village Umarda, Tehsil Girwa, Distt. Udaipur, as deemed fit under the Environment (Protection) Act, 1986.

(S. P. Singh Parihar)
Chairman

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::3::

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,
Rajasthan Pollution Control Board
4, Institutional Area, Jhalana Doongri
Jaipur – 302 004, Rajasthan : For kind information
3. The Regional Directorate,
Central Pollution Control Board,
4th Floor, Sahkar Bhawan,
North TT Nagar,
Bhopal -462003, m.p. : For kind information
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



o/c