

By Registered Post

F. No. B-31011/BMW (46.55)/2019/WMD-I/464

November 25, 2019

To,

M/s Ramky Energy & Environment Ltd.,
No. 47/B, Karnad Industrial Area,
KIADB, Mulki,
Manglore - 574 154 (Karnataka)

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 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 Rules 14 (1) of BMWWM Rules, "every authorized person shall maintain records related to generation, collection, segregation, storage, transportation, treatment, disposal and or any form of handling of Bio-Medical waste in accordance with these Rules and by guidelines issued";

WHEREAS the Common Bio-Medical Waste Treatment Facility (CBWTF) namely M/s Ramky Energy & Environment Ltd., No. 47/B, Karnad Industrial Area, KIADB, Mulki, Manglore, Karnataka was inspected by Central Pollution Control Board (CPCB) on 24.10.2018 and observed following discrepancies: (i) disposal of sharp waste in incinerator; (ii) incinerator stack emission platform is not as per CPCB guidelines; (iii) OCEMS data is not transmitted to CPCB server; (iv) Particulate Matter was found exceeding the prescribed limit of 50 mg/Nm³; (v) treated effluent of ETP was found exceeding the standard; (vi) stack monitoring is not conducted once in three months as required under 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";

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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 based on non-compliances observed during aforesaid inspection, directions under Section 5 of the Environmental (Protection) Act, 1986 was issued against the Unit vide letter dated 25.01.2019 directing to take corrective measures w.r.t above CPCB action points and to deposit Environmental compensation of ₹ 7,87,500/- for violating provisions under BMWM Rules, 2016;

WHEREAS Unit has submitted its reply vide letter dated 03.04.2019 claiming compliance with CPCB action points.

WHEREAS the Unit vide letter dated 31.05.2019 informed that Unit had deposited Environmental Compensation ₹ 7,87,500/- in favour of CPCB;

WHEREAS Unit was re-inspected by CPCB on 21.06.2019 to verify status of compliance w.r.t. CPCB action points wherein following discrepancies are observed:

- a) As per stack monitoring results, PM (486 mg/Nm³) is exceeding from prescribed standard of 50 mg/Nm³;
- b) Data of OCEMS installed with incinerator is not transmitted to CPCB server;
- c) As per analysis result for treated effluent, pH (2.6) and BOD (43 mg/l) found not complying with standards as prescribed under BMWM Rules, 2016;
- d) Stack monitoring is not conducted once in three months as required under BMWM Rules, 2016.

WHEREAS based on aforesaid discrepancies, CPCB issued Show cause notice under section 5 of Environmental (Protection) Act, 1986 vide letter dated 02.09.2019 against the Unit directing to show cause within 15 days why action should not be taken against said facility for imposing Environmental compensation;

WHEREAS subsequently Unit has submitted its point wise reply vide letter dated 06.09.2019 indicating corrective steps taken w.r.t. CPCB action points. The monitoring results for stack emissions and treated effluent for the month of November, 2018; February, 2019; June, 2019 and August, 2019 are also submitted by the Unit, indicating compliance to standards prescribed under BMWM Rules, 2016;

WHEREAS the Unit has informed that OCEMS data to CPCB server was transmitted till 16.06.2019 but thereafter the instrument got damaged due to lightning the OCEMS data was not transmitted to CPCB server and now new display board has been installed;

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, directions dated 02.09.2019 is hereby revoked with following conditions:


- (i) Unit shall ensure transmission of OCEMS data to CPCB server and submit the action taken report to this office within 15 days; and
- (ii) Unit shall ensure compliance to provisions under BMWM Rules, 2016.

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In case the Unit found non complying with above directions, CPCB will be constrained to take legal proceedings against M/s Ramky Energy & Environment Ltd., No. 47/B, Karnad Industrial Area, KIADB, Mulki, Manglore, Karnataka 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
Karnataka State Pollution Control Board
Parisara Bhavana, 10B, Baikampady Industrial Area,
Manglore – 575011

3. Regional Director
Central Pollution Control Board
Nisarga Bhawan, A-Block, 1st & 2nd Floors,
Thimmaiah Road, 7th D-Main, Shivanagar
Bengaluru – 560 079

✓ 4. DH, IT Division

: For kind information

: For kind information

: For information and necessary action


(Prashant Gargava)
Member Secretary

