

Speed Post

F. No. B-31011/BMW (46.90)/2019/WMD-I

November 25, 2019

To,

M/s IMAGE  
(Indian Medical Association Goes Eco-Friendly)  
Behind Gramalekshmi Mudralayam, Manthuruthi,  
Kanjikkode West P.O. Palakkad – 678623

**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 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 Common Bio-Medical Waste Treatment Facility (CBWTF) M/s IMAGE, Palakkad, Kerala (the Unit) was inspected by CPCB during November 29<sup>th</sup> -30<sup>th</sup>, 2018 for verification of compliance to BMWWM Rules, 2016 wherein following discrepancies were observed:

- a) Incinerators (05 nos.) were found exceeding the prescribed limit w.r.t particulate matter against the standard of 50 mg/Nm<sup>3</sup> as per BMWWM Rules, 2016
- b) The combustion efficiency of incinerator was less than 99% which is required as per BMWWM Rules, 2016.

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- c) OCEMS installed with incinerators were not in working condition.
- d) Recording system installed with autoclaves were not in working condition and operating parameters such as temperature & pressure were not monitored.
- e) As per analysis of ETP treated waste water, BOD and COD are not meeting with the prescribed limit as per BMW Rules, 2016.

WHEREAS based on afore-said discrepancies CPCB issued direction under Section 5 of Environment (Protection), Act 1986 against the Unit vide letter dated 06.02.2019 directing the Unit to: (i) take necessary corrective measures w.r.to action points within 15 days; (ii) deposit Environmental Compensation of ₹ 13, 12,500/- for period of 70 days from 29.11.2018 till 06.02.2019; and (iii) deposit ₹ 18,750/- per day till compliance to BMW Rules, 2016;

WHEREAS the Unit vide its reply dated 20.02.2019 submitted analysis results for stack emission, and treated effluent indicating compliance to the standards. The Unit has also submitted the records for OCEMS data transmission to CPCB server, combustion efficiency for incinerators and recording system for autoclave. However, the Unit has submitted that the existing Effluent Treatment Plant is currently revamping and the same is scheduled to be complete in six months time;

WHEREAS CPCB vide letter dated 14.05.2019 has issued revised directions under section 5 of E (P) Act, 1986 against the Unit directed to:

- i) Deposit an amount of Environmental Compensation ₹ 13,12,500/- with effect from dated of inspection, within 15 days on receipt of this direction;
- ii) Optimize the operation of existing Effluent Treatment Plant and ensure treated water is used in APCDs and deposit an amount of ₹ 7500/- per day with effect from dated of inspection, till commissioning of new Effluent Treatment Plant;
- iii) Provide live camera feed and connectivity with CPCB and SPCB as proof of Zero Liquid Discharge (ZLD);
- iv) Upgrade all the incinerators to achieve compliance to new emission standards as well two seconds residence time within three months;
- v) Close down the operation of incinerators (which are not upgraded yet) immediately and ensure that the biomedical waste is treated and disposed through remaining two upgraded incinerators; and
- vi) Ensure transmission of OCEMS data to CPCB within 2 weeks.

WHEREAS the Unit had submitted reply vide letter dated 10.06.2019 requesting waiver of Environmental Compensation however details of action taken was not submitted w.r.t. : (i) live camera feed for Zero Liquid Discharge; (ii) upgradation of all incinerators; and (iii) stoping operation of incinerators which are not upgraded;

WHEREAS CPCB vide letter dated 19.06.2019 directed the Unit to deposit Environmental Compensation of ₹ 13,63,688 /- (@ 12% interest on ₹ 13,12,500 /- for the period of delay by 3.9 months) within three weeks of the issue of letter and also to deposit Environmental Compensation of ₹ 7,500/- per day w.e.f. date of inspection till 30.09.2019 or commissioning of new ETP whichever is earlier;

WHEREAS Unit vide letter dated 19.08.2019 and 28.09.2019 submitted following point-wise reply to CPCB directions:

- (i) Unit has installed surveillance cameras for entire facility including ETP for Zero Liquid Discharge and provided details of User Id and Password;
- (ii) Out of five, three incinerators are upgraded and submitted certificate form manufacturers indicating two seconds residence time in secondary combustion chamber;
- (iii) Remaining two incinerators are not operated and are under process of upgradation.

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- (iv) Requested for waiver of the additional Environmental Compensation of ₹ 7,500/- per day charges for installation of ETP.

WHEREAS the Unit also confirmed that Environmental Compensation of ₹ 13,63,688/- has been deposited 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 Bio-Medical Waste Management notified under the Environment (Protection) Act, 1986;

WHEREAS as per revised method, Environmental Compensation has been re-assessed for non-installation of ETP as ₹ 17,04,375/- at the rate of ₹ 5,625/- for a period of 303 days;

Now, therefore, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, CPCB directions dated 06.02.2019 is hereby revoked with following conditions:

- i) Unit shall deposit Environmental Compensation of ₹ 17,04,375/- for a period of 303 days since date of inspection that is 29.11.2018 till 27.09.2019
- ii) Unit shall not operate the incinerators which are not upgraded with 2 seconds Residence Time in Secondary Combustion Chamber;
- iii) Unit shall ensure compliance to provisions under BMW Rules, 2016.

In case the Unit fails to comply with above directions, CPCB will be constrained to initiate proceedings against M/s IMAGE, Palakkad, Kerala, 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. The Member Secretary : For kind information  
Kerala Pollution Control Board  
Pattom Palace, P.O. Thiruvananthapuram –  
695 004
3. Regional Directorate : For kind information  
Central Pollution Control Board  
1st & 2nd Floors, Nisarga Bhavan  
A-Block, Thimmaiah Main Road  
7th D Cross, Shivanagar, Opp.  
Pushpanjali Theatre, Bengaluru –560 010
4. DH, IT Division : For information and necessary action

(Prashant Gargava)  
Member Secretary