

Speed-Post

F. No. B-31011/BMW (46.54)/2019/WMD-I

May 29, 2019

To,

M/s Pondicherry Solid Waste Management Company Private Limited
Village Thuthipet, Villianur Commune,
Puducherry.

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 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 Rules 14(1) of BMWWM 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 Biomedical Waste Treatment Facility (CBWTF) M/s Pondicherry Solid Waste Management Company Private Limited, Village Thuthipet, Villianur Commune, Puducherry (the Unit) was inspected by CPCB on 29.10.2018 to verify the compliance to the provision of BMWWM Rules, 2016 and subsequently based on the non-compliances observed, directions under section 5 of Environment (Protection) Act, 1986 has been issued to the Unit vide CPCB letter dated 14.02.2019 directing to take necessary corrective measures w.r.to CPCB action points and to deposit Environmental Compensation of ₹ 10,21,875/- for violations to the provisions of BMWWM Rules, 2016 and thereafter ₹ 9,375/- per day of EC charges till compliance to said CPCB action points;

WHEREAS the Unit has submitted its reply vide letter dated 19.03.2018 indicating point wise action taken w.r.to CPCB action points claiming complete compliance except that the data connectivity for Online Continuous Monitoring System (OCEMS) with CPCB server is under process. However, the Unit did not deposit the Environmental Compensation Charges;

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WHEREAS the Central Government vide notification S.O. 730 (E) dated 10.07.2002 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 deposit an amount of Environmental Compensation ₹ 10,21,875/- and to ensure connectivity of OCEMS data to CPCB server within 15 days.

In case the Unit fails to comply with above directions CPCB will be constrained to initiate proceedings against M/s Pondicherry Solid Waste Management Company Private Limited, Puducherry 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
Puducherry Pollution Control Committee
IIIrd floor, Housing Board Complex, Anna Nagar,
Puducherry – 600 005
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