

Speed Post

F. No. B-31011/BMW (46.90)/2019/WMD-I 1363
To,

May 14, 2019

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

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 take 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 prepared 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 developed a "Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund";

WHEREAS the Common Bio-Medical Waste Treatment Facility (CBWTF) M/s IMAGE, Palakkad, Kerala (the Unit) was inspected by CPCB during November 29th -30th, 2018 for verification of compliance to BMW Rules, 2016, and based on non-compliances observed during the inspection, direction under Section 5 of Environmental (Protection) Act 1986 were issued to the Unit vide letter dated 06.02.2019. In said directions, Unit was directed to take necessary corrective measures w.r.to the action points as mentioned in the direction within 15 days. Further, deposit ₹ 13, 12,500/- as Environmental Compensation Charges till 06.02.2019 and thereafter the Unit shall to pay ₹ 18,750/- per day till compliance to BMW Rules, 2016.

WHEREAS in response to the aforesaid direction the Unit has submitted its reply vide letter dated 20.02.2019 and submit that the Unit has complying with stack emission monitoring norms, effluent discharge standards, transmitting the data to CPCB server, combustion efficiency of incinerator and recording system of 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;

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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 BMW 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;

- 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.

In case the Unit fails to complete up-gradation works and demonstrate compliance to BMW Rules, 2016 within above stipulated time period, CPCB shall issue directions for closure of IMAGE, Palakkad, Kerala 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
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. 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

(Prashant Gargava)
Member Secretary