

By Registered Post

F. No. B-31011/BMW (46.139)/2019/WMD-I/597  
To, 9301

November 25, 2019

M/s SMS Watergrace Mediawaste Management Private Limited,  
Village & Post – Bindow, Mohanlalganj,  
Lucknow, Uttar Pradesh

**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 namely M/s SMS Watergrace Mediawaste Management Private Limited, Mohanlalganj, Lucknow, Uttar Pradesh (the Unit) was inspected by Central Pollution Control Board (CPCB) on 31.08.2018 to verify the compliance standards to BMWWM Rules, 2016 wherein Unit was found non complying w.r.to (i) up gradation of 2 Sec Residence Time in secondary chamber of incinerator (ii) stack emission norms and (iii) effluent standards;

WHEREAS based on above non compliances, direction under Section 5 of Environment (Protection) Act 1986 was issued by CPCB against the Unit vide letter dated 18.12.2018 directing to; (i) upgrade the existing incinerator to have 2 second residence time in secondary chamber and upgrade the Air Pollution Control Devices; (ii) upgrade Effluent Treatment Plant; (iii) deposit the Environmental Compensation of ₹ 16,93,125/- in favour of CPCB for not complying with provisions of BMWWM Rules, 2016; (iv) thereafter deposit ₹ 6,562/- per day of Environmental Compensation till compliance w.r.to provisions of BMWWM Rules, 2016;

WHEREAS Unit vide letters dated 05.01.2019 and 15.03.2019 submitted its point wise reply on action taken on CPCB action points and also requested to waive off the Environmental Compensation;

WHEREAS the Unit was re-inspected on 26.06.2019 for verification of compliance to CPCB directions, wherein Unit was again found not complying with stack emission standards for PM (84.5 mg/Nm<sup>3</sup>) and effluent standards for TSS (119 mg/l), COD (1102 mg/l) and BOD (483 mg/l), as per BMWWM Rules, 2016;

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WHEREAS Unit vide its reply dated 06.08.2019 & 20.09.2019 submitted certificate from incinerator manufacturer for upgradation of incinerator to 2 seconds Residence Time in Secondary Combustion Chamber and analysis results for treated effluent and stack emissions indicating compliance status to the standards prescribed under BMWWM Rules, 2016. The Unit had also requested to waive off Environmental Compensation;

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 prepared by CPCB for "Imposition of Environmental Compensation Charges (ECC) against Healthcare Facilities (HCFs) and Common Biomedical Waste Treatment Facilities (CBWTFs)";

WHEREAS Environmental Compensation has been re-calculated as per the accepted CPCB guidelines for "Imposition of Environmental Compensation Charges (ECC) against Healthcare Facilities (HCFs) and Common Biomedical Waste Treatment Facilities (CBWTFs)", for violating stack emission & discharge standard as ₹ 13,30,000/- since date of inspection till date of compliances i.e. 30.06.2019;

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 BMWWM 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 18.12.2018 is hereby revoked with following conditions:

- i. Unit shall pay Environmental Compensation of ₹ 13,30,000/-, for a period of 304 days since date of inspection till date of compliance claimed. The amount shall be deposited in CPCB Account NO. 532702050000164 IFSC code UBIN0553271, I.P. Extension Branch within 15 days from receipt of these directions;
- ii. Unit shall ensure compliance to provisions under Bio-Medical Waste Management Rules, 2016 including standards notified under said Rules and shall submit monitoring results for stack emission and treated effluent through any Environment (Protection) Act, 1986 approved laboratory within a period of 45 days.

In case the Unit found non-complying with above directions, CPCB will be constrained to take further action against M/s SMS Watergrace Mediwaste Management Private Limited, Mohanganj, Lucknow (U.P.) as deemed fit under the Environment (Protection) Act, 1986.

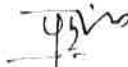
(S. P. Singh Parihar)  
Chairman

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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  
Uttar Pradesh Pollution Control Board  
Building No TC-12V  
Vibhuti Khand, Gomti Nagar  
Lucknow – 226 010, Uttar Pradesh. : For kind information
3. Regional Directorate  
Central Pollution Control Board  
Ground Floor, PICUP Bhawan,  
Vibhuti Khand, Gomti Nagar  
Lucknow - 226 010, U.P. : For kind information and to follow-up on  
condition of revocation.
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

