

By Registered Post

F. No. B-31011/BMW (46.60)/2019/WMD-I

May 15, 2019

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To,

M/s Ferro Build Hards (I) Pvt. Ltd.,
83-A, Maheba Purabpatti,
Mirjapur Road, Naini,
Prayagraj : 211 007, (U.P.)

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 (NGT), 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 Biomedical Waste Management Rules, 2016. Hon'ble NGT also states that the scale of compensation must be deterrent, rendering violation of Rules to be non-profitable and which should be adequate to remedy the situation".

WHEREAS in pursuant to order dated 12.03.2019 passed by Hon'ble National Green Tribunal, in the matter of O.A. No. 710 of 2017, CPCB has prepared guidelines for "Imposition of Environmental Compensation Charges against Healthcare Facilities and Common Biomedical Waste Treatment Facilities";

WHEREAS the Common Bio-Medical Waste Treatment Facility (CBWTF) namely M/s E-Tech Projects, Pokar Quarter No. 10, Near Power House, Opp. Jailwell, Bikaner -334001 (the Unit) was inspected by Central Pollution Control Board CPCB team, Bhopal on 26.05.2018 and based on non-compliance found during the inspection, direction under Section 5 of E (P) Act, 1986 was issued to the Unit vide letter dated 18.09.2018 for violation of provisions under BMW Rules, 2016;

WHEREAS the Common Bio-Medical Waste Treatment Facility (CBWTF) M/s Ferro Build Hards (I) Pvt. Ltd. (the Unit) was inspected by Central Pollution Control Board (CPCB) on 20.12.2018 for verification of compliance to BMW Rules, 2016, and based on non-compliance, direction under Section 5 of Environmental (Protection) Act 1986 were issued to the Unit vide letter dated 14.02.2019. In said directions the Unit was directed to take necessary corrective measures w.r.to the action points and also to deposit ₹ 5, 70,000/- as Environmental Compensation (EC) till 14.02.2019 and thereafter the Unit shall to pay ₹ 10,000/- per day till compliance to BMW Rules, 2016;

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WHEREAS in response to the aforesaid direction the Unit has submitted its reply vide letter dated 02.03.2019 indicating point wise action taken on above CPCB directions and claiming for complete compliance except separate storage area for biomedical waste which is proposed to be completed by 17.03.2019. However, Environmental Compensation Charges and documentary proof with regard to compliance to CPCB action points are not provided by the Unit. Unit has also requested for waive off the deposition of Environmental Compensation Charges;

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 an amount of Environmental Compensation ₹ 8,30,000/- within 15 days, since the date of inspection by CPCB team on 20.12.2018 till 02.03.2019. Further, additional EC charges of ₹ 10, 000/- per day shall be imposed, in case the Unit is found non-complying during next inspection.

In case the Unit fails to comply with the above directions, CPCB will be constrained to initiate proceedings against M/s Ferro Build Hards (I) Pvt. Ltd., Mirjapur Road, Naini, Prayagraj (U.P.) 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. 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
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