

Speed Post

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

1044

April 15, 2019

To,

M/s Sangam Mediserve Pvt. Ltd.
Plot No. 281, Village Jaitapur,
Post- Handia, Allahabad, U.P.

MODIFIED 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 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. 593 of 2017 (W.P.(CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors.) directed CPCB that "CPCB may taken penal action for failure against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be developed by the CPCB within three months";

WHEREAS in pursuant to Hon'ble National Green Tribunal, in the matter of O.A. No. 593 of 2017, CPCB has prepared a "Methodology for Environmental Compensation and Action Plan to Utilize the Fund";

WHEREAS the said Common Bio-Medical Waste Treatment Facility (the Unit) was inspected by CPCB on 16.10.2018 and based on non compliance observed during the inspection, direction under Section 5 of Environmental (Protection) Act 1986 were issued vide letter dated 12.12.2018. In said directions, Unit was directed to explain why action should not be taken for closure of the facility for violation of the BMW Rules, 2016. Further, deposit ₹ 3,69,135/- as Environmental Compensation Charges till 30.11.2018 and thereafter the Unit shall to pay ₹ 8,203/- per day till compliance to BMW 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 claiming to have complied with action points of CPCB directions dated 12.12.2018, however the following points indicates that further steps are required to be taken to comply with COPCB's directions;

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- v. Emission analysis reports submitted by unit refers to monitoring conducting on 03.10.2018 and 05.07.2018 which is before the date of CPCB inspection.
- vi. Environmental Compensation Charge of ₹ 3,69,135/-(till 30/11/2018) not submitted to CPCB.
- vii. Unit vide letter dated 18/02/2019, issued work order to upgrade ETP and incinerator to comply with standards, which indicates that facility is not adequate yet to comply with standards

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 deposit the amount of Environmental Compensation ₹ 14,02,884 /- with effect from date of inspection and thereafter deposit additional ECC of ₹ 8,203/- per day till 15/05/2019 or before.

In case the Unit fails to complete up-gradation works and demonstrate compliance to BMW Rules, 2016 by 15/05/2019 or before, CPCB shall issue directions for closure of the unit M/s Sangam Mediserve Pvt. Ltd. Allahabad, U.P. as per provision 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
Uttar Pradesh Pollution Control Board
Building No TC-12V
Vibhuti Khand, Gomti Nagar
Lucknow – 226 010, Uttar Pradesh.
3. Regional Directorate : For kind information
Central Pollution Control Board
Ground Floor, PICUP Bhawan,
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010, Uttar Pradesh.
4. I/c IT Division : For information and necessary action
5. I/c ESS Division : For information and record
6. I/c Accounts Division : For information & for further necessary action

(A. Sudhakar)