

By Speed Post

F.No. B- 31011/BMW (46.49)/2019/WMD-I/ 2449

June 07, 2019

To,

M/s Sales Promoters,
Near Municiple Trenching Ground,
Jaiselmer Road, P. O. Barli,
Jodhpur (Rajasthan).

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, in the matter of O.A. No. 710 of 2017 (Shailesh Singh Vs Hospitals) directed CPCB "to undertake study and prepare a scale of compensation to be recovered from violators of Biomedical Waste Management Rules, 2016 within one month. Hon'ble NGT also directed that State Pollution Control Boards (SPCBs) can also recover compensation from the polluters by laying down their own scale which should not less than the scale fixed by CPCB.

WHEREAS in pursuant to Hon'ble National Green Tribunal Order dated 12.03.2019, in the matter of O.A.No. 710 of 2017, CPCB has prepared the "Guidelines 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 (CBWTF) namely M/s Sales Promoters, Near Municipal Trenching Ground, Jaisalmer Road, P.O. Barli Jodhpur (the Unit) was inspected by tem of Central Pollution Control Board (CPCB) on 14.03.2019 for verification of compliance to the provisions under BMWWM Rules, 2016, wherein the Unit was not complying with following provisions of BMWWM Rules, 2016;

- a. The Unit is in operation without valid authorization under the BMWWM Rules, 2016;
- b. The Unit is segregating the untreated biomedical waste within its premises;
- c. Particulate Matter concentration was found exceeding the prescribed limit of 50 mg/Nm³ under BMWWM Rules, 2016;
- d. The Unit has not upgraded its incinerator w.r.to 2 Sec. Residence Time as required under BMWWM Rules, 2016;
- e. OCEMS data is not transmitted to CPCB server.

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WHEREAS based on the guidelines prepared by CPCB for Guidelines for Imposition of Environmental Compensation Charges (ECC) against Healthcare Facilities (HCFs) and Common Biomedical Waste Treatment Facilities (CBWTFs), the Environmental Compensation (EC) is calculated as ₹6,250/- per day of non-compliance with effect from date of inspection;

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) Take corrective measures w.r.t. aforesaid action points mentioned at S.No.(a) to (e) so as to comply with provision of BMW Rules, 2016, and submit the time bound action plan within 15 days; and
- ii) Deposit ₹ 5,37,500/- as Environmental Compensation Charges within 15 days in favor of CPCB for not complying with the provisions of BMW Rules, 2016 for 86 days (that is from date of inspection till date i.e. 07.06.2019 in CPCB Account NO. 532702010009078 IFSC code UBIN0553271, I.P. Extension Branch.

In case the Unit fails to comply with above directions, CPCB will be constrained to initiate proceedings against M/s Sales Promoters, Near Municipal Trenching Ground, Jaisalmer Road, P.O. Barli Jodhpur, as deemed fit under the Environment (Protection) Act, 1986.

(S. P. Singh Parihar)
Chairman

Copy to:

- (i) Joint Secretary, HSM Division
Ministry of Environment, Forest & Climate Change
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003 : For kind information
- (ii) The Member Secretary
Rajasthan Pollution Control Board
4, Institutional Area, Jhalana Doongri
Jaipur – 302 004, Rajasthan. : For kind information
- (iii) The Regional Director
Central Pollution Control Board
4th Floor, Sahkar Bhawan
North TT Nagar
Bhopal – 462 003 : For kind information
- (iv) I/C ESS Division, CPCB : For information & Record
- (v) I/C IT Division : For information & n.a.pl.
- (vi) I/c Accounts Division : For information & for further necessary action


(Prashant Gargava)
Member Secretary