

By Registered Post

F. No. B-31011/BMW (46.93)/2019/WMD-I

To,

M/s Sangam Mediserve Pvt. Ltd.,
Plot No.-281, Vill.- Jaitapur, Post- Hnadia
Allahabad, Uttar Pradesh

December 09, 2019

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 the Common Bio-Medical Waste Treatment Facility (CBWTF) namely M/s Sangam Mediserve Pvt. Ltd., Allahabad, Uttar Pradesh (the Unit) was inspected by CPCB on 16.10.2018 wherein following discrepancies were observed:

- a) Environmental Clearance was not obtained by the Unit as it was established after EIA notification dated 17.04.2015;
- b) Seperate spacing was not provided for treatment equipment and biomedical waste;
- c) Incinerator was not upgraded as required under BMWWM Rules, 2016;
- d) As per stack monitoring results, Particulate Matter was found exceeding the standard;
- e) As per wastewater analysis Suspended Solid, BOD and COD in treat effluent were found exceeding the standards;
- f) Stack monitoring platform was not as per design given under CPCB guidelines;
- g) Validation test and routine test for autoclave were not conducted by the Unit;
- h) Sharp pit was not provided for disposal fo sharp waste;
- i) GPS system was not provided for all vehicles as required under BMWWM rules, 2016 as well as CPCB guidelines;
- j) Records for treatment equipment and site records were not maintained properly.

WHEREAS based on afore-said discrepancies, direction under Section 5 of Environment (Protection) Act, 1986 was issued vide letter dated 12.12.2018 whereby the Unit was directed to (i) explain why action should not be taken for closure of the facility for violation of the BMWWM Rules, 2016; (ii) deposit ₹ 3,69,135/- as Environmental Compensation Charges till 30.11.2018 and (iii) thereafter to deposit ₹ 8,203/- per day of Environmental Compensation till compliance to BMWWM Rules, 2016;

WHEREAS in response to the aforesaid direction the Unit has submitted its reply vide letter dated 15.01.2019, 30.01.2019 & 18.02.2019 and claimed compliance to CPCB action points. However, following action points were found not complied: (i) emission analysis reports submitted by the Unit were old i.e. before date of inspection; (ii) Environmental Compensation for ₹ 3,69,135/- was not submitted; and (iii) incinerator and ETP were not upgraded as Unit had placed the order for upgradation of ETP and incinerator on 18.02.2019;

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WHEREAS based on above observations, CPCB vide letter dated 15.04.2019 issued revised (modified) directions against the Unit directing to: (i) deposit Environmental Compensation of ₹14,02,884/- from 16.10.2018 to 15.04.2019 and also deposit additional Environment Compensation for ₹ 8,203/- per day till 15.05.2019; and (ii) complete up-gradation works and demonstrate compliance to BMWM Rules, 2016 by 15.05.2019 or before;

WHEREAS the unit vide letter dated 25.04.2019 submitted its point wise reply to CPCB action points supported with analysis results dated 22.01.2019, 20.02.2019, 25.03.2019 and 13.04.2019 for incinerator stack and treated effluent. Unit has also confirmed that Environmental Compensation of ₹3,69,135/- has been deposited in CPCB account.

WHEREAS it is observed that remaining amount of Environmental Compensation for the period of 13.12.2018 to 21.01.2019 is not yet deposited by the Unit;

WHEREAS for verification of complaine claimed by the Unit CPCB has re-visited the Unit on 31.07.2019, wherein following shortcomings were found:

- a) PM Concentration (1,874 mg/Nm³) exceeds the prescribed standard of 50 mg/Nm³;
- b) Calculated thermal capacity (0.306 Million Kcal/hr) is less than estimated thermal capacity of incinerator (0.7 Million Kcal/hr) as per CPCB guideline for 2 sec residence time in secondary combustion chamber of biomedical incinerator.
- c) Expired medicines are disposed off in unauthorized manner.

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, the Unit is hereby directed to:

1. Show Cause why Environmemnatl Compensation of ₹ 5,41,000/- shall not be adopted for following non-compliances:
 - (a) Environmental Compensation of ₹ 1,75,000/- for the period of 13.12.2018 to 21.01.2019 calculated as per CPCB guidelines for non-compliance to stack emission and effluent standards;
 - (b) Environmental Compensation of ₹ 3,66,000/- since last date of inspection i.e. 31.07.2019 till 29.11.2019 for non-compliance to stack emission standards;
2. Take corrective measures on above shortcomings at S. No. a) to c) and submit the action taken report alongwith documents showing proof of compliance within 15 days.

You are hereby given an opportunity to submit reply within 15 days from issuance of this notice, failing which CPCB will be constrained to take action against M/s Sangam Mediserve Pvt. Ltd., Allahabad, Uttar Pradesh 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
Uttar Pradesh Pollution Control Board
Building No TC-12V,
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010 : For kind information
3. Regional Director
Central Pollution Control Board
Ground Floor, PICUP Bhawan,
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010 : For kind information
4. DH, IT Division : For information and necessary action
5. DH, Accounts Division : For information & for further necessary action

(Prashant Gargava)
Member Secretary