

By Registered Post

F. No. B-31011/BMW (46.100)/2020/WMD-I/

13567

March 13, 2020

To,

M/s Passco Environmental Solutions Pvt. Ltd.,
Kailash Crematorium Compound,
Pune, Maharashtra -411001

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 (NOTICE THEREOF)

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 Facility (CBWTF);

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 Rules 14 (1) of BMW 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 prepared by CPCB 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 namely M/s Passco Environmental Solutions Pvt. Ltd. Kailash Crematorium Ground, Pune, Maharashtra (the Unit) was inspected by Central Pollution Control Board (CPCB) on 17.07.2019 and based on shortcomings observed CPCB vide letter dated 29.07.2019 issued Show Cause Notice against the Unit for imposition of Environmental Compensation of ₹ 14,67,000/- for 489 number of non-complying days;

WHEREAS the Unit vide email, dated 31.08.2019 submitted its reply to CPCB directions dated 29.07.2019. wherein following shortcomings were observed; (i) The Unit is collecting bio-medical waste beyond its authorized treatment capacity (ii) There are space constrains in handling and disposal of bio-medical waste collected by the Unit and the Unit has informed that during demolition work, Pune Municipality Corporation has demolished the room where treated red category waste used to be stored, as a result the Unit faced further constrains of space (iii) Treatment method adopted by the Unit for red category bio-medical waste is not as per treatment option prescribed under Schedule I of the BMW Rules, 2016 as well as CPCB guidelines (iv) Unit needs further time to upgrade incinerator to two seconds residence time;

Contd...2/-

::2::

WHEREAS the Unit was inspected by Maharashtra Pollution Control Board (MPCB) on 31.08.2019 to verify the status of compliance and observed that the Unit is yet to comply with action points specified in CPCB directions dated 29.07.2019;

WHEREAS CPCB vide letter dated 09.09.2019 issued directions under Section 5 of Environment (Protection) Act, 1986 against Unit directing to (i) Restrict operation of the facility to the authorized capacity with immediate effect (ii) Ensure that bio-medical waste collected beyond the authorized capacity is sent to any other CBWTF located nearby as may be decided by MPCB and by ensuring that such waste is treated and disposed off within 48 hours; (iii) Deposit EC of ₹ 15,78,000/- for 526 no. of non-complying days within 15 days (iv) Ensure that existing incinerator achieve 2 Seconds Residence Time in Secondary Combustion Chamber;

WHEREAS, Hon'ble NGT vide its order dated 22.05.2019 is the matter of O.A. No. 27 of 2019 filed by Shri Vitthalsai SSK Ltd, Vs CPCB directed CPCB that in similar cases of imposition of EC the aforesaid parties may be permitted to furnish their view point's prior to conforming EC.

WHEREAS as requested by facility operator, personal hearing was given by CPCB, on 18.09.2019 to discuss status of compliance to CPCB direction., wherein following decisions were taken; (i) Facility shall not treat bio-medical waste more than authorized capacity till they obtained amended authorization from MPCB or Environment Clearance for up gradation of existing facility till such time facility shall send the additional quantum of waste to any other CBWTF located nearby (ii) Facility shall upgrade the incinerator to 2 Sec RT in SSC (iii) Facility shall deposit environmental compensation immediately, as may be re-assesses in CPCB;

WHEREAS, Unit vide email dated 03.02.2020 informed that the Unit has obtained Environmental Clearance (EC) on 14.01.2020 and placed orders for two new incinerators for which construction will start in month of February, 2020;

WHEREAS CPCB has prepared Standard Operating Procedure (SoP) for Follow -up action against non-complying Healthcare Facilities and Common Bio-Medical Waste Treatment Facilities" in December 2019;

WHEREAS as per aforesaid SoP, the amount of EC charge is recalculated and as per CPCB guidelines for "Imposition of Environmental Compensation Charges (ECC) against Healthcare Facilities (HCFs) and Common Biomedical Waste Treatment Facilities (CBWTFs)" the revised EC w.e.f date of inspection is ₹ 7,23,000/-, as the Unit has still operating incinerator without 2 Sec Residence Time in violations to provisions under BMWM Rules, 2016;

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, the Unit is hereby directed to explain why Environmental Compensation (EC) of ₹ 7,23,000/- (from the period between 17.07.2019 till date) shall not be imposed against M/s Passco Environmental Solutions Pvt. Ltd. Kailash Crematorium Ground, Pune, Maharashtra for not upgrading incinerator for 2 Sec Residence time in Secondary Combustion Chamber.

You are hereby given an opportunity to submit your reply within 15 days from the date of receipt of direction, failing which CPCB will be constrained to initiate proceedings against M/s Passco Environmental Solutions Pvt. Ltd. Kailash Crematorium Ground, Pune, Maharashtra deemed fit under the Environment (Protection) Act, 1986.

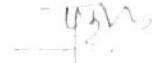
(Ravi S. Prasad)
Chairman

Contd.....3/-

::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
Maharashtra Pollution Control Board
Kalptaru Point, 2nd - 4th floor,
Opp. Cine Planet, Sion Circle, Sion (E),
Mumbai - 400 02 : For kind information
3. Regional Directorate
Central Pollution Control Board
Parivesh Bhawan,
Opp. VMC Ward Office No. 10,
Subhanpura, Vadodara-390 023 : 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

